

# PENNSYLVANIA BULLETIN

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Pages 2719—2946

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

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**Latest Pennsylvania Code Reporters  
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**No. 450, May 2012**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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#### **Printing Format**

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

#### **Fiscal Notes**

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### Orphans' Rule of the Court of Common Pleas; No. 3 of 2012 Rules Doc.

##### Order of Court

*And Now*, to-wit, this 7th day of May, 2012, *It Is Hereby Ordered, Adjudged and Decreed* that the following Rule of the Court of Common Pleas of Allegheny County, Pennsylvania, Orphans' Division, adopted by the unanimous proxy vote of the Board of Judges on April 30, 2012, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Rule 3.7 Electronic Filing of Legal Papers in Allegheny County

*By the Court*

DONNA JO McDANIEL,  
*President Judge*

**Allegheny County Court of Common Pleas  
Orphans' Court Division  
Electronic Filing Rule  
(Effective \_\_\_\_\_)**

#### Alleg. Co. O.C.Rule 3.7.

(1) *Authorization for Electronic filing.*

(a) Effective July 1, 2012, parties may file all legal papers with the Department of Court Records—Wills/Orphans' Court Division (DCR or Clerk) by means of electronic filing in Portable Document Format (".pdf").

(b) On July 1, 2012, in the event any legal paper or exhibit is submitted in hard-copy format, the Clerk shall convert such legal paper or exhibit into .pdf format without changing the content or physical format of the legal paper or exhibit, and shall accept the legal paper or exhibit for filing in .pdf.

(2) *Website, Free User Registration.*

(a) Website.—The Department of Court Records (DCR) Electronic Filing System shall be available at all times at the DCR website address, <http://dcr.alleghenycounty.us>, or such other website as the Court or DCR may designate from time to time.

(b) User Registration. Persons who wish to access the DCR's Electronic Filing System must first register and establish a User ID and Password using the "Register" link at the DCR Electronic Filing System website home page. The User ID for Pennsylvania-licensed attorneys is their Supreme Court of Pennsylvania Identification Number. Non-attorney users may, at the time of registration, designate any combination of fifteen (15) or less letters or numbers they may wish to use as a User ID. All users shall create a password of not less than seven (7) characters, including at least one number and one capital letter.

(3) *Electronic Filing of Legal Paper, Payment of Filing Fees.*

(a) All legal papers and exhibits submitted for electronic filing at the DCR website shall be in .pdf format.

(b) In the event an exhibit is not available in .pdf and the filing party is unable to convert the exhibit to .pdf, the filing party shall submit the exhibit via facsimile to the facsimile number provided on the DCR website. The facsimile transmittal shall include the docket number of the case and the name of the pleading to which the exhibit(s) is to be appended.

(c) The Clerk shall retain or maintain and print out a hard copy of any legal paper or exhibit filed electronically under this rule.

(d) The original hard copy of any legal paper offered for electronic filing shall be signed and verified as required by law or rule of court prior to the electronic filing and the filing party shall retain the original hard copy as required by Pa.O.C.R. 3.7(b)(4) and 3.7(c)(3).

(e) The following credit and debit cards may be used on the DCR Electronic Filing System to pay filing-related fees: Visa, Mastercard, Discover, and American Express. Fees may also be paid by depositing in advance sufficient funds with the DCR in person or by mail by attorney's check or money order.

(4) *Access to Legal Papers Filed Electronically and Redaction of Personal Data Identifiers*

(a) All legal papers and exhibits filed electronically shall be available electronically to the filing parties as the Court or DCR may provide from time to time. The DCR shall maintain computer terminals in the DCR's office for this purpose.

(b) The DCR shall provide public access to electronically-filed legal papers and exhibits as the Court or DCR may provide from time to time. The Clerk shall maintain computer terminals in the DCR's office for this purpose.

(c) The filing party shall not include in, or shall redact, the following personal data identifiers from electronically-filed legal papers, including the cover sheet and exhibits, for public access:

i. Social Security numbers of persons other than decedents, except for the last four digits.

ii. Dates of birth for persons other than decedents.

iii. Financial account numbers, except for the last four digits.

iv. Home addresses of (a) persons other than alleged incapacitated persons, minors and parties in interest in guardianship cases and (b) any petitioner for grant of letters testamentary or letters of administration and parties in interest in decedent's estates.

(d) The filing party shall redact the personal data identifiers listed in subsection (4)(c) from all electronically-filed legal papers and exhibits. The DCR shall not review legal papers or exhibits to determine whether personal data identifiers have been redacted.

(e) Service of legal papers by parties is controlled by Pennsylvania Supreme Court Orphans' Court Rule 3.7(h).

(f) Signature, Verification and Retention of Legal Papers by parties are controlled by Pennsylvania Supreme Court Orphans' Court Rule 3.7(c)

(5) *Filing Date.*

(a) When any legal paper has been successfully transmitted electronically to the DCR website, the DCR Electronic Filing System shall generate a printable acknowledgement page and shall transmit to the filer an initial e-mail confirming the electronic receipt of the legal paper, the date and time thereof and the acknowledgement page file.

(b) After the DCR has processed the electronic filing, the DCR shall transmit to the filer an e-mail setting forth the date and time of acceptance of the filing or stating that the filing has not been accepted and the reasons for non-acceptance.

(c) A legal paper will not be considered filed if the DCR responds to the filing by notifying the filer that the filer has (i) not maintained with the DCR sufficient funds on account to pay the fees and costs of the filing, (ii) failed to authorize payment by credit or debit card of such fee and costs, (iii) failed to pay by ACH, or (iv) the pleading does not conform to rules of court.

(d) A legal paper accepted for filing shall be deemed to have been filed as of the date and time it was received by the DCR Electronic Filing System. If a legal paper is rejected, the DCR shall specify the reason. Subject to the provisions of subsection (e), a rejected legal paper shall be deemed not to have been filed.

(e) If a failure of the DCR website results in an untimely filing, the party whose legal paper was not filed may file a petition with the Orphans' Court pursuant to Pa. Supreme Court Orphans' Court Rule 3.7(e) requesting that the legal paper be deemed filed as of the submission date. Such petition shall state the date and time of the alleged failure or rejection, why the rejection was erroneous and why the legal paper could not be resubmitted in a timely manner, either electronically or in person.

(f) (i) The Orphans' Court, upon motion, shall resolve any dispute arising under subsection (c) of this subdivision.

(ii) If a party makes a good faith effort to electronically file a legal paper but it is not received, accepted or filed by the electronic filing system, the Orphans' Court may order that the legal paper be accepted and filed *nunc pro tunc* upon a showing that reasonable efforts were made to timely present and file the legal paper.

(6) *Local Procedures.* The Court may develop further administrative procedures, as needed, to implement this rule and to provide for security of the electronic filing system as required by changing technology. All such administrative procedures shall be posted on the Court's website or at <http://dcr.alleghenycounty.us>.

**Comments:**

Filing parties are encouraged to allow sufficient time to correct deficiencies in time-sensitive matters. The DCR staff will continue to be available to review the hard copy of any legal paper prior to electronic filing to assure conformity with applicable rules and procedures.

[Pa.B. Doc. No. 12-897. Filed for public inspection May 18, 2012, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### ARMSTRONG COUNTY

#### Adoption of New Local Rules of Court—2002; No. CP-03-AD-0000189-2002

##### Order of Court

*And Now*, this 27th day of April, 2012, it is hereby *Ordered* that Armstrong County Rules of Civil Procedure 1940.3, 1940.4, 1940.6 and 1940.7 pertaining to Voluntary Mediation in Custody Action be and are hereby rescinded. This Order shall become effective thirty (30) days after its publication in the *Pennsylvania Bulletin*.

*By the Court*

KENNETH G. VALASEK,  
*President Judge*

[Pa.B. Doc. No. 12-898. Filed for public inspection May 18, 2012, 9:00 a.m.]

### LEHIGH COUNTY

#### Establishing Uniform Costs for Specialized Urinalysis Testing and Confirmation by the Adult Probation/Parole Office; No. AD 2-2012

##### Administrative Order

*And Now*, this 18th day of April, 2012, *It Is Hereby Ordered* that the following procedures be put into place and become effective as of June 1, 2012:

1. Every person placed on probation, parole, accelerated rehabilitative disposition, probation without verdict, or intermediate punishment, shall pay, in addition to the costs of prosecution, fines and restitution, and other costs, a fee of \$30.00 for each urinalysis test administered by the Lehigh County Adult Probation Department for the detection of synthetic cannabinoids and a fee of \$40.00 for each urinalysis test administered by the Lehigh County Adult Probation Department for the detection of synthetic amphetamines.

2. Every person placed on probation, parole, accelerated rehabilitative disposition, probation without verdict, or intermediate punishment, shall pay, in addition to the costs of prosecution, fines and restitution, and other costs, a fee of \$12.50 for confirmation testing of each/any urinalysis test administered by the Lehigh County Adult Probation Department.

*It Is Further Ordered* that one (1) certified copy of this Order shall be filed by the Court Administrator of Lehigh County with the Administrative Office of the Pennsylvania Courts; that two (2) certified copies and a CD-ROM copy that complies with the requirement of Pa. Code § 13.11(b) shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedure Rules Committee, which Committee has certified to this court that this Administrative Order is not inconsistent with any general rule of the Supreme Court. Finally, it is ordered that the Court Administrator of

Lehigh County publish a copy of this Order on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

*By the Court*

CAROL K. MCGINLEY,  
*President Judge*

[Pa.B. Doc. No. 12-899. Filed for public inspection May 18, 2012, 9:00 a.m.]

## ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

### Request for Proposals

The Administrative Office of Pennsylvania Courts is seeking potential bidders for credit card services for the Unified Judicial System of Pennsylvania. This opportunity will be open from May 7, 2012, through 5 p.m. on May 24, 2012. For bid information, specifications and further information, contact Jaime Jacoby at [Jaime.Jacoby@pacourts.us](mailto:Jaime.Jacoby@pacourts.us).

ZYGMONT A. PINES,  
*Courts Administrator*

[Pa.B. Doc. No. 12-900. Filed for public inspection May 18, 2012, 9:00 a.m.]

## COMMONWEALTH COURT

Regular Sessions of Commonwealth Court for the  
Year 2013; No. 126 M.D. No. 3

### Order

*And Now*, this 3rd day of May, 2012, *It Is Hereby Ordered* that the argument sessions of the Common-

wealth Court of Pennsylvania shall be held in the year 2013 as follows:

### Dates

February 11—15  
March 11—15  
April 15—19  
May 14—17  
June 10—14  
September 9—13  
October 7—11  
November 12—15  
December 9—13

### Situs

Philadelphia  
Harrisburg  
Pittsburgh  
Philadelphia  
Harrisburg  
Harrisburg  
Philadelphia  
Pittsburgh  
Harrisburg

DAN PELLEGRINI,  
*President Judge*

[Pa.B. Doc. No. 12-901. Filed for public inspection May 18, 2012, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Wayne Powell having been suspended from the practice of law in the State of New Jersey for a period of 3 months by Order of the Supreme Court of New Jersey dated June 28, 2011, the Supreme Court of Pennsylvania issued an Order on April 30, 2012, suspending Wayne Powell from the practice of law in this Commonwealth for a period of 3 months, to take effect on May 30, 2012. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 12-902. Filed for public inspection May 18, 2012, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

[ 55 PA. CODE CH. 52 ]

#### Long-Term Living Home and Community-Based Services

The Department of Public Welfare (Department) adds Chapter 52 (relating to long-term living home and community-based services) to read as set forth in Annex A under the authority of sections 201(2), 403(b), and 403.1 of the Public Welfare Code (code) (62 P. S. §§ 201(2), 403(b) and 403.1), as amended by the act of June 30, 2011 (P. L. 89, No. 22) (Act 22).

#### *Omission of Proposed Rulemaking*

On July 1, 2011, the General Assembly enacted Act 22, which amended the code. Act 22 added several new provisions to the code, including section 403.1. Section 403.1(a)(4) and (6), (c) and (d) of the code authorizes the Department to promulgate final-omitted regulations under section 204(1)(iv) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(v)), known as the Commonwealth Documents Law (CDL), to establish or revise provider payment rates or fee schedules, reimbursement models and payment methodologies for particular services and to establish provider qualifications. Section 204(1)(iv) of the CDL authorizes an agency to omit or modify notice of proposed rulemaking when a regulation relates to Commonwealth grants or benefits. The Medical Assistance (MA) Program is a Commonwealth grant program through which eligible recipients receive coverage of certain health care benefits. In addition, to ensure the Department's expenditures for State Fiscal Year (FY) 2011—2012 do not exceed the aggregate amount appropriated by the General Assembly, section 403.1 of the code expressly exempts these regulations from the Regulatory Review Act (71 P. S. §§ 745.1—745.12), section 205 of the CDL (45 P. S. § 1205) and section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732-204(b)).

The Department is adding Chapter 52 in accordance with section 403.1 of the code because this final-omitted rulemaking establishes the following: provider payment rates and fee schedules and payment methodologies for particular services; and provider qualifications for providers participating in the Aging, Attendant Care, COMMCARE, Independence and OBRA home and community-based (HCBS) waiver programs and the Act 150 program.

#### *Purpose*

The purpose of this final-omitted rulemaking is to establish payment rates, fee schedules and payment methodologies for HCBS and to establish HCBS provider qualifications. This final-omitted rulemaking establishes provider qualifications and provider fee schedules to ensure that expenditures for FY 2011-2012 remain within the aggregate amount appropriated for HCBS programs by the General Appropriations Act of 2011.

#### *Background*

The Commonwealth's HCBS programs have grown 452% in the past 11 years. The cost of these programs has increased from \$66 million in FY 2000 to \$1.014 billion in FY 2011. To strengthen program integrity and to improve cost efficiencies of these programs, the Department is promulgating regulations.

Currently, the Department pays for many HCBS program services through a locally-negotiated rate between providers and public and private local entities. The final-omitted rulemaking creates two payment methods for the payment of services under the HCBS programs. The first method establishes a fee schedule rate for the provision of a service. The Department will publish these fee schedule rates as a notice as part of the MA fee schedule in the *Pennsylvania Bulletin*.

The second payment method is for a limited number of goods and services provided through the HCBS programs. As with current practice, the Department will continue to reimburse the actual cost of the good or service. In the final-omitted rulemaking, these goods and services are referred to as a vendor good or service. A vendor good or service makes up a small portion of the HCBS program and has traditionally been reimbursed for the actual cost. The list of vendor goods or services will also be published as a notice in the *Pennsylvania Bulletin*.

#### *Requirements*

The following is a summary of the major provisions of the final-omitted rulemaking:

#### § 52.4. *Incorporation by reference*

This section incorporates by reference the approved applicable Federal waivers including approved waiver amendments. The approved applicable Federal waivers can be found at <http://www.portal.state.pa.us/portal/server.pt?open=514&objID=733116&mode=2>.

#### § 52.11. *Prerequisites for participation*

#### § 52.14. *Ongoing responsibilities of providers*

#### § 52.27. *Service coordinator qualifications and training*

These sections establish provider qualifications that shall be met to provide services and to continue to provide these services. These provider requirements include completion and submission of an MA application, MA provider agreement and waiver addendum; verification of fiscal solvency; and creation of various policies and procedures. In addition to the enumerated requirements, providers are required to comply with the approved applicable waivers.

#### § 52.17. *Critical incident and risk management*

This section requires providers to report critical incidents and requires the development and implementation of written policies and procedures on the prevention, reporting, notification, investigation and management of critical incidents. Providers are also required to meet the risk management requirements as specified in the approved applicable waivers.

#### § 52.22. *Provider monitoring*

#### § 52.23. *Corrective action plan*

Section 52.22 specifies that the Department will conduct provider monitoring at least once every 2 years. Section 52.23 details how a corrective action plan will be developed and implemented by a provider who is found to be in noncompliance with this chapter.

#### § 52.24. *Quality management*

This section requires providers to create and implement quality management plans to ensure that providers meet



the requirements of this chapter, Chapter 1101 (relating to general provisions) and other chapters under which a provider may be licensed.

§ 52.28. *Conflict free service coordination*

This section prohibits a service coordination entity from providing a waiver or Act 150 program service, other than service coordination, except under limited circumstances. These circumstances include when a service coordination entity is providing the service as an organized health care delivery system or is providing community transition services to a participant transitioning from a nursing home facility into a community setting.

§ 52.42. *Payment policies*

This section outlines that services are to be paid as either a fee schedule service or a vendor good or service. The Department will publish services specific to each waiver and the Act 150 program as a notice in the *Pennsylvania Bulletin*. This section also provides that the Department will pay for a service in the type, scope, amount, duration and frequency as specified in a participant's service plan as approved by the Department.

§ 52.43. *Audit requirements*

This section clarifies the audit requirements for providers.

§ 52.45. *Fee schedule rates*

This section establishes a fee schedule rate for a waiver or Act 150 service under the MA Program fee schedule. These fee schedule rates and the methods and standards for setting the fee schedule rates will be published as a notice in the *Pennsylvania Bulletin*. The section also specifies that services specific to each waiver and the Act 150 program will be published as a notice in the *Pennsylvania Bulletin*.

§ 52.51. *Vendor good or service payment*

This section provides that an amount charged for a vendor good or service may not exceed the amount for a similar vendor good or service charged to the general public. This section also requires a provider to retain documentation related to the amount charged for a vendor good or service. In addition, this section specifies that a vendor good or service specific to each waiver and the Act 150 program will be published as a notice in the *Pennsylvania Bulletin*.

§ 52.64. *Payment sanctions*

This section provides the sanctions that may be taken if a provider fails to meet a specified requirement of this chapter. Sanctions may include the disallowance of payments, the suspension of current or future payments, or the recoupment of payments for services the provider cannot verify as being provided in the amount, duration and frequency billed.

*Affected Individuals and Organizations*

The final-omitted rulemaking affects approximately 2,000 providers who deliver services through the Aging, Attendant Care, COMM CARE, Independence, OBRA waivers and the Act 150 program.

*Accomplishments and Benefits*

The Department is implementing cost savings to ensure that the expenditures for FY 2011-2012 for assistance programs administered by the Department do not exceed the aggregate amount appropriated for the program by the General Appropriations Act of 2011. This final-omitted rulemaking also provides the Department with authority

to enforce provisions of its HCBS programs, specifies the payment provisions for waiver and Act 150 program services, establishes provider qualifications and monitoring requirements, gives the Department the ability to initiate corrective action plans and sanctions for noncompliance and reinforces the billing requirements under § 1101.68 (relating to invoicing for services).

*Fiscal Impact*

The Department anticipates that these changes will result in savings of \$0.917 million (\$0.444 million in State funds) in FY 2011-2012.

*Paperwork Requirements*

There are new paperwork requirements under the final-omitted rulemaking. However, there is not an alternative to this new paperwork. The new paperwork requirements include the development and implementation of a corrective action plan and a quality management plan. The Department will prepare a recommended format for the creation and implementation of a corrective action plan and quality management plan.

*Public Process*

The Department published advance public notice at 42 Pa.B. 1003 (February 18, 2012) announcing its intent to adopt regulations regarding HCBS and submit waiver amendments, as necessary, regarding provider qualifications and provider payment methodology and rates. This final-omitted rulemaking applies to HCBS providers rendering services for the Aging, Attendant Care, COMM CARE, Independence and OBRA HCBS waivers (waivers) and the Act 150 program.

The Department invited interested persons to submit comments. In addition, the Department discussed this final-omitted rulemaking with the Medical Assistance Advisory Committee at the February 23, 2012, meeting.

The Department also posted the draft regulation on the Department's web site on February 24, 2012, with a 15-day comment period. The Department again invited interested persons to submit written comments to the Department regarding the regulations. The Department received 777 comments from 344 commentators. The Department also discussed the regulations and responded to questions at the House Health Committee hearing on March 8, 2012.

*Discussion of Comments*

The Department considered comments received in response to the draft regulations. The following is a summary of the major comments received within the public comment period and the Department's responses to those comments.

*Comment*

Several commentators stated that the Department did not allow sufficient time for review and comment of the regulations.

*Response*

The Department engaged in a transparent public process through which the Department solicited and received numerous comments and input from stakeholder and other interested parties.

As previously mentioned, the Department published advance public notice at 42 Pa.B. 1003 announcing its intent to adopt a regulation regarding HCBS and submit waiver amendments, as necessary, regarding provider qualifications and provider payment methodology and rates. The Department invited interested persons to

comment. The Department also posted the draft regulations on the Department's web site on February 24, 2012. The Department again invited interested persons to submit written comments, on or before March 9, 2012, regarding the regulations to the Department. As a final-omitted rulemaking under Act 22, the Department was not required to have a public comment process. However, to encourage transparency and public input, the Department provided an opportunity for comment by publishing the notice and posting the draft regulations on the Department's web site. This public comment process provided sufficient opportunity for interested parties to submit comments, as supported by the number of comments that were submitted.

*Background—Service coordination*

A majority of the comments received related to care management services in the Aging Waiver. These comments related to the following: the absence of the term "care manager" in the regulation; the assertion that Aging Waiver care management services are more expansive than service coordination services; and that Aging Waiver participants are frailer and more at risk than participants in other waivers. Most of these concerns came from Area Agencies on Aging (AAA), AAA care managers and Aging Waiver participants and their families and advocates.

*Response*

Service coordination for the Department's Aging Waiver is performed by individuals who are known as "care managers." Individuals who perform this function in the Department's other HCBS programs are called "service coordinators."

Although different terminology is used, there is not a distinction between service coordination and care management. In addition, recipients of waiver services have specific needs. Each person is assessed for his specific needs. Therefore, the aging population is no more at risk than other HCBS waiver populations. Thus, the Department did not revise the regulations.

*General comments—Aging Waiver*

Several commentators suggested that the regulations should not apply to the Aging Waiver, fearing that its inclusion will negatively impact the function of AAAs in the aging community.

*Response*

The Department recognizes the important role that AAAs serve in coordinating services for those 60 years of age or older. Most people 60 years of age or older who need long-term living services will likely continue to use AAAs for information, referral, assessment and service coordination. AAAs will continue to be the location where Federal Administration on Aging services are offered. The difference, however, is that Aging Waiver participants shall have the option to receive service coordination services from a provider other than the AAA if they so choose. The Department, while recognizing the importance of AAAs at the local level, will not exclude the Aging Waiver from the scope of the regulations.

§ 52.3. *Definition of "service coordinator"*

§ 52.25. *Service coordination services—registered nurse involvement*

Commentators indicated that the absence of the term "care management" in § 52.3 (relating to definitions) meant that neither care management nor service coordination services would be available to Aging Waiver participants under the regulations.

Other commentators commented that service coordination does not equate to care management. These commentators held that care management involves more extensive services than service coordination, including registered nurse (RN) review of each care plan; RN home visits; benefits counseling and access to services; unlimited monthly contacts as needed; health promotion and prevention services; serving as representative payees as needed and involvement of family members and caregivers. Commentators asserted that service coordinators do not perform these functions and that Aging Waiver participants will suffer if entities other than AAAs provide service coordination for them.

Commentators also stated that under the regulations, service coordination does not require involvement of a RN in the development of a service plan, nor does it require home visits by RNs. Commentators held that RNs are involved in the development of all Aging Waiver service plans.

*Response*

The regulation does not exclude service coordination services for Aging Waiver participants. As previously stated, the function of care management will remain but will be known as "service coordination." "Service coordination" is defined as a "service that assists a participant in gaining access to needed waiver services, MA State Plan services and other medical, social and educational services regardless of funding source." The Department, therefore, did not alter the regulation to include "care management" as a definition.

In addition, the Aging Waiver does not require that RNs be involved in the development of service plans or that RNs do home visits. Service coordination services, as with other waiver services, are person-centered and are provided based on the needs of each participant. If RN involvement is called for in the development of a service plan, RNs may be brought in by the service coordination agency as part of the service coordination service. However, they are not required.

Waivers covered by this regulation allow for service coordination services based on the needs of each waiver participant and allow for representative payees and involvement of family members and caregivers as part of the service coordination service. The Department maintains that health promotion and prevention services are not and have never been services provided under the Aging Waiver. They are, instead, services provided through other funding streams and should not be included in this regulation.

The Department further maintains that service coordination needs are fundamentally the same across waivers and has not revised the regulation as requested by the commentators.

§ 52.11. *Prerequisites for participation*

AAAs, along with other commentators, expressed concern that the final-omitted regulation would exclude county-based AAAs from providing service coordination services. Commentators cited § 52.11(a)(3), which requires that, as a condition of participation in a waiver or Act 150 program, an applicant shall verify fiscal solvency. Commentators stated that county-operated AAAs would not qualify because they are not corporate or nonprofit organizations.

Commentators also cited § 52.11(a)(5)(ix) and § 52.19 (relating to criminal history checks). County-based AAA care managers fall under State Civil Service provisions



and commentators asserted that the requirements in the regulation conflicted with these provisions.

*Response*

The Department concurs concerning § 52.11(a)(3) and excludes county-based AAAs in subsection (a)(4). However, the Department reviewed §§ 52.11(a)(5)(ix) and 52.19 and did not find conflicts. Therefore, the Department has not changed the regulation.

§ 52.27. *Service coordinator qualifications and training*

Commentators suggested that a conflict exists between the regulation and the care manager requirements published by the State Civil Service Commission. The Department also received 76 comments inquiring about the impact of service coordinator qualifications on employees of disability service coordination agencies.

*Response*

The Department reviewed the care manager requirements published by the State Civil Service Commission. Because there were differences between the provisions of the draft regulation and the qualifications published by the State Civil Service Commission for care managers, the Department revised the regulation to mirror the State Civil Service Commission publication.

With respect to service coordination qualifications for employees of disability service coordination entities, the Department, in developing the basic requirements of this provision, reviewed the HCBS waivers and determined that uniformity is needed. The Department maintains that it is important for providers to be held to the same standard. Therefore, a change was not made to this provision.

§ 52.28. *Conflict free service coordination*

Commentators asserted that this section will result in consumers not being able to choose the same entity for service coordination and direct services.

Eleven commentators also expressed concern that the transition to conflict free service coordination under this section would jeopardize the safety of participants.

*Response*

There is an inherent conflict of interest when the same agency prescribing services is also the agency providing those services. The Department does not agree with the comments and, therefore, has not revised this section to allow the same entity to serve as a service coordination entity and a direct service provider.

The Department is aware that when participants leave one provider and transition to another, safeguards must be in place. The Department will work with providers to ensure that participants have a seamless transition. Additionally, in response to this concern, the Department added § 52.28(a)(3), which also excludes providers of financial management services from the conflict free service coordination provisions.

§ 52.45. *Fee schedule rates*

Many commentators requested public input on the establishment of rates.

*Response*

As provided by under § 1150.61 (relating to guidelines for fee schedule changes), the Department will publish a notice in the *Pennsylvania Bulletin* when MA Program fee schedule rates are changed or when procedures, services or items are added to or deleted from the MA Program fee schedule. When the notice is published, it will provide for

a public comment period, which includes the review and consideration of public comments in subsequent revisions of the MA Program fee schedule.

*Regulatory Review Act*

Under section 403.1 of the code, this final-omitted rulemaking is not subject to the Regulatory Review Act.

*Findings*

The Department finds that:

(1) Notice of proposed rulemaking is omitted in accordance with § 204(1)(iv) of the CDL, 1 Pa. Code § 7.4(1)(iv) and section 403.1 of the code because the rulemaking relates to Commonwealth grants and benefits.

(2) The adoption of this final-omitted rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the code.

(3) The final-omitted rulemaking ensures that the Department's expenditures do not exceed the aggregate amount appropriated by the General Assembly.

*Order*

The Department acting under the code, orders that:

(a) The regulations of the Department, 55 Pa. Code, are amended by adding §§ 52.1—52.4, 52.11—52.30, 52.41—52.45, 52.51—52.53 and 52.61—52.65 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel for approval as to legality and form as required by law.

(c) The Secretary of the Department shall certify and deposit this order and Annex A with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*, with the exception of §§ 52.26(g) and (i) and 52.28. Sections 52.26(g) and (i) and 52.28 take effect upon written notification that the United States Department of Health and Human Services has granted approval of related waiver amendments. Upon receipt of written notification of approval, the Department will publish a notice in the *Pennsylvania Bulletin*.

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-531. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART I. DEPARTMENT OF PUBLIC WELFARE**

**Subpart E. HOME AND COMMUNITY-BASED SERVICES**

**Chap. 52. LONG-TERM LIVING HOME AND COMMUNITY-BASED SERVICES**

**CHAPTER 52. LONG-TERM LIVING HOME AND COMMUNITY-BASED SERVICES**

**Subchap. A. GENERAL PROVISIONS**  
**B. PROVIDER QUALIFICATIONS AND PARTICIPATION**  
**C. PAYMENT FOR SERVICES**  
**D. PROVIDER DISQUALIFICATION**

**Subchapter A. GENERAL PROVISIONS**

- Sec. 52.1. Purpose.
- 52.2. Scope.
- 52.3. Definitions.
- 52.4. Incorporation by reference.

### § 52.1. Purpose.

This chapter specifies the provider qualifications and payment provisions for providers rendering services under the Aging, Attendant Care, COMMCARE, Independence and OBRA Home and Community-Based Service waivers and the Act 150 program.

### § 52.2. Scope.

This chapter sets forth the regulations which apply to providers applying to participate and render MA-funded waiver services under the Federally-approved Aging, Attendant Care, COMMCARE, Independence and OBRA Home and Community-Based Service waivers or the Act 150 program.

### § 52.3. Definitions.

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

*ADL—Activities of daily living*—The term includes eating, drinking, ambulating, transferring in and out of a bed or chair, toileting, bladder and bowel management, personal hygiene, self-administering medication and proper turning and positioning in a bed or chair.

*Act 150*—A State-funded program under the Attendant Care Services Act (62 P. S. §§ 3051—3058).

*Aging waiver*—A Federally-approved 1915(c) waiver under section 1915(c) of the Social Security Act (42 U.S.C.A § 1396n(c)) that authorizes services to participants 60 years of age or older.

*Applicant*—An individual or legal entity in the process of enrolling as a provider.

*Attendant Care waiver*—A Federally-approved 1915(c) waiver under section 1915(c) of the Social Security Act that authorizes services to participants 18 years of age or older but under 60 years of age with physical disabilities.

*Attestation engagement*—Financial services that result in the issuance of a report on a subject matter or an assertion about the subject matter that is the responsibility of another party. The term includes audits, examinations, reviews, compilations and agreed-upon procedures.

*Back-up plan*—A component of the service plan that is comprised of the individualized back-up plan and the emergency back-up plan.

*CAP—Corrective action plan*—A plan created by the provider or the Department to address provider noncompliance with this chapter.

*CHAMPUS*—Civilian Health and Medical Program of Uniformed Services.

*COMMCARE*—A Federally-approved 1915(c) waiver under section 1915(c) of the Social Security Act called the Community Care waiver that authorizes services to participants 21 years of age and older with traumatic brain injuries.

*Community transition service*—A one-time service which assists a participant to move from an institution to the participant's home, apartment or another noninstitutional living arrangement.

*Community transition service provider*—A provider who renders community transition services.

*Complaint*—Dissatisfaction with program operations, activities or services received, or not received, involving HCBS.

*Critical incident*—An occurrence of an event that jeopardizes the participant's health or welfare including:

(i) Death, serious injury or hospitalization of a participant. Pre-planned hospitalizations are not critical incidents.

(ii) Provider and staff member misconduct including deliberate, willful, unlawful or dishonest activities.

(iii) Abuse, including the infliction of injury, unreasonable confinement, intimidation, punishment or mental anguish, of the participant. Abuse includes the following:

(A) Physical abuse.

(B) Psychological abuse.

(C) Sexual abuse.

(D) Verbal abuse.

(iv) Neglect.

(v) Exploitation.

(vi) Service interruption, which is an event that results in the participant's inability to receive services and that places the participant's health or welfare at risk.

(vii) Medication errors that result in hospitalization, an emergency room visit or other medical intervention.

*Department*—The Department of Public Welfare of the Commonwealth.

*Direct care worker*—A person employed for compensation by a provider or participant who provides personal assistance services or respite services.

*EPLS—Excluded Parties List System*—A database maintained by the United States General Services Administration that provides information about parties that are excluded from receiving Federal contracts, certain subcontracts and certain Federal financial and nonfinancial assistance and benefits.

*Emergency back-up plan*—A plan which outlines the steps to be taken by the provider and the participant to ensure that the participant's needs are met in an emergency.

*Fee schedule service*—A service paid based on the MA Program fee schedule rates established by the Department.

*Financial management services*—A service which provides payroll, invoice processing and payment, fiscal reporting services, employer orientation, skills training and other fiscal-related services to participants choosing to exercise employer or participant-directed budget authority.

*Financial review*—A review of billing records against provider documentation to ensure services were provided in the type, scope, amount, duration and frequency as required by the participant's service plan and to ensure that a billing for a service rendered by a provider is accurate.

*Finding*—An identified violation of the following:

- (i) This chapter.
- (ii) The MA provider agreement, including the waiver addendum.
- (iii) Chapter 1101 (relating to general provisions).
- (iv) The approved applicable waiver, including approved waiver amendments.
- (v) A State or Federal requirement.

*HCBS—Home and community-based services*—Services offered as part of a Federally-approved MA waiver or Act 150 program.

*IADL—Instrumental activities of daily living*—The term includes the following activities when done on behalf of a participant:

- (i) Laundry.
- (ii) Shopping.
- (iii) Securing and using transportation.
- (iv) Using a telephone.
- (v) Making and keeping appointments.
- (vi) Caring for personal possessions.
- (vii) Writing correspondence.
- (viii) Using a prosthetic device.
- (ix) Housekeeping.

*ICF/ORC*—Intermediate care facility/other related conditions.

*Independence waiver*—A Federally-approved 1915(c) waiver under section 1915(c) of the Social Security Act that authorizes services to participants 18 years of age and older but under 60 years of age with physical disabilities.

*Individualized back-up plan*—A plan which outlines the steps to be taken by the provider and participant to ensure that services are delivered to the participant in a situation where routine service delivery is interrupted.

*Informal community supports*—Services provided by a family member, friend, community organization or other entity for which funding is not provided by the Department.

*LEIE—List of Excluded Individuals and Entities*—A database maintained by the United States Department of Health and Human Services, Office of the Inspector General, that identifies individuals or entities that have been excluded Nationwide from participation in a Federal health care program.

*Level of care re-evaluation*—A redetermination of a participant's clinical eligibility under a waiver or the Act 150 program.

*MA*—Medical Assistance.

*MA provider agreement*—An enrollment agreement signed by the provider which establishes requirements relating to the provision of services.

*Medicaid*—MA provided under a State Plan approved by the United States Department of Health and Human Services under Title XIX of the Social Security Act (42 U.S.C.A. § 1396a).

*Medicaid State Plan*—A plan to provide MA developed by the Department and approved by the United States Department of Health and Human Services under Title

XIX of the Social Security Act which serves as the basis for Federal financial participation in the program.

*Medicheck*—A Departmental list identifying providers, individuals and other entities precluded from participation in the Commonwealth's MA Program.

*Monitoring*—A review of a provider's compliance.

*Nursing facility*—

(i) A long-term care facility that is:

(A) Licensed by the Department of Health.

(B) Enrolled in the MA Program as a provider of nursing facility services.

(C) Owned by a person, partnership, association or corporation and operated on a profit or nonprofit basis.

(ii) The term does not include the following:

(A) Intermediate care facilities for individuals with developmental or intellectual disabilities or other related conditions

(B) Federal or State-owned long-term care nursing facilities.

*OBRA waiver*—A Federally-approved 1915(c) waiver under section 1915(c) of the Social Security Act named for the Omnibus Budget and Reconciliation Act of 1981 (Pub. L. No. 97-35) that authorizes services to participants 18 years of age or older but under 60 years of age with developmental disabilities.

*OHCDs—Organized Health Care Delivery System provider*—A provider who is authorized by the Department to contract with an entity to provide a vendor good or service.

*Participant*—A person receiving services through a waiver or the Act 150 program.

*Participant-directed budget authority*—The spending authority granted to the participant through a waiver whereby the participant is authorized to spend the amount of money allocated in the participant's service plan on goods and services.

*Participant goal*—A service plan requirement that states a participant's objective towards obtaining or maintaining independence in the community.

*Participant need*—A service plan requirement based on a person-centered assessment.

*Participant outcome*—A service plan requirement that measures whether a service, TPR or informal community support is achieving a participant goal.

*Person-centered approach*—A holistic approach to serving participants which focuses on a participant's individual and specific strengths, interests and needs.

*Person-centered assessment*—A Department-approved questionnaire used to determine the specific needs of a participant by utilizing a person-centered approach.

*Personal assistance services*—Services aimed at assisting the participant to complete ADLs and IADLs that would be performed independently if the participant did not have a disability.

*Preventable incident*—A critical incident that could be avoided through appropriate training of a staff member or participant following established policies and procedures or implementation of other reasonable precautionary measures.



*Provider*—A Department-enrolled entity which provides a service.

*QMP—Quality Management Plan*—A provider-created plan to address areas of quality improvement identified by the provider or the Department.

*Respite services*—Personal assistance services which are provided on a temporary, short-term basis when a noncompensated caregiver is unavailable to provide personal assistance services.

*Risk mitigation strategies*—Methods to reduce risks to a participant's health and safety.

*SCE—Service coordination entity*—A provider authorized to render service coordination services in a waiver or Act 150 program.

*Service*—A benefit which a participant receives under an approved MA waiver or the Act 150 program.

*Service coordination*—Service that assists a participant in gaining access to needed waiver services, MA State Plan services and other medical, social and educational services regardless of funding source.

*Service coordinator*—A staff member who provides service coordination services at an SCE.

*Service plan*—The Department-approved comprehensive written summary of a participant's services, TPR and informal community supports.

*TPR—Third party medical resource*—Medical resources used to pay for participant services, including Medicare, CHAMPUS, workers' compensation, for profit and non-profit health care coverage and insurance policies, and other forms of insurances.

*Vendor good or service*—A rendered item or service that is not on the MA fee schedule for which the Department reimburses an OHCDs or provider.

*Waiver*—The Aging, Attendant Care, COMMCARE, Independence, and OBRA Home and Community-Based Service waivers approved by the Federal Centers for Medicare and Medicaid Services.

#### § 52.4. Incorporation by reference.

The approved applicable Federal waivers, including approved waiver amendments, are incorporated by reference and can be found on the Department's web site at <http://www.portal.state.pa.us/portal/server.pt?open=514&objID=733116&mode=2>.

#### Subchapter B. PROVIDER QUALIFICATIONS AND PARTICIPATION

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#### § 52.11. Prerequisites for participation.

(a) As a condition of participation in a waiver or Act 150 program, an applicant shall meet the following qualifications:

(1) Complete and submit an MA application including a waiver addendum to that application.

(2) Complete and submit a signed MA provider agreement including the waiver addendum to that agreement.

(3) Verify fiscal solvency by submitting a copy of the following:

(i) Applicant's most recent corporate or nonprofit tax return. If an applicant does not have a corporate or nonprofit tax return, then the applicant shall submit the most recent individual tax return for the owner of the entity which is applying for enrollment.

(ii) Applicant's most recent monthly balance sheet. If an applicant does not have a balance sheet, then an applicant shall submit a copy of the business plan indicating assets, liabilities, and anticipated costs and revenues for the next fiscal year.

(iii) Articles of incorporation, if the applicant is incorporated.

(iv) Partnership agreement, if the applicant is a partnership.

(v) Most recent audit or financial review if the applicant has completed an audit or financial review within the previous 5 years.

(4) Area Agencies on Aging that are units of county government are not required to submit documentation under paragraph (3).

(5) Create and follow policies and procedures relating to the following:

(i) Compliance with this chapter.

(ii) Provision of services in a nondiscriminatory manner.

(iii) Compliance with the Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213).

(iv) Compliance with the Healthcare Insurance Portability and Accountability Act of 1996 (Pub. L. 104-191).

(v) Staff member training. The policy must be in accordance with this chapter and licensing requirements that the applicant is required to meet.

(vi) Participant complaint management process.

(vii) Critical incident management. The policy must be in accordance with this chapter and licensing requirements that the applicant is required to meet.

(viii) Quality management. The policy must be in accordance with this chapter and licensing requirements that the applicant is required to meet.

(ix) Staff member screening for criminal history.

(x) Employee Social Security Number verification.

(xi) Initial and continued screening for staff members and contractors to determine if they have been excluded from participation in Federal health care programs by reviewing the LEIE, EPLS and Medichex.

(xii) Process for participants with limited English proficiency to access language services.

(6) Obtain and maintain appropriate licenses and certifications from other State or Federal agencies as required.

- (7) Obtain the following insurances:
  - (i) Commercial general liability insurance.
  - (ii) Worker's compensation insurance.
  - (iii) Professional liability insurance if required by a profession.
- (8) Comply with the applicable approved waiver, including approved waiver amendments as posted on the Department's publicly accessible web site.

(b) An applicant shall submit verification of compliance with subsection (a) to the Department.

(c) Application materials shall be submitted to the Department in a form and manner as prescribed by the Department.

(d) An applicant may apply to become a provider of more than one service as long as the provision of multiple services is not prohibited by this chapter or Federal or State requirement.

**§ 52.12. Prerequisites for existing provider enrolling in a new service.**

(a) If an existing provider enrolled in a waiver program wants to enroll to provide an additional waiver service, the provider shall submit the following to the Department:

- (1) A written request to enroll as a provider of the additional service.
- (2) A copy of the license required to provide the service if the service requires licensure.
- (3) A completed and signed waiver addendum to the MA provider agreement for the new service.

(b) The provider shall submit the written request to enroll in an additional service to the Department in a form and manner prescribed by the Department.

**§ 52.13. Review of application.**

(a) The Department will only review complete application materials.

(b) The Department will review the application materials submitted under § 52.11 (relating to prerequisites for participation).

(c) The Department may request additional information from an applicant to verify the applicant is qualified to provide services in accordance with this chapter or other Federal or State requirements.

(d) Incomplete application materials are void after 30 days of receipt.

(e) The Department will notify the applicant if the applicant's application is incomplete.

(f) The Department is not required to return application materials to an applicant.

**§ 52.14. Ongoing responsibilities of providers.**

(a) An applicant is not a provider until the following are met:

- (1) The Department approves the applicant's MA application.
- (2) An MA provider agreement including a waiver addendum is signed.

(b) Within 180 days from the date of enrollment, a provider shall attend new provider training provided by the Department.

(c) A provider shall implement the policies under § 52.11(a)(5) (relating to prerequisites for participation).

(d) In addition to meeting the participation requirements under Chapter 1101 (relating to general provisions), a provider shall update and submit to the Department the provider qualifications under § 52.11(a)(3)—(7) at least every 2 years.

(e) In addition to meeting the requirements in § 1101.68 (relating to invoicing for services), the provider shall meet the requirements in the MA HCBS Provider Handbook, available on the Department's web site.

(f) A provider shall maintain appropriate licenses and certifications as required by State and Federal requirements. The provider shall submit a copy of a valid license or certification, or both, to the Department at the beginning of each applicable licensure period.

(g) The provider shall ensure the following prior to rendering services to a participant:

- (1) The service plan is approved by the Department.
- (2) The type, scope, amount, duration and frequency of the service to be rendered are listed in the service plan that the provider is assigned to implement.

(h) A provider shall ensure a participant is eligible to receive a service prior to rendering the service to the participant.

(i) A provider shall comply with the applicable approved waiver, including approved waiver amendments.

(j) The provider shall notify the Department at least 30 business days prior to any of the following occurrences:

- (1) Changes in the provider's address, telephone number, fax number, e-mail address, provider name change or provider's designated contact person.
- (2) Creation, changes or revocation of the provider's articles of incorporation or partnership agreements.

(3) Revisions to an audit previously submitted to the Department under § 52.11(a).

(4) Revocation or provisional status of a license or certification.

(5) Cancellation of the following insurances:

- (i) Commercial general liability insurance.
- (ii) Workers' compensation insurance.
- (iii) Professional liability insurance if the profession authorized to provide a service requires professional liability insurance.

(k) If the provider is unable to notify the Department due to an emergency prior to a change occurring as stated under subsection (j), the provider shall notify the Department within 2 business days of the change.

(l) A provider shall ensure that each employee possesses a valid Social Security Number.

(m) A provider may not render a service when the participant is unavailable to receive the service.

(n) A provider may not bill for a service when the participant is unavailable to receive the service.

(o) A provider which is not an SCE shall cooperate with the participant, the SCE and the Department to resolve delays in service provision.

(p) A provider shall complete and comply with a CAP as required by the Department or other Federal or State agency.

(q) A provider shall implement and provide services to the participant in the type, scope, amount, duration and frequency as specified in the service plan.

(r) A provider shall document the participant's progress towards outcomes and goals in the Department's designated information system.

(s) The provider shall comply with the terms of the MA provider agreement, including waiver addendum.

(t) A provider shall participate in Department-mandated trainings.

**§ 52.15. Provider records.**

(a) The following requirements are in addition to the recordkeeping provisions under § 1101.51(d) and (e) (relating to ongoing responsibilities of providers):

(1) A provider shall use the Department's designated information system to record service plan information regarding the participant as required under § 52.25 (relating to service plan).

(2) A provider shall complete and maintain documentation on service delivery.

(b) Electronic records are acceptable documentation when the provider meets the following:

(1) The electronic format conforms to Federal and State requirements.

(2) The electronic record is the original record and has not been altered or if altered shows the original and altered versions, dates of creation and the creator.

(3) The electronic record is readily accessible to the Department, the Department's designee and State and Federal agencies.

(4) The provider creates and implements an electronic record retention policy.

(5) Electronic imaging of paper documentation must result in an exact reproduction of the original record and conform to the provider's electronic record retention policy.

(c) The provider shall ensure records are compliant with the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191).

(d) The requirements of this section are in addition to the recordkeeping provisions in Chapters 2380 and 2390 (relating to adult training facilities; and vocational facilities), 6 Pa. Code Chapter 11 (relating to older adult daily living centers) and 28 Pa. Code Chapters 601 and 611 (relating to home health care agencies; and home care agencies and home care registries).

**§ 52.16. Abuse.**

(a) Abuse is an act or omission that willfully deprives a participant of rights or human dignity, or which may cause or causes actual physical injury or emotional harm to a participant including a critical incident and one or more of the following:

- (1) Sexual harassment of a participant.
- (2) Sexual contact between a staff member and a participant.
- (3) Restraining a participant.
- (4) Financial exploitation of a participant.
- (5) Humiliating a participant.

(6) Withholding regularly scheduled meals from a participant.

(b) Abuse of a participant is prohibited.

**§ 52.17. Critical incident and risk management.**

(a) The requirements in this chapter are in addition to the reporting requirements under Chapter 2380 or 2390 (relating to adult training facilities; and vocational facilities), 6 Pa. Code Chapter 11 (relating to older adult daily living centers) and 28 Pa. Code Chapters 601 and 611 (relating to home health care agencies; and home care agencies and home care registries).

(b) A provider shall report a critical incident involving a participant to the Department or the SCE, or both, on a form prescribed by the Department.

(c) A provider shall develop and implement written policies and procedures on the prevention, reporting, notification, investigation and management of critical incidents.

(d) A provider shall meet the risk management requirements as specified in the approved applicable waivers, including approved waiver amendments.

(e) If the Department requires additional follow-up information to a critical incident, then the provider shall submit additional information as requested to the Department.

(f) A provider shall reduce the number of preventable incidents. The methods used by the provider to reduce the number of preventable incidents shall be documented on the provider's QMP.

**§ 52.18. Complaint management.**

(a) The provider shall implement a system to record, respond and resolve a participant's complaint.

(b) The provider complaint system must contain the following:

- (1) The name of the participant.
- (2) The nature of the complaint.
- (3) The date of the complaint.
- (4) The provider's actions to resolve the complaint.
- (5) The participant's satisfaction to the resolution of the complaint.

(c) The provider shall review the complaint system at least quarterly to:

- (1) Analyze the number of complaints resolved to the participant's satisfaction.
- (2) Analyze the number of complaints not resolved to the participant's satisfaction.
- (3) Measure the number of complaints referred to the Department for resolution.

(d) The provider shall develop a QMP when the numbers of complaints resolved to a participant's satisfaction are less than the number of complaints not resolved to a participant's satisfaction.

(e) The provider shall submit a copy of the provider's complaint system procedures to the Department upon request.

(f) The provider shall submit the information under subsection (c) to the Department upon request.



**§ 52.19. Criminal history checks.**

(a) The criminal history requirements in this section are in addition to the requirements in Chapter 2380 or 2390 (relating to adult training facilities; and vocational facilities), 6 Pa. Code Chapter 11 (relating to older adult daily living centers) and 28 Pa. Code Chapters 601 and 611 (relating to home health care agencies; and home care agencies and home care registries) for providers licensed under these chapters.

(b) Prior to hiring an employee, a provider shall obtain a criminal history check which is in compliance with the following for each employee who may have contact with a participant:

(1) A report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the Pennsylvania State Police Central Repository does not contain information relating to that person, under 18 Pa.C.S. Chapter 91 (relating to Criminal History Record Information Act), if the employee has been a resident of this Commonwealth for the 2 years immediately preceding the date of application.

(2) A report of Federal criminal history record information under the Federal Bureau of Investigation appropriation of Title II of the act of October 25, 1972 (Pub. L. No. 92-544, 86 Stat. 1109) if the employee has not been a resident of this Commonwealth for the 2 years immediately preceding the date of application.

(c) Criminal history checks shall be in accordance with the Older Adults Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and 6 Pa. Code Chapter 15 (relating to protective services for older adults).

(d) The hiring policies shall be in accordance with the Department of Aging's Older Adults Protective Services Act policy as posted on the Department of Aging's web site at <http://www.portal.state.pa.us/portal/server.pt?open=514&objID=616725&mode=2>.

(e) A copy of the final report received from the Pennsylvania State Police or the Federal Bureau of Investigation, as applicable, shall be kept in accordance with § 52.15 (relating to provider records).

**§ 52.20. Provisional hiring.**

(a) A provider may hire a person for employment on a provisional basis, pending receipt of a criminal history check, provided that the following are met:

(1) The provider is in the process of obtaining a criminal history check as required under § 52.19 (relating to criminal history checks).

(2) A provider may not hire a person provisionally if the provider has knowledge that the person would be disqualified for employment under 18 Pa.C.S. § 4911 (relating to tampering with public records or information).

(3) A provisionally-hired employee shall swear or affirm in writing that he is not disqualified from employment under this chapter.

(4) A provider shall monitor the provisionally-hired person awaiting a criminal history check through random, direct observation and participant feedback. The results of monitoring must be documented in the person's employment file.

(5) The period of provisional hire may not exceed 30 days for a person who has been a resident of this Commonwealth for at least 2 years.

(6) The period of provisional hire may not exceed 90 days for a person who has not been a resident of this Commonwealth for less than 2 years.

(b) If the information obtained from the criminal history check reveals that the person is disqualified from employment under § 52.19, the provider shall terminate the provisionally-hired person immediately.

(c) When subsection (a) conflicts with Chapters 2380 and 2390 (relating to adult training facilities; and vocational facilities), 6 Pa. Code Chapter 11 (relating to older adult daily living centers) or 28 Pa. Code Chapters 601 and 611 (relating to home health care agencies; and home care agencies and home care registries), subsection (a) is not applicable.

**§ 52.21. Staff training.**

(a) A provider shall meet the training requirements necessary to maintain appropriate licensure or certification, or both, in addition to meeting the training requirements of this chapter.

(b) Prior to providing a service to a participant, a staff member shall be trained on how to provide the service in accordance with the participant's service plan.

(c) A provider shall maintain documentation for the following:

- (1) Staff member attendance at trainings.
- (2) Content of trainings.

(d) A provider shall implement standard annual training for staff members providing services which contains at least the following:

- (1) Prevention of abuse and exploitation of participants.
- (2) Reporting critical incidents.
- (3) Participant complaint resolution.
- (4) Department-issued policies and procedures.
- (5) Provider's quality management plan.
- (6) Fraud and financial abuse prevention.

**§ 52.22. Provider monitoring.**

(a) The Department will monitor a provider at least once every 2 years.

(b) Monitoring may be announced or unannounced.

(c) A provider shall submit documentation as requested by the Department that the provider is in compliance with the following:

- (1) This chapter.
- (2) The MA provider agreement, including the waiver addendum.
- (3) Chapter 1101 (relating to general provisions).
- (4) The approved applicable waiver, including approved waiver amendments.
- (5) A State or Federal requirement.

(d) The Department will issue a written statement of findings if the provider has not complied with subsection (c).

**§ 52.23. Corrective action plan.**

(a) The provider shall respond to the written statement of findings under § 52.22 (relating to provider monitoring) with a CAP when requested by the Department.

(b) The provider shall submit a CAP to the Department on a form prescribed by the Department.

(c) The CAP must contain at least the following:

- (1) The provider's name.
- (2) The provider's address.
- (3) The provider's MA identification number.
- (4) The action steps to address a specific finding.
- (5) The dates action steps will be completed.
- (6) An explanation on how the action steps will remediate the finding.
- (7) The date when a finding will be remediated.
- (8) The provider's signature indicating the provider will implement the CAP.

(d) The Department will review and monitor a provider-drafted CAP to ensure each finding is corrected.

(e) The Department may reject a provider-drafted CAP and request the provider to revise the CAP so the CAP is in compliance with this section.

(f) The Department may develop a CAP for a provider to implement in response to the statement of findings.

(g) The provider shall implement a Department-approved CAP.

(h) The Department may conduct a follow-up monitoring to ensure the provider is implementing the CAP.

#### § 52.24. Quality management.

(a) The provider shall create and implement a QMP to ensure the provider meets the requirements of this chapter and Chapter 1101 (relating to general provisions).

(b) The QMP must contain at least the following:

(1) Measureable goals to ensure compliance with this chapter, Chapter 1101 and other chapters in this title under which the provider is licensed.

(2) Data-driven outcomes to achieve compliance with this chapter, Chapter 1101 and other chapters in this title which the provider is licensed.

(3) The current Department-approved CAP, if the provider has a CAP.

(c) The provider may add additional items to the QMP to address self-identified areas of quality improvement.

(d) The QMP must be updated at least annually by the provider.

(e) The Department may request a provider to update the provider's QMP if the provider receives a CAP.

(f) The provider shall submit a copy of the QMP to the Department upon request.

#### § 52.25. Service plan.

(a) A service plan must be developed for each participant that contains the following:

(1) The participant need as identified on a standardized needs assessment provided by the Department.

(2) The participant goal.

(3) The participant outcome.

(4) Service, TPR or informal community support that meets the participant need, participant goal or participant outcome.

(5) The type, scope, amount, duration and frequency of services needed by the participant.

(6) The provider of each service.

(7) The participant's signature.

(8) Risk mitigation strategies.

(9) The participant's back-up plan.

(b) The participant's back-up plan must contain an individualized back-up plan and an emergency back-up plan.

(c) Each participant need must be addressed by an informal community support, TPR or service unless the participant chooses for a need to not be addressed.

(d) If a participant refuses to have a need addressed, then the SCE shall document when the participant refused to have the need addressed and why the participant chose for the need to remain unaddressed.

(e) The following services require a physician's prescription prior to being added to a participant's service plan:

(1) Physical therapy.

(2) Occupational therapy.

(3) Speech and language therapy.

(4) Nursing services.

(5) Telecare health status and monitoring services.

(6) Durable medical equipment.

(f) An SCE or the Department's designee shall use a person-centered approach to develop the participant's service plan.

(g) An SCE or the Department's designee shall use the Department's person-centered assessment and risk assessment to develop the participant's service plan.

(h) An SCE or the Department's designee shall complete the participant's service plan on a format prescribed by the Department and enter the service plan into the Department's designated information system.

(i) The Department will approve the participant's service plan prior to service provision.

(j) An SCE or the Department's designee shall review the participant need, participant goal and participant outcome documented on the service plan at least annually with the participant.

(k) An SCE or the Department's designee shall review and modify, if necessary, the participant need, participant goal and participant outcome each time a participant has a significant change in medical or social condition.

(l) If there has been a significant change in the medical or social condition of a participant, an SCE or the Department's designee shall use the Department's person-centered assessment and risk assessment to determine if changes are needed in the participant's service plan.

#### § 52.26. Service coordination services.

(a) To be paid for rendering service coordination services, an SCE shall:

(1) Complete a person-centered assessment.

(2) Complete a level of care re-evaluation at least annually.

(3) Develop a service plan for each participant for whom the SCE renders service coordination services. The provider shall complete the following:

(i) Develop and modify the participant's service plan at least annually.

(ii) Modify the participant's service plan, if necessary, when the participant has a significant medical or social change.

(4) Review the participant need, the participant goal and participant outcome with the participant and other persons that the participant requests to be part of the review as required by conducting the following:

(i) At least one telephone call or face-to-face visit per calendar quarter. At least two face-to-face visits are required per calendar year.

(ii) More frequent calls or visits if the service coordinator or the Department determines more frequent calls or visits are necessary to ensure the participant's health and safety.

(5) Coordinate a service, TPR and informal community supports with the participant to ensure the participant need, the participant goal and the participant outcome are met.

(6) Provide the participant with a list of providers in the participant's service location area that are enrolled to render the service that meet the participant needs.

(7) Inform the participant of the participant's right to choose any willing and qualified provider to provide a service on the participant's service plan.

(8) Confirm with the participant's selected provider that the provider is able to provide the service in the type, scope, amount, duration and frequency as listed on the participant's service plan.

(9) Provide information regarding the authorized type, scope, amount, duration and frequency of services as listed in the participant's service plan to the provider rendering the service.

(10) Ensure and document at least on a quarterly basis that the participant's services are being delivered in the type, scope, amount, duration and frequency as required by the participant's service plan.

(11) Evaluate if the participant need, participant goal and participant outcome are being met by the service.

(12) Ensure a participant exercising participant-directed budget authority does not exceed the number of service hours approved in the participant's service plan.

(b) If additional information is necessary to ensure that services are provided to a participant in the type, scope, amount, duration or frequency as required by the participant's service plan, the SCE shall convey the additional information to a provider.

(c) The SCE shall ensure a waiver or Act 150 service assigned to a participant is a service offered under the waiver or Act 150 service in which the participant is enrolled.

(d) If a participant is available to receive only a portion of the service coordination services in subsection (a), the Department will pay for those portions of the services rendered to the participant.

(e) If the SCE is an OHCDs, then the SCE shall be a direct service provider of at least one vendor good or service.

(f) If services are not being delivered by a provider to a participant in the type, scope, amount, duration or fre-

quency as required by the participant's service plan, then the SCE shall work with the provider to do either of the following:

(1) Ensure that services are being delivered to the participant in the type, scope, amount, duration and frequency required by the participant's service plan.

(2) Transition the participant to a provider who is willing and qualified to provide services to the participant in accordance with the participant's service plan.

(g) The Department may limit the number of service coordination units available to participants as provided in the approved applicable waiver, including approved waiver amendments.

(h) A provider may not bill for more units of service coordination services for a participant than provided for in the participant's service plan.

(i) If a participant requires more units of service coordination services than provided for in the participant's service plan, then the SCE shall submit:

(1) A request to increase the number of service coordination units for the participant to the Department.

(2) Justification for why the participant requires more units of service.

(3) The number of service coordination units the participant is assessed to need.

(j) If the service is also offered as a Medicaid State Plan service, then the Medicaid State Plan service shall be accessed prior to another Departmental program to provide the service.

(k) The SCE or the Department's designee shall assist a participant to collect and send information to the Department to determine the participant's continued eligibility for the waiver or Act 150 program, including financial eligibility.

**§ 52.27. Service coordinator qualifications and training.**

(a) To provide service coordination services, a service coordinator shall meet either of the following:

(1) Have a bachelor's degree including or supplemented by at least 12 college-level credit hours in sociology, social welfare, psychology, gerontology or another behavioral science.

(2) A combination of experience and training which adds up to 4 years of experience, and education which includes at least 12 semester hours of college-level courses in sociology, social work, social welfare, psychology, gerontology or other social science.

(i) Experience includes:

(A) Coordinating assigned services as part of an individual's treatment plans.

(B) Teaching individuals living skills.

(C) Aiding in therapeutic activities.

(D) Providing socialization opportunities for individuals.

(ii) Experience does not include:

(A) Providing hands-on personal care for people with disabilities or individuals over 60 years of age.

(B) Maintenance of the individual's home, room or environment.



(C) Aiding in adapting the physical facilities of the individual's home.

(b) To supervise staff providing service coordination services, a service coordinator supervisor shall meet either of the following:

(1) Have at least 3 years of experience in public or private social work and a bachelor's degree.

(2) Have an equivalent to paragraph (1) of experience and training including completion of 12 semester hours of college-level courses in sociology, social work, social welfare, psychology, gerontology or other related social sciences. Graduate coursework in the behavioral sciences may be substituted for up to 2 years of the required experience. Behavioral sciences include anthropology, counseling, criminology, gerontology, human behavior, psychology, social work, social welfare, sociology and special education.

(c) A service coordinator shall have at least 40 hours of training within the first year of employment. The training shall include at least the following:

- (1) Conducting a person-centered assessment.
  - (2) Developing and modifying a participant's service plan.
  - (3) Utilizing the Department's data systems.
  - (4) Improving communication skills.
  - (5) Acquiring conflict resolution skills.
  - (6) Completing documentation.
  - (7) Understanding the disabilities of participants served.
- (d) A service coordinator shall have at least 20 hours of training annually that includes the training topics under subsection (c).

**§ 52.28. Conflict free service coordination.**

(a) An SCE may not provide other waiver or Act 150 services if the SCE provides service coordination services unless one of the following is applicable:

(1) The SCE is providing the service as an OHCDs under § 52.53 (relating to organized health care delivery system).

(2) The SCE is providing community transition services to a participant transitioning from a nursing facility or an ICF/ORC.

(3) The SCE is providing financial management services to a participant.

(b) If an SCE operates as an OHCDs, then the SCE may not require a participant to use that OHCDs as a condition to receive the service coordination services of the SCE.

(c) An SCE may not require a participant to choose the SCE as the participant's community transition service provider as a condition to receive service coordination services.

(d) An SCE and a provider of a service other than service coordination may not share any of the following:

- (1) Chief executive officer or equivalent.
- (2) Executive board.
- (3) Bank account.
- (4) Supervisory staff.
- (5) Tax identification number.

(6) MA provider agreement.

(7) Master provider index number.

**§ 52.29. Confidentiality of records.**

Participant records must be kept confidential and, except in emergencies, may not be accessible to anyone without the written consent of the participant or if a court orders disclosure other than the following:

- (1) The participant.
- (2) The participant's legal guardian.
- (3) The provider staff for the purpose of providing a service to the participant.
- (4) An agent of the Department.
- (5) An individual holding the participant's power of attorney for health care or health care proxy.

**§ 52.30. Waiver of a program qualification.**

(a) The Department may grant a waiver to a provision of this chapter which is not otherwise required by Federal and State law and does not jeopardize the health, safety or well-being of a participant.

(b) The waiver request must be on a form prescribed by the Department.

**Subchapter C. PAYMENT FOR SERVICES**

**GENERAL REQUIREMENTS**

- |        |  |
|--------|--|
| 52.41. | Provider billing.                            |
| 52.42. | Payment policies.                            |
| 52.43. | Audit requirements.                          |
| 52.44. | Reporting requirements for ownership change. |
| 52.45. | Fee schedule rates.                          |

**VENDOR GOOD OR SERVICE**

- |        |  |
|--------|--|
| 52.51. | Vendor good or service payment.              |
| 52.52. | Subcontracting for a vendor good or service. |
| 52.53. | Organized health care delivery system.       |

**GENERAL REQUIREMENTS**

**§ 52.41. Provider billing.**

(a) A provider shall submit claims in accordance with § 1101.68 (relating to invoicing for services).

(b) A provider shall use the Department's designated claims processing system to submit claims.

(c) An applicant may not bill for a service prior to being enrolled as a provider by the Department.

(d) The provider shall enroll in the Department's designated claims processing system upon receiving notice that the application is approved.

**§ 52.42. Payment policies.**

(a) Services will be paid as either a fee schedule service under § 52.45 (relating to fee schedule rates) or as a vendor good or service payment under § 52.51 (relating to vendor good or service payment).

(b) The Department will publish services specific to each waiver and the Act 150 program as a notice in the *Pennsylvania Bulletin*.

(c) The Department will only pay for a service in accordance with this chapter and Chapters 1101 and 1150 (relating to general provisions; and MA Program payment policies).

(d) The Department will only pay for a service in the type, scope, amount, duration and frequency as specified on the participant's service plan as approved by the Department.

(e) A provider who accepts supplementary payment for an Act 150 service from a source other than the Department shall return the Act 150 payment to the Department. If the supplementary payment pays only a portion of the cost of the Act 150 service, the provider shall return an amount equal to the supplementary payment to the Department. This subsection does not apply to copayments.

(f) The Department will recoup payments which are not made in accordance with this chapter.

(g) The Department may limit the type of service available in accordance with Federal and State laws, the waiver program requirements or Act 150 program requirements.

(h) The Department will not reimburse a provider who renders a service to a participant who does not have an approved service plan for the date when the service was rendered.

(i) To be paid the MA Program fee schedule rate or receive reimbursement for a vendor good or service, a provider shall comply with this chapter.

(j) The Department will not pay for a service which is rendered to a participant who is enrolled in a waiver or the Act 150 program that does not include the service.

**§ 52.43. Audit requirements.**

(a) A provider shall comply with Federal audit requirements including the following:

(1) The Single Audit Act of 1984 (31 U.S.C.A. §§ 7501—7507).

(2) The revised Office of Management and Budget Circular A-133.

(3) Section 74.26 of 45 CFR (relating to non-Federal audits).

(b) A provider which is required to receive a single audit or an audit in accordance with 45 CFR 74.26 shall comply with the audit requirements.

(c) The Department may request a provider to have the provider's auditor perform an attestation engagement in accordance with any of the following:

(1) Government Auditing Standards issued by the Comptroller General of the United States or the Generally Accepted Government Auditing Standards.

(2) Standards issued by the Auditing Standards Board.

(3) Standards issued by the American Institute of Certified Public Accountants.

(4) Standards issued by the International Auditing and Assurance Standards Board.

(5) Standards issued by the Public Company Accounting Oversight Board.

(6) Standards of successor organizations to those organizations in paragraphs (1)—(5).

(d) The Department or the Department's designee may perform an attestation engagement in accordance with subsection (c).

(e) The Department may request the provider's auditor to conduct a performance audit in accordance with the standards in subsection (c).

(f) A provider which is not required to have an attestation agreement in compliance with the Single Audit Act of 1984 during the program year shall maintain auditable records in compliance with this section.

(g) The Department may perform a financial review of a provider.

(h) A provider shall maintain books, records and documents that support:

(1) The type, scope, amount, duration and frequency of service provision.

(2) The dates of service provision.

(3) The fees and reimbursements earned in accordance with Federal and State requirements.

(4) Compliance with the terms and conditions of service provision as outlined in this chapter.

(i) Electronic records are acceptable documentation provided they comply with § 52.15 (relating to provider records) and electronic records are accessible to the auditing agency.

(j) A provider shall make audit documentation available, upon request, to the authorized representatives of the Department or the Department's designee.

(k) A provider shall retain books, records and documents for inspection, audit or reproduction for at least 5 years after the provider's fiscal year-end.

(l) The provider shall retain books, records and documents related to the fiscal year for a time period greater than 5 years from the provider's fiscal year-end if one of the following is applicable:

(1) The Department, Department's designee or another State or Federal agency has unresolved questions regarding costs or activities.

(2) The books, records or documents are part of an ongoing investigation or legal action.

(3) Required by applicable State or Federal law.

(m) If a provider is completely or partially terminated, the records relating to the services terminated shall be preserved and made available for at least 5 years from the date of a resulting final settlement or termination of provider, whichever is longer.

(n) A provider shall retain records that relate to litigation of the settlement of claims arising out of performance or expenditures under a waiver or the Act 150 program to which an auditor has taken exception, until the litigation, claim or exceptions have reached final disposition or for a period of at least 5 years from the provider's fiscal year-end, whichever is greater.

(o) The provider shall provide information listed under this section to the Department or Department's designee upon request.

**§ 52.44. Reporting requirements for ownership change.**

(a) A provider assuming ownership shall report a change in ownership or control interest of 5% or more in writing to the Department at least 30 days prior to the effective date of the change.

(b) If the provider is unable to report an ownership or controlling interest change at least 30 days prior to the effective date of the change because of an emergency, then the provider shall report the change as soon as possible, but no later than 2 business days after the effective date of the change. The provider shall also inform the Department as to why the provider was unable to report the change 30 days prior to the change's occurrence.

(c) The provider assuming ownership shall report the following:

(1) Effective date of sale or controlling interest change.

(2) A copy of the sales agreement or other document effectuating the change.

(d) If a provider fails to notify the Department as specified in subsections (a)—(c), the provider shall forfeit payments for each day after the notice was due to the Department.

**§ 52.45. Fee schedule rates.**

(a) The Department will establish a fee schedule rate for a waiver or Act 150 program service.

(b) The Department will publish the fee schedule rate under the MA Program fee schedule as a notice in the *Pennsylvania Bulletin*.

(c) The Department will publish a change in the methods and standards for setting a fee schedule rate as a notice in the *Pennsylvania Bulletin*.

(d) The Department will publish the services specific to each waiver and the Act 150 program as a notice in the *Pennsylvania Bulletin*.

**VENDOR GOOD OR SERVICE**

**§ 52.51. Vendor good or service payment.**

(a) The Department will only pay for the actual cost of a vendor good or service which may not exceed the amount for a similar vendor good or service charged to the general public.

(b) A provider shall retain documentation of the amount charged for the vendor good or service.

(c) The provider shall submit verification of subsection (b) to the Department upon request.

(d) The Department will publish the list of vendor goods or services as a notice in the *Pennsylvania Bulletin*.

(e) The Department will publish the list of vendor goods or services specific to each waiver or the Act 150 program as a notice in the *Pennsylvania Bulletin*.

**§ 52.52. Subcontracting for a vendor good or service.**

(a) Only an OHCDS may subcontract with an entity to purchase a vendor good or service. A provider who subcontracts shall have a written agreement specifying its duties, responsibilities and compensation.

(b) Only a vendor good or service may be subcontracted.

(c) If an OHCDS subcontracts with an entity to provide a vendor good or service, the OHCDS shall ensure the entity complies with § 52.51(a) (relating to vendor good or service payment).

(d) The Department will not pay an administrative fee or additional cost for a vendor good or service subcontracted by an OHCDS.

**§ 52.53. Organized health care delivery system.**

(a) An OHCDS shall be an SCE in compliance with this chapter.

(b) An OHCDS may not be reimbursed for rendering service coordination services if it contracts with an entity which is listed on the LEIE, EPLS or Medichex list.

(c) An OHCDS may not be reimbursed for rendering service coordination services if the OHCDS contracts with an entity which employs a person who is listed on the LEIE or EPLS.

(d) An OHCDS shall complete and sign an OHCDS enrollment form.

**Subchapter D. PROVIDER DISQUALIFICATION**

Sec.	
52.61.	Provider cessation of services.
52.62.	Prohibition of services.
52.63.	Provider misutilization and abuse.
52.64.	Payment sanctions.
52.65.	Appeals.

**§ 52.61. Provider cessation of services.**

(a) If a provider is no longer able or willing to provide services, the provider shall perform the following:

(1) Send written notification to each participant, the Department and other providers with which the provider works that the provider is ceasing services at least 30 days prior to the provider ceasing services.

(2) Notify licensing or certifying entities as required.

(3) Send the Department a copy of the notification sent to a participant and service providers as required under paragraph (1). If the provider uses a general notification for all participants or service providers, a single copy of the notification is acceptable.

(4) Cooperate with the Department, new providers of services and participants with transition planning to ensure the participant's continuity of care.

(b) If the provider fails to notify the Department as specified in subsection (a), the provider shall forfeit payment for each day that the notice is overdue until the notice is issued.

**§ 52.62. Prohibition of services.**

(a) A provider may be sanctioned, prohibited or disenrolled from providing services for failure to perform any of the following:

(1) Protect the health and welfare of a participant during service delivery.

(2) Comply with applicable Federal or State laws and this chapter.

(3) Comply with a provision of the MA provider agreement, including the waiver addendum.

(4) Deliver a service in the type, scope, amount, duration and frequency required by the approved service plan when the participant is available for the delivery of the service.

(5) Develop or implement a CAP.

(6) Maintain licenses or certifications, or both, as required by Federal or State agencies.

(7) Maintain accurate records.

(b) The Department may prohibit a provider from providing new participants with services if the provider violates subsection (a).

(c) A disenrolled provider shall cooperate with the Department, new providers of services and participants with transition planning to ensure participant's continuity of care.

**§ 52.63. Provider misutilization and abuse.**

(a) If the Department's audit, financial review or monitoring indicates that a provider has been billing for services in a manner inconsistent with this chapter, unnecessary or inappropriate to a participant's needs, or contrary to customary standards of practice, the Department will notify the provider in writing that payment on



all invoices will be delayed or suspended for a period not to exceed 120 days pending a review of billing and service patterns.

(b) A provider may have its invoices reviewed prior to payment.

(c) A provider's records may be reviewed.

(d) A provider may be required to submit a written explanation of billing practices.

**§ 52.64. Payment sanctions.**

(a) If the provider fails to submit an acceptable attestation engagement or pass a financial review, in accordance with this chapter, the Department may initiate sanctions against the provider including the following:

(1) Disallowing all or a portion of a payment.

(2) Suspending a current or future payment pending compliance.

(3) Recouping a payment for a service the provider cannot verify as being provided in the amount, duration and frequency billed.

(b) If a provider does not comply with this chapter or other State or Federal requirements, the Department may initiate the sanctions under subsection (a).

**§ 52.65. Appeals.**

A provider may file an appeal of a Departmental action in accordance Chapters 41 and 1101 (relating to Medical Assistance provider appeal procedures; and general provisions).

[Pa.B. Doc. No. 12-903. Filed for public inspection May 18, 2012, 9:00 a.m.]

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# PROPOSED RULEMAKING

## PHILADELPHIA PARKING AUTHORITY

[ 52 PA. CODE CH. 1005 ]

[ Doc. No. 126-2 ]

### Electronic Testimony at Administrative Hearings

The Philadelphia Parking Authority (Authority), on February 27, 2012, adopted a proposed rulemaking order which establishes a regulation permitting electronic (telephonic or audio-visual) testimony at certain administrative hearings, under certain limitations.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 7, 2012, the Authority submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Commission provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

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

*Proposed Rulemaking Order; Philadelphia Taxicab and Limousine Regulations; Doc. No. 126-2*

### Proposed Rulemaking Order

*By the Authority:*

In accordance with of the act of July 16, 2004, (P. L. 758, No. 94), as amended, 53 Pa.C.S. §§ 5701 et seq., (the "Act"),<sup>1</sup> the Authority formally commences its rulemaking process to promulgate a regulation to provide for electronic testimony, under certain terms and conditions, at administrative hearings. The Authority seeks comments from all interested parties on these proposed regulations, which are found at Annex A to this Order.

#### A. Background

Pursuant to Section 23 of the Act, the Authority initiated regulatory oversight of taxicab and limousine service providers in Philadelphia on April 10, 2005. On December 3, 2011, the Authority's new taxicab and limousine regulations became effective upon publication in the *Pennsylvania Bulletin*. 41 Pa.B. 6499 (December 3, 2011).

#### *Discussion*

Members of the public who use taxicab and limousine service often do so in the course of business, travel and tourism. They are often not Philadelphia residents. Nearly half of administrative enforcement actions initi-

ated by the Authority against taxicabs or limousines in Philadelphia begin with a complaint from members of the public. Many of the enforcement complaints are contested by regulated parties, which necessitates on-the-record administrative hearings. At these hearings the Authority bears the burden of proving by a preponderance of the evidence that the respondent committed the alleged infraction.

It is often difficult to advance these administrative complaints because the primary complainant does not reside in the Philadelphia area or is simply unable to take time away from work or family to appear at an administrative hearing. Similarly, regulated parties may find defending these complaints difficult because defense witnesses are similarly unavailable for these hearings. The proposed regulation will ease the burden of all parties to administrative hearings as to the receipt of non-party witness testimony.

The Authority provided advanced notice of this proposed rulemaking to the Chairman of the City of the First Class Taxicab and Limousine Advisory Committee ("Advisory Committee") by way of email and First Class United States Mail, with proof of mailing on January 13, 2012. The same form of notice was used to forward the proposed regulation to each member of the Advisory Committee; however, those members with inactive or unavailable email addresses only received notice through First Class United States Mail, with proof of mailing. Notice was also provided through email to regulated parties who maintain an email account with the Authority. A copy was also placed on the Authority's website. The Authority received no comments.

#### *Conclusion*

The Authority, therefore, formally commences its rulemaking process to promulgate this regulation to become part of 52 Pa. Code Part II in a manner consistent with Annex A to this Order. The Authority seeks comments from all interested parties on this proposed body of regulations, which are found at Annex A to this Order. The Authority hereby advises that all comments submitted in response to this Order will be posted, without redaction of name, address, or other personal information or comment provided, on the website of the Independent Regulatory Review Commission, which may be reached at 717-783-5417.

Accordingly, under sections 13 and 17 of the Act, 53 Pa.C.S. §§ 5722 and 5742; section 5505(d) of the Parking Authorities Act, act of June 19, 2001, (P. L. 287, No. 22), as amended, 53 Pa.C.S. §§ 5505(d)(17), (d)(23), (d)(24); sections 201 and 202 of the Act of July 31, 1968, P. L. 769 No. 240, 45 P. S. §§ 1201—1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act, 71 P. S. 732.204(b); section 745.5 of the Regulatory Review Act, 71 P. S. § 745.5 we are considering adopting the proposed regulations set forth in Annex A<sup>2</sup>; *Therefore, It Is Ordered That:*

1. A proposed rulemaking be opened to consider the regulation set forth in Annex A.

2. The Executive Director shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality.

<sup>1</sup> See Sections 13 and 17 of the Act.

<sup>2</sup> The Authority does not receive money from the State Treasury and is, therefore, not subject to section 612 of the Administrative Code of 1929, 71 P. S. § 232.

3. The Executive Director shall submit this proposed rulemaking Order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.

4. The Secretary of the Board shall certify this proposed rulemaking Order and Annex A and that the Executive Director shall deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

5. An original and 15 copies of any written comments referencing the docket number of the proposed regulation be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Philadelphia Parking Authority, Attn: General Counsel, 3101 Market Street, 2nd Floor, Philadelphia, PA 19104.

6. A copy of this proposed rulemaking Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority's website at [www.philapark.org/tld](http://www.philapark.org/tld).

7. The contact person for this proposed rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215)-683-9417.

VINCENT J. FENERTY, Jr.,  
*Executive Director*

#### Annex A

### TITLE 52. PUBLIC UTILITIES

## PART II. PHILADELPHIA PARKING AUTHORITY

### Subpart A. GENERAL PROVISIONS

#### CHAPTER 1005. FORMAL PROCEEDINGS

#### Subchapter B. HEARINGS

#### HEARINGS

#### § 1005.114. Electronic testimony.

(a) *Purpose and scope.*

(1) In-person testimony is normally preferable to testimony by telephone or audio-visual means. There can be reasons to justify receiving testimony by telephone or audio-visual means, including the transitory nature of many of the users of taxicabs and limousines. This section is promulgated to provide the conditions under which testimony by telephone or audio-visual means will be scheduled and received to safeguard the due process rights of the parties and to ensure that testimony by telephone or audio-visual means is received under uniformly applied rules.

(2) When the general rules of this subpart conflict with this section, this section controls.

(3) This section applies to the testimony of witnesses in enforcement actions.

(4) This section does not apply to the following proposed witnesses:

- (i) Authority employees.
- (ii) Parties to an enforcement action.
- (iii) Employees of parties to an enforcement action.
- (b) *Scheduling of telephone or audio-visual testimony.*

(1) The Authority or presiding officer may schedule, on its own motion, testimony by telephone or audio-visual means of a witness when it appears from the record that the witness is located at least 25 miles from the location

at which the Authority or presiding officer will conduct the hearing, without regard to the boundaries of this Commonwealth.

(2) The Authority or presiding officer may schedule testimony by telephone or audio-visual means of a witness, at the request of one or more parties, when one of the following applies:

(i) The parties consent to the receipt of testimony by telephone or audio-visual means.

(ii) The witness is reasonably unable to testify in person due to employment, transportation, mobility, health reason or other compelling problem.

(iii) The witness is a police officer within the definition of "police officer" in 234 Pa. Code Rule 103 (relating to definitions), offered for testimony regarding the impoundment of a taxicab or limousine, or a vehicle acting as a taxicab or limousine.

(3) Only a witness scheduled to testify by telephone or audio-visual means, or identified prior to the taking of testimony in accordance with subsection (d), may testify by telephone or audio-visual means. The testimony of each other witness shall be received in person.

(4) The Authority or presiding officer will promptly rule on a request that testimony be taken by telephone or audio-visual means after a reasonable attempt has been made to inform the parties of the request, the basis for the request and the right of a party to object. The basis for the request, the position of the parties, if known, and the ruling will be documented on the record.

(5) A witness scheduled to testify by telephone or audio-visual means will be permitted to testify in person.

(c) *Procedures subsequent to scheduling.*

(1) If a party moves to withdraw consent to the receipt of testimony by telephone or audio-visual means prior to the taking of testimony, the Authority or presiding officer will allow the withdrawal if it is found that the consent was not freely and knowingly given.

(2) An objection to the receipt of testimony by telephone or audio-visual means shall set forth the reasons in support thereof and promptly communicated to the Authority or presiding officer and any opposing party. An objection may not be asserted subsequent to the taking of testimony.

(3) The Authority or presiding officer will promptly rule on objections to testimony by telephone or audio-visual means after a reasonable attempt to obtain the position of the other party. The basis for the objection, the position of the other party, if known, and the ruling will be documented on the record.

(4) A party may pursue an objection to telephone or audio-visual testimony at the hearing and shall set forth reasons in support thereof. If the objection is sustained, the Authority or presiding officer will reschedule the hearing at a later date, either in person or by telephone or audio-visual, in accordance with this part. If the objection is not sustained, the Authority or presiding officer may proceed with the hearing in accordance with this subpart.

(d) *Hearing process.*

(1) At the start of the hearing, the Authority or presiding officer will state on the record the time and telephone or audio-visual numbers at which the Authority or presiding officer initiates the contact with any party, witness, legal counsel or authorized agent who is to testify or appear by telephone or through audio-visual means.

(2) The Authority or presiding officer will permit parties a reasonable opportunity to question other parties or witnesses testifying by telephone or audio-visual means for the purpose of verifying the identity of the parties or witnesses. Falsification of identity is prohibited.

(3) A party or witness not identified to the Authority or presiding officer and all other parties before the beginning of the testimony will not be permitted to testify by

telephone or audio-visual. Testimony taken or given in violation of this subsection will be excluded from consideration.

(4) The oath or affirmation administered to parties or witnesses testifying by telephone or audio-visual means shall indicate that the parties or witnesses will not testify from documents that are not in the record.

(5) The Authority or presiding officer, the person testifying by telephone or audio-visual means and persons in the room in which the Authority or presiding officer is present while telephone or audio-visual testimony is presented shall be able to hear and speak to one another through the telephone or audio-visual connection used to submit testimony under this section.

[Pa.B. Doc. No. 12-904. Filed for public inspection May 18, 2012, 9:00 a.m.]



# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Governor's Office of Administration

The Executive Board approved a reorganization of the Governor's Office of Administration effective April 27, 2012.

The organization chart at 42 Pa.B. 2750 (May 19, 2012) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note:* The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)

[Pa.B. Doc. No. 12-905. Filed for public inspection May 18, 2012, 9:00 a.m.]

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### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Insurance Department

The Executive Board approved a reorganization of the Insurance Department effective April 27, 2012.

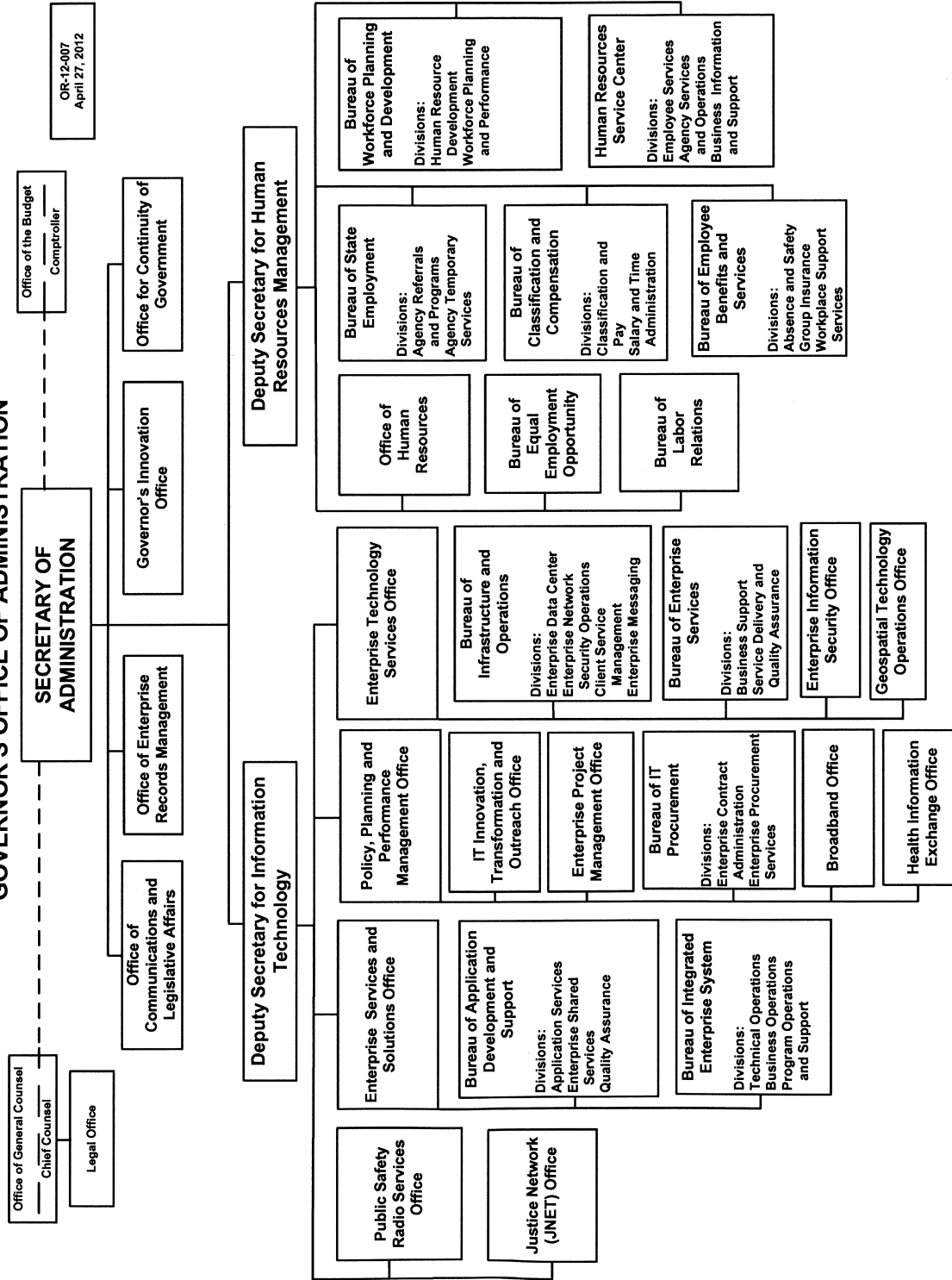
The organization chart at 42 Pa.B. 2751 (May 19, 2012) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note:* The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)

[Pa.B. Doc. No. 12-906. Filed for public inspection May 18, 2012, 9:00 a.m.]

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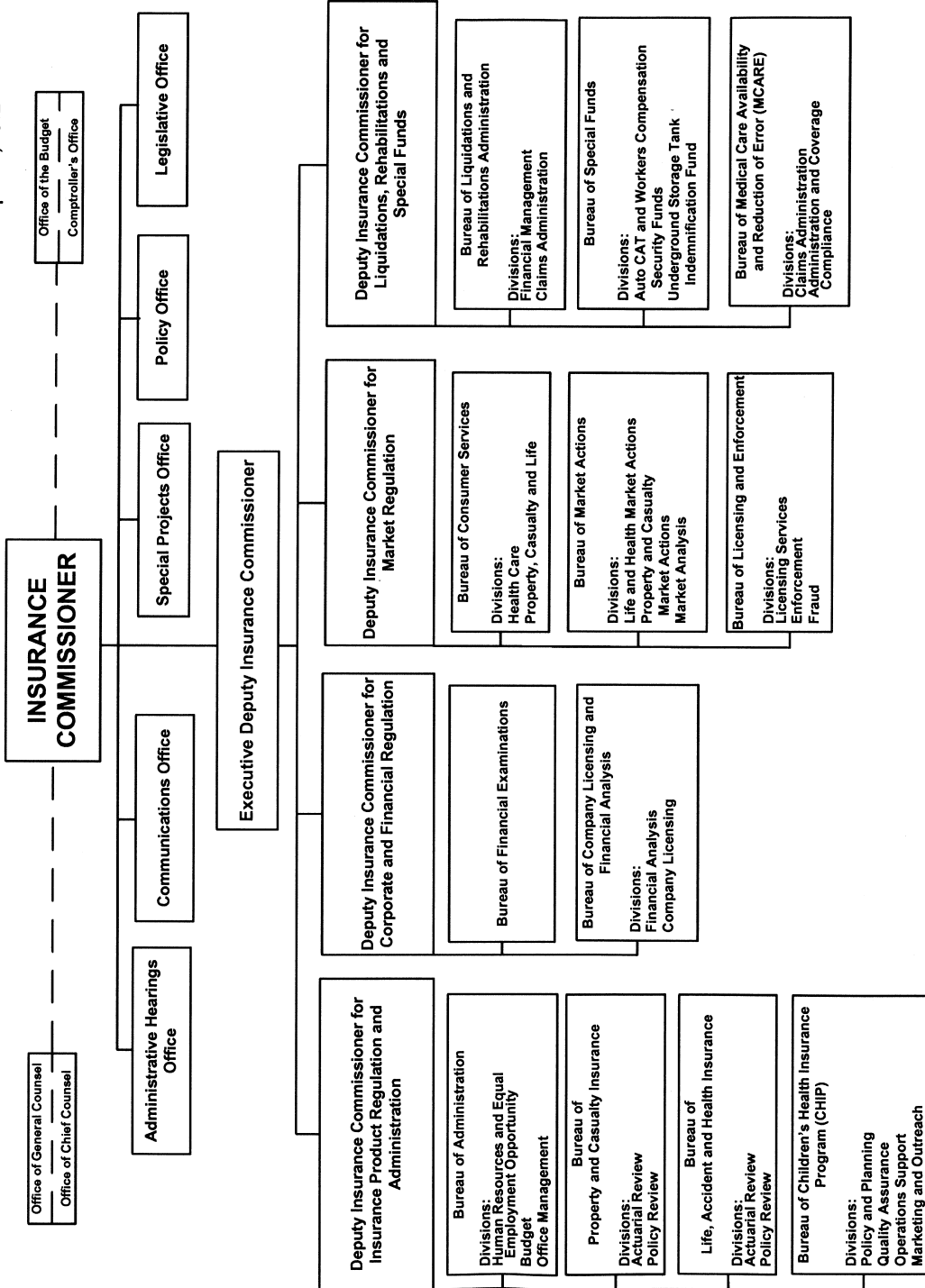
GOVERNOR'S OFFICE OF ADMINISTRATION



OR-12-007  
April 27, 2012

OR-12-006  
April 27, 2012

INSURANCE DEPARTMENT



# NOTICES

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposals

#### **CPC 07.107: Preservation of Lawrie Bronze Doors.**

The scope of work includes disassembly, repair, cleaning, reglazing of art bronze doors, hardware, frame and transom. The work also includes the modification of existing bronze sill and installation of new door closers and pivot sets, with the provision for temporary wood doors, frame, transom and hardware. Complete documentation (comprehensive text narration augmented with supporting documentation and photographs) of the disassembly, repair, cleaning, modification and finishing processes is required. A \$100 deposit is required for issuance of project documents. Issue date of the proposal will be at 2 p.m. on June 5, 2012. A mandatory preproposal conference and walk through will be held on June 12, 2012, at 10 a.m. in Room 630 Main Capitol. The proposal receipt date is July 3, 2012, at 2 p.m. Proposals must remain firm for 60 calendar days following proposal receipt date. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle, (717) 783-6484.

DAVID L. CRAIG,  
*Executive Director*

[Pa.B. Doc. No. 12-907. Filed for public inspection May 18, 2012, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Interim Guidelines for the Pennsylvania Preferred Trademark Licensure Program

The Department of Agriculture (Department) gives notice of the interim guidelines to be applied when the Department licenses third parties to make use of the Pennsylvania Preferred® trademark with respect to fluid milk.

#### *a. Statutory Authority*

The Pennsylvania Preferred Act (3 Pa.C.S. §§ 4601—4611) (act) authorizes the Department to adopt and use interim guidelines to implement the provisions of that statute through December 31, 2013, by which date successor regulations are to be in place.

#### *b. Purpose and Background*

The act establishes standards and requirements under which the Department licenses “qualified entities” to use the Pennsylvania Preferred® trademark. The terms and conditions of this license are set forth in a license agreement between the Department and the qualified entity.

The act provides the Department the discretion to determine whether a person is a qualified entity (3 Pa.C.S. § 4605(a)(4)). It also requires the Department to

consider the extent to which the agricultural commodity with respect to which the Pennsylvania Preferred® trademark would be used is “. . . to the maximum extent possible given production season restrictions or market availability . . . a Pennsylvania-produced agricultural commodity” (3 Pa.C.S. § 4604(2)(iii)).

Fluid milk includes whole milk, reduced fat milk, skim milk, flavored milk, cream, buttermilk, half-and-half and similar products. This Commonwealth’s dairy producers produce fluid milk in quantities that exceed the year-round needs of this Commonwealth’s milk processors and milk consumers; and this surplus Commonwealth-produced fluid milk supply generally remains available on the Commonwealth market throughout the year. Against this backdrop, the interim guidelines prohibit (with several exceptions) the use of the Pennsylvania Preferred® trademark with respect to fluid milk that is not entirely Commonwealth-produced fluid milk.

The interim guidelines acknowledge that there may be exceptions to the prohibition described previously, such as where there is a Statewide shortage of fluid milk or where a processor commingles Commonwealth-produced fluid milk with other fluid milk on an incidental, emergency or short-term-basis.

The Department will use the experience it gains in administering these interim guidelines in preparing the successor regulations.

#### *c. Paperwork*

The interim guidelines will not appreciably increase the paperwork requirements of fluid milk processors. Although they require a fluid milk processor that is licensed by the Department to use the Pennsylvania Preferred® trademark with respect to Commonwealth-produced fluid milk to keep a record of any commingling of that fluid milk with other fluid milk, this type of record is already routinely kept.

The interim guidelines will not appreciably increase the paperwork requirements of the Department. The Department licenses the use of the Pennsylvania Preferred® trademark through trademark license agreements that are not impacted by this document.

#### *d. Fiscal Impact*

The interim guidelines will be fiscally neutral. They will not result in appreciable costs or savings to the Department or the Commonwealth, to fluid milk processors or other private sector entities, to political subdivisions or the general public.

#### *e. Effective Date*

The interim guidelines will be effective immediately upon publication in the *Pennsylvania Bulletin*.

#### *f. Contact Person*

The contact person for the interim guidelines is Frank Jurbala, Director, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408.



*g. Interim Guidelines*

Section 1. *Definitions.*

The following words and terms, when used in these interim guidelines, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The Pennsylvania Preferred Act (3 Pa.C.S. §§ 4601–4611).

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

*Fluid milk*—Milk, skimmed milk, cream, sour milk, buttermilk, and all other fluid derivatives of milk. The term includes milk from any hooved mammal species.

*Licensee*—A qualified entity that is subject to a current Pennsylvania Preferred® trademark license agreement with the Department.

*Pennsylvania-produced fluid milk*—Fluid milk that is entirely produced within the Commonwealth of Pennsylvania.

*Pennsylvania Preferred® trademark*—One or more trademarks that consist of the phrase “Pennsylvania Preferred” or “PA Preferred,” and that may include specific graphic designs or artwork as part of the trademark registration.

*Person*—An individual, partnership, corporation, association or any other legal entity.

*Qualified entity*—A person that produces, processes, prepares, sells, offers for sale, markets, promotes or is involved with any aspect of production, processing, preparation, promotion, marketing, sale or offering for sale of Pennsylvania-produced agricultural commodities.

Section 2. *Licensure of the Pennsylvania Preferred® trademark with respect to fluid milk.*

(a) *General availability of Pennsylvania-produced fluid milk.* The Department has determined that fluid milk is an agricultural commodity that is, in general, produced by Commonwealth dairy producers in quantities that exceed the year-round needs of this Commonwealth’s milk processors and milk consumers; and that this surplus Commonwealth-produced fluid milk supply generally remains available on this Commonwealth market throughout the year.

(b) *Eligibility.*

(1) A person that processes Commonwealth-produced fluid milk or that promotes or markets Commonwealth-produced fluid milk from such a processor is a qualified entity that is eligible to apply to be licensed by the Department to use the Pennsylvania Preferred® trademark with respect to that Commonwealth-produced fluid milk. Examples of fluid milk with respect to which this license may be granted include the following Commonwealth-processed or Commonwealth-produced items:

- Whole Milk
- Reduced Fat Milk
- Skim Milk
- Flavored Milk
- Cream

- Buttermilk
- Half-and-Half
- Other beverages comprised in whole or in part of fluid milk
- Other fluid derivatives of milk

(2) A person that processes fluid milk that is not Commonwealth-produced fluid milk, or that promotes or markets fluid milk from such a processor, shall not be a qualified entity and shall not be eligible to apply to be licensed by the Department to use the Pennsylvania Preferred® trademark with respect to such milk.

(3) Except as provided in subsections (c) or (d), fluid milk marketed under the Pennsylvania Preferred® trademark shall not be co-mingled with fluid milk produced outside this Commonwealth.

(c) *Exception; short Statewide supply.* Subsections (a) and (b) notwithstanding, if the Department determines that the available supply of Commonwealth-produced fluid milk is not generally available as described in subsection (a), it shall publish notice of this in the *Pennsylvania Bulletin* and, in that notice, designate a time period—not to exceed one year—within which the Department may license the Pennsylvania Preferred® trademark with respect to fluid milk that is not entirely Commonwealth-produced fluid milk.

(d) *Exception; incidental, emergency or short-term commingling.*

(1) Subsections (a) and (b) notwithstanding, a person that is licensed by the Department to use the Pennsylvania Preferred® trademark with respect to Commonwealth-produced fluid milk may, on an incidental, emergency or short-term basis, commingle Commonwealth-produced fluid milk with other fluid milk, provided that the licensee maintains a record of all the commingling, including the dates and the quantities of Commonwealth-produced fluid milk other fluid milk commingled. The records shall be retained by the licensee for the current month and each of the preceding 12 months, and shall be made available for inspection by the Department upon written or verbal request of the Department.

(2) The Department may review the referenced records and determine whether the commingling is acceptable under Paragraph (1). If the commingling was not acceptable, the Department shall provide the licensee a written warning to refrain from such commingling again; and may terminate the license if unacceptable commingling occurs a second time.

(3) If a person that is licensed by the Department to use the Pennsylvania Preferred® trademark with respect to Commonwealth-produced fluid milk seeks to commingle Commonwealth-produced fluid milk with other fluid milk, it may—before the commingling occurs—contact the Department for confirmation as to whether the proposed commingling is acceptable to the Department.

GEORGE D. GREIG,  
*Secretary*

[Pa.B. Doc. No. 12-908. Filed for public inspection May 18, 2012, 9:00 a.m.]

# DEPARTMENT OF BANKING

## Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 1, 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

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-23-2012	Luzerne Bank Luzerne Luzerne County	1077 Route 315 Plains Township Luzerne County	Opened
	*Previous approval granted for 1073 Route 315; address was changed to 1077 Route 315.		
4-26-2012	QNB Bank Quakertown Bucks County	127 Bethlehem Pike Colmar Montgomery County	Filed

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-26-2012	Northwest Savings Bank Warren Warren County	<i>To:</i> Raymond Boulevard and Route 19 Washington Washington County  <i>From:</i> 30 Trinity Point Drive Washington Washington County	Filed
4-27-2012	Atlantic Central Bankers Bank Camp Hill Cumberland County	<i>To:</i> 24 Commerce Street Newark Essex County, New Jersey  <i>From:</i> 550 Broad Street Newark Essex County, New Jersey	Filed

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-20-2012	Firsttrust Savings Bank Conshohocken Montgomery County	4275 County Line Road Chalfont Bucks County	Closed
4-20-2012 <sup>11</sup>	Luzerne Bank Luzerne Luzerne County	1492 Highway 315 Plains Luzerne County	Closed

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

No activity.

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

GLENN E. MOYER,  
*Secretary*

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Effective Date of the Building Standards Applicable to the Industrialized Housing and Components Program

As provided under section 5 of the Industrialized Housing Act (act) (35 P.S. § 1651.5), regarding the adoption of the building standards and in 12 Pa. Code § 145.44 (relating to adoption and effective dates—code amendments), the Department of Community and Economic Development (Department) has determined that a later date for the adoption of the 2012 edition of the International Code Council building standards listed in 12 Pa. Code § 145.41(a) (relating to adoption of standards) is necessary to implement the purposes of the act and to avoid unreasonable hardship on the manufacturers of industrialized housing.

Based on a recommendation made by the Industrialized Housing Advisory Group on March 1, 2012, 27 written requests as well as the testimony received at the public hearing held on May 3, 2012, the Department has determined the date of adoption of the 2012 International Code Council building standards is delayed until the time it can be determined adoption of these building standards is consistent with the purposes of the act. As a result, the 2009 International Code Council building standards will remain in effect until further notice.

C. ALAN WALKER,  
*Secretary*

[Pa.B. Doc. No. 12-910. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Weatherization Assistance Program Proposed State Plan

The Department of Community and Economic Development (Department) will hold a public hearing on Thursday, May 31, 2012, at 1:30 p.m. in Pennsylvania Public Utility Commission Hearing Room 5, Plaza Level of the Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The purpose of this hearing is to receive comments on the proposed Pennsylvania 2012-13

annually-appropriated United States Department of Energy Weatherization Assistance Program Plan (regular plan).

The 2012-13 regular plan will authorize the current 2012-13 formula-based distribution of funds with the continuation of Performance Standards and Metrics. The specific performance goals include production, quality of the work product, prompt, accurate and complete reporting and compliance with program standards and regulations. These performance standards were implemented in the 2010-11 program year and will continue. The 2012-13 regular plan will also explain the final expenditure and production plans for ARRA and the use of other United States Department of Energy rollover funds.

The State-issued worker certification process, support of the weatherization training efforts, comprehensive monitoring and use of established priority points for the weatherization service list are all also proposed to continue in the 2012-13 regular plan as they were implemented and enhanced in the ARRA Weatherization Program and the regular 2010-11 program year.

A noteworthy change in the 2012-13 plan is the opportunity to promote consolidation of services among weatherization agencies in a region or specific area to make maximum use of limited funding. Agencies should contact the Department by June 11, 2012, if they intend to voluntarily partner and consolidate work with each other to deliver weatherization services to their counties.

Copies of the 2012-13 regular plan may be obtained beginning May 18, 2012, by contacting the Department of Community and Economic Development, Office of Energy Conservation and Weatherization, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 (717) 720-7456 or it can be downloaded from the Department's web site at [www.newpa.com](http://www.newpa.com).

Written comments may be submitted to Lynette Praster, Deputy Director, Office of Energy Conservation and Weatherization, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 until 5 p.m. on May 30, 2012.

Persons with a disability who wish to attend this hearing and require auxiliary aid, services or other accommodations to participate in the proceedings should contact Ashley Seburn at (717) 720-7456 to discuss how the Department may accommodate their needs.

C. ALAN WALKER,  
*Secretary*

[Pa.B. Doc. No. 12-911. Filed for public inspection May 18, 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>
PA0028495 (Industrial Waste)	FedChem, LLC 275 Keystone Drive Bethlehem, PA 18020-9464	Northampton County Lower Nazareth Township	Monocacy Creek (02C)	Y
PA0029220 (Sewage)	Snydersville Diner WWTP 3209 Hamilton East Stroudsburg, PA 18360	Monroe County Hamilton Township	Kettle Creek (1-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0087572 (IW)	Williamstown Borough Authority Water Treatment Plant PO Box 32 Williamstown, PA 17096	Dauphin County / Williams Township	UNT Wiconisco Creek / 6-C	Y
PA0009440 (IW)	PA American Water—Silver Spring Water System 852 Wesley Drive Mechanicsburg, PA 17055	Cumberland County/ Silver Spring Township	Conodoguinete Creek / 7-B	Y
PA0084255 (SEW)	Swatara Mobile Homes 2222 Grace Avenue Lebanon, PA 17046-8028	Lebanon County / Swatara Township	UNT Little Swatara Creek / 7-D	Y



<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0083569 (SEW)	Riverview Estates Homeowners Association 656 Excavating Drive Roaring Spring, PA 16673	Bedford County / West Providence Township	Raystown Branch Juniata River / 11-C	Y

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

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

**PA0051268**, Sewage, SIC Code 8412, **PA Historical & Museum Comm**, PO Box 103, Washington Crossing, PA 18977. Facility Name: Washington Crossing Historic Park. This existing facility is located in Upper Makefield Township, **Bucks 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), Delaware River, is located in State Water Plan watershed 2-E and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.009 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.2
CBOD <sub>5</sub>	2	XXX	XXX	25	50
Total Suspended Solids	2.25	XXX	XXX	30	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	1,000
Ammonia-Nitrogen	2	XXX	XXX	20	40
Total Phosphorus	0.30	XXX	XXX	2.0	4.0

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

- Designation of Responsible Operator
- Abandon STP
- Remedial Measures
- No Stormwater
- Necessary Property Rights
- Change in Ownership
- TRC Minimization
- Sludge Disposal
- Discharge to Special Protection Waters
- Imax Reporting
- Fecal Coliform Reporting
- 2/Month Monitoring Requirements
- Lab Certification

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

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

**PA0247898**, Sewage, SIC Code 6552, **David Fite Realty**, 103 Fite Way, Quarryville, PA 17566. Facility Name: Commerce Commons Development. This existing facility is located in **Lancaster County**.

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

The receiving stream(s), South Fork Big Beaver Creek, is located in State Water Plan watershed 7-K and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0186 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Geo Mean</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Oil and Grease	XXX	XXX	XXX	15	XXX	30
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
Nitrate-Nitrite as N	XXX	Report	XXX	Geo Mean Report	XXX	XXX
Total Nitrogen	XXX	Report	XXX	Daily Max Report	XXX	XXX
Ammonia-Nitrogen				Daily Max		
May 1 - Oct 31	XXX	XXX	XXX	4.0	XXX	8.0
Nov 1 - Apr 30	XXX	XXX	XXX	12	XXX	24
Total Kjeldahl Nitrogen	XXX	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Daily Max		
Total Phosphorus	XXX	113	XXX	2.0	XXX	4.0
				XXX	XXX	XXX

Total Annual

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.

**PA0084484**, Sewage, SIC Code 4952, **Salisbury Township Lancaster County**, 5581 Old Philadelphia Pike, Gap, PA 17527-9791. Facility Name: Salisbury Township—Rosehill STP. This existing facility is located in Salisbury Township, **Lancaster County**.

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

The receiving stream(s), Unnamed Tributary to Pequea Creek, is located in State Water Plan watershed 7-K and is classified for High Quality Waters—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 0.021 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.085	XXX	0.279
CBOD <sub>5</sub>						
May 1 - Oct 31	1.8	2.6	XXX	10	15	20
Nov 1 - Apr 30	3.5	Wkly Avg 5.2	XXX	20	30	40
Total Suspended Solids	1.8	Wkly Avg 2.6	XXX	10	15	20
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
Nitrate-Nitrite as N	XXX	Report	XXX	Geo Mean Report	XXX	XXX
Total Nitrogen	XXX	Report	XXX	Daily Max Report	XXX	XXX
				Daily Max		

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Ammonia-Nitrogen						
May 1 - Oct 31	0.44	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	1.3	XXX	XXX	7.5	XXX	15
Total Kjeldahl Nitrogen	XXX	Report	XXX	Report	XXX	XXX
				Daily Max		
Total Phosphorus	0.35	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	XXX	127	XXX	XXX	XXX	XXX
		Total Annual				

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.

**PA0260908**, Sewage, SIC Code 6514, **Bethanne V Schott**, 9499 Brogueville Road, Felton, PA 17322. Facility Name: Schott Residence. This existing facility is located in Chanceford Township, **York 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), Carter Creek, is located in State Water Plan watershed 7-I 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 0.0004 MGD.

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

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

The EPA Waiver is in effect.

**PA0087700**, Sewage, SIC Code 4952, **South Londonderry Township Municipal Authority Lebanon County**, P O Box 3, Campbelltown, PA 17010. Facility Name: South Londonderry Campbelltown East 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), Killinger Creek, is located in State Water Plan watershed 7-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.21 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.12	XXX	0.40
CBOD <sub>5</sub>	43	70	XXX	25	40	50
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	52	78	XXX	30	45	60
		Wkly Avg				

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
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 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	4.4	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	13.1	XXX	XXX	7.5	XXX	15
Total Phosphorus (Interim)	Report	XXX	XXX	Report	XXX	Report
Total Phosphorus (Final)	3.5	XXX	XXX	2.0	XXX	4.0
Total Phosphorus (lbs/year) (Interim)	XXX	Report	XXX	XXX	XXX	XXX
Total Phosphorus (lbs/year) (Final)	XXX	Total Annual 974	XXX	XXX	XXX	XXX
Total Copper	0.04	XXX	XXX	0.02	XXX	0.05

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

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

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 Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

**PA0026379**, Sewage, SIC Code 4952, **Bradford Sanitary Authority**, 28 Kennedy Street, Bradford, PA 16701-2006. Facility Name: Bradford STP. This existing facility is located in Foster Township, **McKean 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), Tunungwant Creek, is located in State Water Plan watershed 16-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed interim effluent limits for Outfall 001 are based on a design flow of 6.3 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.27	XXX	0.47
CBOD <sub>5</sub>						
May 1 - Oct 31	526	789	XXX	10	15	20
Nov 1 - Apr 30	1,052	1,577	XXX	20	30	40
Total Suspended Solids	1,576	2,364	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 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	211	XXX	XXX	4	XXX	8
Nov 1 - Apr 30	631	XXX	XXX	12	XXX	24
Total Copper	0.8	XXX	XXX	0.015	XXX	0.03
Total Iron	115.6	XXX	XXX	2.2	XXX	4.4



The proposed final effluent limits for Outfall 001 are based on a design flow of 8.8 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
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	0.23	XXX	0.74
CBOD <sub>5</sub>						
May 1 - Oct 31	1,100	1,650	XXX	15	22.5	30
Nov 1 - Apr 30	1,835	2,935	XXX	25	40	50
Total Suspended Solids	2,200	3,300	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				Geo Mean		
May 1 - Oct 31	255	XXX	XXX	3.5	XXX	7.0
Nov 1 - Apr 30	770	XXX	XXX	10.5	XXX	21
Total Copper	0.8	XXX	XXX	0.011	XXX	0.023
Total Iron	205	XXX	XXX	2.8	XXX	5.6

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

- POTW Pretreatment Program Implementation
- Requirement to Use eDMR System
- Solids Management
- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is not 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. WQG02151201**, Sewage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

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

Description of Action/Activity: Installation of a new sanitary sewer grinder pump station and associated force main to discharge into an existing force main.

**WQM Permit No. 1512409**, Sewage, **New Garden Township Sewer Authority**, 299 Starr Road, Landenberg, PA 19350.

This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Construction and operation of sewage pumping station to convey domestic wastewater flow of 6,600 gpd via 3' force main.

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

**WQM Permit No. 0712201**, CAFO, **Mill Hill Farms, LLC**—5866 Clover Creek Road Williamsburg, PA 16693.

This proposed facility is located in Woodbury Township, **Blair County**.

Description of Proposed Action/Activity: Seeking permit approval for construct/operation a new 16' x 100' circular concrete manure storage structure.

**WQM Permit No. 6791410**, Sewerage, **York Water Company**, 130 East Market Street, PO Box 15089, York, PA 17405.

This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Transfer from the Asbury Pointe Water and Sewer Company, LLC.

**WQM Permit No. 6701401**, Sewerage, **Wayne A. Luckenbaugh**, 3801 Ridgewood Road, York, PA 17406.

This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Transfer of ownership from Cris VanVugt.

**WQM Permit No. 4473401 12-1**, Sewerage, **Brown Township Municipal Authority**, 7748 State Route 655, Reedsville, PA 17084.

This proposed facility is located in Brown Township, **Mifflin County**.

Description of Proposed Action/Activity: Upgrades to the treatment system to comply with nutrient removal limits.

**WQM Permit No. 2196201 12-1**, Industrial Waste, **Land O' Lakes, Inc.**, 405 Park Drive, Carlisle, PA 17015-9270.

This proposed facility is located in South Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Conversion of an aerobic digester to aeration tank for additional biological treatment capacity, modification to remaining aerobic digester, and installation of tertiary filtration.

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

**WQM Permit No. 0270205-T2A1**, Industrial Waste, **GenOn Power Midwest, LP**, 121 Champion Way, Suite 300, Canonsburg, PA 15317

This existing facility is located in Springdale Borough, **Allegheny County**

Description of Proposed Action/Activity: Permit amendment application.

**WQM Permit No. 5685404-A2**, Sewerage, **Seven Springs Municipal Authority**, 290 Lagoon Lane, Champion, PA 15622

This existing facility is located in Middlecreek Township, **Somerset County**

Description of Proposed Action/Activity: Permit amendment application.

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

**WQM Permit No. 2012201**, Industrial Waste, **Bortnick Dairy LLC**, 21820 Palmer Road, Conneautville, PA 16406

This proposed facility is located in Beaver Township, **Crawford County**.

Description of Proposed Action/Activity: Application for the construction and operation of new earthen manure storage, concrete aprons, and a pump transfer for leachate.

#### 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*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 0707019— Phase 3	PA Turnpike Commission 700 South Eisenhower Boulevard Harrisburg, PA 17057-5529	Bucks	Bensalem, Bristol and Middletown Townships	Unnamed Tributaries to Neshaminy Creek, Mill Creek, Black Ditch Creek and Delaware River (MF-WWF-TSF)
PAI01 151211	LeBoutillier Road Associates Acquisition Corporation	Chester	Tredyffrin Township	Valley Creek (EV)
PAI01 151212	Tredyffrin Township 1100 Duportail Road Berwyn, PA 19312	Chester	Tredyffrin Township	Crabby Creek/Valley Creek (MF-EV)
PAI01 511008— Phase 2	Arsenal Associates PO Box 26767 Elkins Park, PA 19027	Philadelphia	City of Philadelphia	Delaware River (WWF)

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI044112002	Sam Marranca Shumbat Partnership LP 41 South Main Street Pittston PA 18640	Lycoming	Old Lycoming Township	Lycoming Creek EV, WWF

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

PAG-12	CAFOs
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**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>
Sperry Farm 11420 Sperry Road Atlantic, PA 16111	Crawford	1	3407.92	Poultry	NA	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

*Central Office: Bureau Director, Water Standards and Facility Regulation, PO Box 8467, Harrisburg, PA 17105-8467*

**Permit No. [9996585]**, Public Water Supply.

<b>Applicant</b>	<b>A Clear Alternative</b>
Township or Borough	Pennsauken, New Jersey
Responsible Official	John Dipietro, President
Type of Facility	Out of State Bulk Water Hauling System
Application Received Date	May 3, 2012
Description of Action	Applicant requesting Department approval to sell bulk water in Pennsylvania. Drinking Water will be hauled from the Doylestown Township Municipal Authority using four 6000-gallon tanker trucks.

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

**Permit No. 3612510**, Public Water Supply.  
 Applicant **Millersville University**  
 Municipality Millersville Borough  
 County **Lancaster**  
 Responsible Official Kenneth E. Dearstyne, Assoc. VP  
 for Finance and Administration  
 PO Box 1002  
 Millersville, PA 17551  
 Type of Facility Public Water Supply  
 Consulting Engineer J. Anthony Sauder, P.E.  
 Pennoni Associates, Inc.  
 3001 Market Street  
 Philadelphia, PA 19143  
 Application Received: 4/18/2012  
 Description of Action Primary disinfection change from  
 sodium hypochlorite to gas  
 chlorine.

**Permit No. 6712508**, 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 Public Water Supply  
 Consulting Engineer Mark S Snyder, P.E.  
 The York Water Company  
 130 East Market Street  
 PO Box 15089  
 York, PA 17405-7089  
 Application Received: 4/27/2012  
 Description of Action Discontinuation of fluoride  
 treatment in the West Manheim  
 Township, York County water  
 system.

**Application No. 3612511 MA, Minor Amendment**,  
 Public Water Supply.  
 Applicant **City of Lancaster**  
 Municipality West Lampeter Township  
 County **Lancaster**  
 Responsible Official Charlotte Katzenmoyer, Public  
 Works Director  
 120 North Duke Street  
 Lancaster, PA 17608-1559  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert J. Ruth, P.E.  
 City of Lancaster  
 120 N. Duke Street  
 Lancaster, PA 17608-1599  
 Application Received: 5/2/2012  
 Description of Action Repairs, renovations and  
 repainting to the Willow Street  
 Tank.

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

**Permit No. 2512504**, Public Water Supply  
 Applicant **Country Gardens Mobile  
 Home Park**  
 [Township or Borough] Girard Township  
 [County] **Erie**  
 Responsible Official John D. Clark  
 Type of Facility Public Water Supply  
 Consulting Engineer  
 Robert L. Rabell  
 R.L. Rabell Surveying &  
 Engineering  
 10560 Walnut Street  
 Albion, PA 16401  
 Application Received Date April 30, 2012  
 Description of Action Upgrade disinfection residence  
 time.

#### MINOR AMENDMENT

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

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

#### Application No. 5812503MA, Minor Amendment.

Applicant **Rock Creek Golf Course**  
 [Township or Borough] Lenox Township, Susquehanna  
 Responsible Official Mr. Cecil Kilmer  
 RR 1 Box 1372  
 Nicholson, PA. 18446  
 Type of Facility Non-community Water System  
 Consulting Engineer Mr. George Parker, PE.  
 Shoener Environmental, Inc.  
 Lackawanna Executive Park  
 239 Main Street-Suite 301  
 Dickson City, PA. 18510  
 Application Received Date 4/19/2012  
 Description of Action This project provides for the  
 installation of a disinfection  
 system and additional treated  
 water storage to meet the  
 requirements of the Ground  
 Water Rule.

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

#### Application No. 0212515MA, Minor Amendment.

Applicant **Wilksburg Penn Joint  
 Water Authority**  
 2200 Robinson Boulevard  
 Pittsburgh, PA 15221  
 [Township or Borough] Wilksburg  
 Responsible Official Mark Lerch, Director of Supply  
 Wilksburg-Penn Joint Water  
 Authority  
 2200 Robinson Boulevard  
 Pittsburgh, PA 15221  
 Type of Facility Water system



Consulting Engineer	NIRA Consulting Engineers, Inc. 950 Fifth Avenue Coraopolis, PA 15108
Application Received Date	May 4, 2012
Description of Action	Installation of approximately 1,200 feet of transmission line and slip-lining of approximately 1,580 feet of existing waterline.

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

**Application No. 2501503-MA1, Minor Amendment.**

Applicant	<b>Borough of Wattsburg</b>
Township or Borough	Venango Township
Responsible Official	William Senyo
Type of Facility	Public Water Supply
Consulting Engineer	Steven R. Halmi, P.E. Deiss & Halmi Engineering, Inc. 105 Meadville Street Edinboro, PA 16412
Application Received Date	April 27, 2012
Description of Action	Installation of a solar powered mixer in an existing finished water storage tank.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
PREAMBLE 1**

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period

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

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

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

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

**Strohl Automotive**, 7831 Main Street, Upper Macungie Township, **Lehigh County**. Mr. Jamie Kleinle, Barry Isett & Associates, Inc., 85 South Route 100 & Kressler Lane, Allentown, PA 18106 has submitted a Notice of Intent to Remediate on behalf of his client, Strohl Automotive, 7831 Main Street, Fogelsville, PA 18051, concerning the remediation of soil found to have been impacted by lead as a result of discharged automobile fluids below the concrete floor slab onto the ground surface due to an unlined floor drain at this automobile dealership/service center and gas filling station. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. The future use of the property will remain automobile sales and service. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on March 29, 2012. A Final Report was simultaneously submitted.

**Heitsman 2V/4H Well Site**, Troy Road and State Route 19, 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 hydraulic fracturing fluid as a result of releases to the site. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard and Background Standard for soil. The expected future use of the site will be for the production of natural gas. 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.

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

**Gandley Property (Fmr. Taylor Property)**, Bloomfield Township, **Crawford County**. Marshall, Miller, &

Associates, Inc., 2 Gunpowder Road, Mechanicsburg, PA 17050 on behalf of US Foods, Inc., 1114 Garden Street, Greensburg, PA 15601 has submitted a Final Report concerning remediation of site soils contaminated with diesel fuel and used motor oil. The report is intended to document remediation of the site to meet the Statewide Health standard.

### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

#### *New Applications Received*

**Med Waste Management, LLC.**, 1860 52nd Street, Brooklyn, NY 11204 License No. PA-HC0242. Received on February 28, 2012.

**Triumvirate Environmental, Inc.**, 61 Innerbelt Road, Somerville, MA 02143. License No. PA-HC0245. Received on May 2, 2012.

#### *Renewal Applications Received*

**Orchard Hill Memorial Park, Inc.**, 187 State Route 94, Lafayette, NJ 07848-4614. License No. PA-HC 0163. Received on January 18, 2012.

**EPS of Vermont, Inc.**, 532 Statte Fair Blvd., P. O. Box 315, Syracuse, NY 13204. License No. PA-HC0238. Received on March 22, 2012.

**Med-Flex, Inc.**, P. O. Box 357, Hainesport, NJ 08036. License No. PA-HC0207. Received on May 1, 2012.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit No. 101639. L & S Demo Recycling**, 884 Brook Road, Conshohocken, PA 19428. This is a major permit modification is for the addition of a mechanical picking/sorting line and a grinder to enhance recycling operations at L & S Demo Recycling Transfer Facility, an existing construction and demolition (C&D) waste transfer and processing facility located in Plymouth Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on April 20, 2012.

## AIR QUALITY

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

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to

complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

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

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

### PLAN APPROVALS

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

*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*

**63-00969A: Markwest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street Tower 1, Suite 1600, Denver, CO 80202-2137) for expansion of Three Brothers Compressor Station in Smith Township, **Washington County**.

**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.**

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

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

**07-05021A: Albemarle Corp.** (2858 Back Vail Road, Tyrone, PA 16686) for construction of additional chemical manufacturing equipment and the installation of a flare at their facility in Tyrone Borough, **Blair County**.

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

Plan Approval No. 07-05021A is for the construction of chemical manufacturing equipment and the installation of a flare to control the volatile organic compound (VOC) emissions generated from the operation of the chemical manufacturing equipment. The process will have an emission of volatile organic compounds of 0.57 tons per year and hazardous air pollutants of 0.32 tons per year. The plan approval will contain monitoring, recordkeeping & work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

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

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

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

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

#### OPERATING PERMITS

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

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

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

**54-00009: Omnova Solutions, Inc.** (95 Hickory Drive, Auburn, PA 17922) a renewal Title V Operating Permit for a decorative building products facility in West

Brunswick Township, **Schuylkill County**. The facility sources include: two (2) boilers, one (1) hot oil furnace, one (1) pump house heater, two (2) printer lines, three (3) calender lines, three (3) embosser lines, one (1) ink mix room, one (1) UV coater, one (1) proof press, two (2) storage tanks, seven (7) emergency generators, two (2) water pumps, one surface coating line/mix room, one (1) thermal oxidizer, and one (1) parts washer. These sources have the potential to emit major quantities of Volatile Organic Compound (VOC) emissions above the Title V emission thresholds. The proposed renewal Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, record keeping and reporting conditions regarding compliance with all applicable requirements are included.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**62-00141: National Fuel Gas Supply Corp.—Roystone Compressor Station** (P. O. Box 2081, Erie, PA 16512) to re-issue a Title V Operating Permit to operate their Natural Gas Compressor Station at Star Route Box 574, Sheffield Township, **Warren County**.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**46-00007: Holy Redeemer Hospital & Medical Center** (1648 Huntingdon Pike, Meadowbrook, PA 19047) for a non-Title V, State Only, Synthetic Minor Operating Permit in Abington Township, **Montgomery County**. This facility has three boilers, one of which was replaced during the effective period of the current operating permit, and the facility has three emergency generators, two existing and one new emergency generator, that are located on the facility grounds. The main emissions from the facility are nitrogen oxides, and the facility has a limit of 25 tons of nitrogen oxide emissions per year. The permit contains fuel usage limits for the boilers and limits on hours of operation for the emergency generators. The requirements from 40 C.F.R. Part 63, Subpart JJJJJ were applied to the boilers, and the requirements of 40 C.F.R. Part 60, Subpart Dc were applied to the new boiler. The requirements of 40 C.F.R. Part ZZZZ were applied to all emergency generators, and the requirements of 40 C.F.R. Part 60, Subpart IIII were applied to the new emergency generator. The permit contains monitoring and recordkeeping requirements to address applicable limitations.

**46-00022: Arkema, Inc.** (900 First Avenue, King of Prussia, PA 19406) for a non-Title V, State Only, Synthetic Minor Operating Permit in Upper Merion Township, **Montgomery County**. This facility has two boilers, a thermal oxidizer to control odor emissions from two pilot plant operations, three pilot plant operations, laboratories, and four emergency generators that are located on the facility grounds. The main emissions from the facility are nitrogen oxides, and the facility has a limit of 16.41 tons of nitrogen oxide emissions per year. The permit contains fuel usage limits for the boilers and limits on hours of operation for the emergency generators. The requirements from 40 C.F.R. Part 63, Subpart JJJJJ



were applied to the boilers, and the requirements of 40 C.F.R. Part 60, Subpart Dc were applied to the most recently installed boiler. The requirements of 40 C.F.R. Part ZZZZ were applied to all emergency generators, and the requirements of 40 C.F.R. Part 60, Subparts IIII were applied to the most recently installed emergency generator. The permit contains monitoring and recordkeeping requirements to address applicable limitations.

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

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

**40-00083: Multi-Plastics Extrusions, Inc.** (600 Dietrich Avenue, Hazleton, PA 18201-7754) a renewal operating permit for a plastic film / sheet manufacturing facility in the City of Hazleton, **Luzerne County**. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

*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*

**67-03030: Bickel's Snack Foods, Inc.** (1120 Zinns Quarry Road, York, PA 17404) for operation of their snack foods facility in West Manchester Township, **York 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 estimated potential emissions in year 2011 were: 8 tons of PM-10 per year; 15 tons of CO per year; 18 tons of NO<sub>x</sub> per year; 0.1 ton of SO<sub>x</sub> per year; 3 tons of VOCs per year; and 1 ton of HAPs 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.

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. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Daniel C. Husted, 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.

**28-03011: ATI Landis Threading System, Inc.** (360 South Church Street, Waynesboro, PA 17268) for operation of two natural gas fired boilers, 20.3 mmBtu/hr each, and three blast cabinets controlled by fabric collectors, in Waynesboro Borough, **Franklin 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 a State Only Air Quality Operating Permit renewal for the above mentioned facility.

The potential emissions of NO<sub>x</sub> and PM from the operation are 17 tons per year and less than 3 tons per year respectively. 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, 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. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Daniel C. Husted, 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.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**10-00030: Concast Metal Products Co.** (Myoma Road, Mars, PA 16046) to issue a State Only Operating Permit renewal for their facility in Adams Township, **Butler County**. The facility is a Natural Minor. The primary sources at the facility include induction furnaces, a machine shop, and a diesel emergency generator. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.



## 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*

**30841317. Consol Pennsylvania Coal Company, LLC**, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323). To revise the permit for the Enlow Fork Mine in East Finley Township, **Greene County**, ACOE Pittsburgh. (Claysville, PA Quadrangle, from N: 4.58 inches; W: 0.32 inches to N: 4.66 inches; W: 0.18 inches) This is a Chapter 105 Water Obstruction and Encroachment permit

application (Stream Module 15), and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize stream restoration to eliminate stream pooling resulting from longwall mining to approximately 570 feet of Rocky Run.

Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit, (Stream Module 15) may be submitted to the Department within 30 days of the date of this notice to the District Mining Office identified above. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application (Stream Module 15) to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based. The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment, at the address listed above.

The application was considered administratively complete on May 1, 2012. Application received: January 17, 2012.

**30743705 and NPDES No. PA0214752. Dana Mining Company of PA, LLC**, (308 Dents Run Road, Morgantown WV 26501). To renew the permit for the Mundell Hollow Refuse Disposal Area in Dunkard Township, **Green County** and related NPDES permit. No additional discharges. The application was considered administratively complete on May 2, 2012. Application received: April 22, 2011.

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

**05753004 and NPDES No. PA0124869. J & J Svonavec Excavating, Inc.**, 618 Samuels Road, Somerset, PA 15501, transfer of an existing bituminous surface mine from Heritage Coal located in Broadtop Township, **Bedford County**, affecting 222.1 acres. Receiving stream(s): UTS to/and Coal Bank Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 23, 2012.

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

**65970103 and NPDES Permit No. PA0201898. Derry Stone & Lime Co., Inc.** (117 Marcia Street, Latrobe, PA 15650). Renewal application for continued operation and reclamation to an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 139.1 acres. Receiving stream: unnamed tributary to Stoney Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: April 30, 2012.

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

**54861601R5. Schuylkill Coal Processing, Inc.**, (P. O. Box 134, Ashland, PA 17921), renewal of an existing anthracite coal preparation plant operation in Butler

Township, **Schuylkill County** affecting 18.3 acres, receiving stream: Mahanoy Creek, classified for the following use: warm water fishes. Application received: April 26, 2012.

*Noncoal Applications Received*

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

**01930302 and NPDES No. PA0223239. Specialty Granules, Inc.**, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214, revision of an existing bituminous surface mine to redesign 23 acres within the current permitted area from support to mining and will include associated revised reclamation plans in Hamiltonban Township, **Adams County**, affecting 313.2 acres. Receiving stream(s): unnamed tributaries to Toms Creek classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 11, 2012.

**6477SM5 and NPDES No. PA0009059. Specialty Granules, Inc.**, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214, revision of an existing bituminous surface mine to redesign 23 acres within the current permitted area from support to mining and will include associated revised reclamation plans in Hamiltonban Township, **Adams County**, affecting 306.6 acres. Receiving stream(s): unnamed tributaries to Toms Creek classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 11, 2012.

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

**10072802. Natural Sand Company, Inc.** (4783 Harlansburg Road, Slippery Rock, PA 16057) Renewal of NPDES Permit No. PA0258431, Buffalo Township, **Butler County**. Receiving streams: Unnamed tributary to Little Bull Creek, classified for the following uses: TSF. The first downstream potable water supply intake from the

point of discharge is New Kensington Municipal Authority. Application received: May 2, 2012.

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

**14120301 and NPDES No. PA0257907. New Enterprise Stone & Lime Co., Inc.** (Box 77, Church St, New Enterprise, PA 16664). Commencement, operation and restoration of a large industrial mineral surface mine located in Burnside Township, **Centre County** affecting 89.2 acres. Receiving streams: unnamed tributaries to Seven Mile Run and Seven Mile Run classified as cold water fisheries, Moshannon Creek classified as trout stocked fisheries to the West Branch of the Susquehanna River classified as warm water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: April 25, 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*

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

**NPDES No. PA0268984 (Mining permit no. 56120106), PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, new NPDES permit for a bituminous surface mine in Quemahoning Township, **Somerset County**, affecting 150.4 acres. Receiving stream(s): unnamed tributaries to and Stonycreek River, classified for the following use(s): cold water fishery and trout stocked fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: March 2, 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 Stonycreek River.

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

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to unnamed tributaries to Stonycreek River:

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

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0263419 (Mining permit no. 56120102), Rosebud Mining Company**, 1117 Shaw Mines Road, Meyersdale, PA 15552, new NPDES permit for mining in Jenner Township, **Somerset County**, affecting 114.7 acres. Receiving stream(s): Unnamed tributaries to Pickings Run and unnamed tributary to Coal Run, classified for the following use(s): High Quality Cold Water Fishery and Cold Water Fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: January 12, 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 Coal Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Treatment Pond 1	Y
002—Sediment Pond 1	Y

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

There are no proposed surface discharges from the facilities listed below to the unnamed tributaries to Pickings Run due to the implementation of non-discharge alternatives.

The outfall(s) listed below will be using non-discharge alternatives:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003—Sediment Pond 2	Y
004—Sediment Pond 3	Y

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0612430 (Mining permit no. 4975SM5), Glen Gery Corporation**, P. O. Box 7001, Wyomissing, PA 19610, renewal of an NPDES permit for noncoal surface in Oxford Township, **Adams County**, affecting 110.3 acres. Receiving stream(s): Unnamed Tributary to South Branch Conewago Creek, classified for the following use(s): warm water fishery. Application received: April 13, 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 tributary to South Branch Conewago Creek.

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

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Average Discharge Rate (MGD)		0.10	0.29
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			



## 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*

**E15-827. Hammell-O'Donnell Properties LLC**, 125 Lewis Mill Road, Honey Brook, PA 19344, West Nantmeal Township, West Brandywine Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain an outfall structure which discharges storm water to an existing wetland (HQ, CWF) impacting approximately a de minimus area of wetlands, associated with the construction of the Hammell-O'Donnell business park. The site is located near the intersection of Honey Brook and Chestnut Tree Roads (Wagontown, PA USGS Quadrangle N: 8.6 inches; W: 9.0 Inches).

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

**E10-474, Mars Area School District**, 545 Route 288, Mars, PA 16046. Mars Middle School Access Road Project, in Adams Township, **Butler County**, ACOE Pittsburgh District (Valencia, PA Quadrangle N: 40°, 41', 47"; W: 79°, 58', 58").

To install and maintain two HDPE culvert pipes (72" diameter 96' long & 48" diameter 61' long, both 12" depressed) on two UNTs of Breakneck Creek (WWF), two stormwater management basins (3,379 ft<sup>3</sup> & 3,412 ft<sup>3</sup>), and an on-site wetland mitigation area (~0.137 acre impacted) associated with the construction of a Mars Area Middle School access road from 3 Degree Road approximately 0.7 mile north of Route 288.

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

**E6629-008: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Windham Township, **Wyoming County**, ACOE Baltimore District.

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

1. one 16 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 46.0 linear feet of a UNT to Roaring Run (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°37'06.7", Longitude: W76°11'35.2");

2. one 16 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 1,948 square feet of Palustrine Emergent/Scrub Shrub (PEM/PSS) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°37'06.1", Longitude: W76°11'34.5");

3. one 16 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 942 square feet of Palustrine Emergent/Scrub Shrub (PEM/PSS) (Jenningsville, PA Quadrangle, Latitude: N41°36'53.2", Longitude: W76°11'39.6");

4. one 16 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 53.0 linear feet of a UNT to Roaring Run (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°36'52.8", Longitude: W76°11'39.3");

5. one 16 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 593 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°36'38.9", Longitude: W76°11'49.9");

6. one 16 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 46.0 linear feet of a UNT to Roaring Run (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°36'.9", Longitude: W76°11'38.4");

7. one 16 inch diameter natural gas line via boring impacting 169 square feet of Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°36'14.2", Longitude: W76°11'40.4");

8. one 16 inch diameter natural gas line via boring impacting 8.0 linear feet of a UNT to Sugar Run Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'56.2", Longitude: W76°12'06.3");

9. one 6 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 640 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'17.3", Longitude: W76°12'10.0");

10. one 20 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 4,016 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'01.6", Longitude: W76°11'56.3");

11. one 20 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 12.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'01.2", Longitude: W76°11'55.7");

12. a temporary road crossing impacting 71 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'01.1", Longitude: W76°11'49.3");

13. a temporary road crossing impacting 34.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'01.2", Longitude: W76°11'49.1");

14. one 20 inch diameter natural gas line via horizontal directional drilling impacting 38.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°34'56.2", Longitude: W76°11'36.0");

15. one 20 inch diameter natural gas line via horizontal directional drilling impacting 18.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°34'56.3", Longitude: W76°11'35.1");

16. one 20 inch diameter natural gas line via horizontal directional drilling impacting 124 square feet of Palustrine Forested (PFO) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°34'56.6", Longitude: W76°11'33.7");

17. one 20 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 74.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°34'50.1", Longitude: W76°11'04.6");

18. one 20 inch diameter natural gas line via open cut trenching impacting 4,098 square feet of Palustrine Emergent/Scrub Shrub (PEM/PSS) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°34'35.3", Longitude: W76°10'57.6");

19. one 20 inch diameter natural gas line via boring impacting 124 square feet of Palustrine Forested (PFO) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°34'34.9", Longitude: W76°10'56.5");

20. one 20 inch diameter natural gas line via boring impacting 27.0 linear feet of Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°34'34.7", Longitude: W76°10'55.8");

21. one 20 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 562 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°34'31.0", Longitude: W76°10'53.5");

22. one 20 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 41.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°34'30.0", Longitude: W76°10'53.7"); and

23. one 20 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 163 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°34'23.9", Longitude: W76°10'55.2").

The project will result in 397.0 linear feet of temporary stream impacts, 6,214 square feet (0.14 acre) of temporary PEM wetland impacts, 6,988 square feet (0.16 acre) of temporary PEM/PSS wetland impacts, and 248 square

feet (0.01 acre) of temporary PFO wetland impacts all for the purpose of installing a natural gas pipeline and associated access roadways for Marcellus shale development.

**E5329-011: Tenaska Midstream Pennsylvania, LLC**, 375 Southpointe Boulevard, Suite 350, Canonsburg, PA 15317-8587, Abbot and West Branch Townships, **Potter County**, ACOE Baltimore District.

To construct, operate and maintain Germania (Area-17) Phase 1 Pipeline, with impacts as follows:

1. one 12 inch diameter natural gas line and two 6 inch diameter waterlines via open cut trenching and a temporary timber mat crossing impacting 52.0 linear feet of Boedler Branch (EV, MF) (Galeton, PA Quadrangle, Latitude: N41°38'55.7", Longitude: W77°40'35.7");

2. one 10 inch diameter natural gas line and two 6 inch diameter waterlines via horizontal directional drilling and a temporary timber mat crossing impacting 66.0 linear feet of Germania Branch (EV, MF) (Galeton, PA Quadrangle, Latitude: N41°39'18.8", Longitude: W77°39'56.1");

3. one 10 inch diameter natural gas line and two 6 inch diameter waterlines via horizontal directional drilling and a temporary timber mat crossing impacting 4,792 square feet (0.11 acres) of Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands (Galeton, PA Quadrangle, Latitude: N41°39'18.6", Longitude: W77°39'55.5");

4. one 10 inch diameter natural gas line and two 6 inch diameter waterlines via open cut trenching and a temporary timber mat crossing impacting 2,614 square feet (0.06 acres) of Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands (Galeton, PA Quadrangle, Latitude: N41°39'24.1", Longitude: W77°38'28.1");

5. one 10 inch diameter natural gas line and two 6 inch diameter waterlines via open cut trenching and a temporary timber mat crossing impacting 1,743 square feet (0.04 acres) of Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands (Marshlands, PA Quadrangle, Latitude: N41°39'58.9", Longitude: W77°37'06.2"); and

6. one 10 inch diameter natural gas line and two 6 inch diameter waterlines via open cut trenching and a temporary timber mat crossing impacting 52.0 linear feet of Sliders Branch (EV, MF) (Marshlands, PA Quadrangle, Latitude: N41°39'58.8", Longitude: W77°37'06.0").

The project will result in 170.0 linear feet of temporary stream impacts and 9,149 square feet (0.21 acre) of temporary Exceptional Value PEM wetland impacts all for the purpose of installing a natural gas pipeline, two waterlines, and associated access roadways for Marcellus shale development.

**E6629-009: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Windham Township, **Wyoming County**, ACOE Baltimore District. To construct, operate and maintain two 16-inch, aboveground, temporary waterlines and temporary construction access utilizing timber matting, with impacts as follows:

1. 995 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'26.5", Longitude: W76°11'58.6");

2. 2,350 square feet of Palustrine Emergent/Forested (PEM/PFO) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'31.2", Longitude: W76°11'52.1");

3. 19.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'32.1", Longitude: W76°11'50.5");

4. 789 square feet of Palustrine Forested (PFO) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41° 35'32.7", Longitude: W76°11'50.8"); and

5. 340 square feet of Palustrine Forested (PFO) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41° 35'31.4", Longitude: W76°11'18.2").

The project will result in 19.0 linear feet of temporary stream impacts and 4,474 square feet (0.10 acre) of temporary wetland impacts all for the purpose of installing two temporary, aboveground waterlines, and associated construction access for Marcellus shale development.

**E4129-037: PVR Marcellus Gas Gathering, LLC**, 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Jackson Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 30 inch natural gas pipeline and one 12 inch water line impacting 32 linear feet of an unnamed tributary to Blockhouse Creek (CWF) (Liberty Quadrangle 41°30'55"N 77°05'15"W);

(2) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 50 linear feet of an unnamed tributary to Roaring Branch (EV, MF) (Liberty Quadrangle 41°31'06"N 77°04'32"W);

(3) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 26,838 square feet of palustrine emergent (PEM) wetland (Liberty Quadrangle 41°31'51"N 77°04'11"W);

(4) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 55 linear feet of Roaring Branch (EV, MF) and 3,423 square feet of adjacent palustrine emergent (PEM) wetlands (Liberty Quadrangle 41°31'58"N 77°04'09"W);

(5) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 51 linear feet of an unnamed tributary to Roaring Branch (EV, MF) (Liberty Quadrangle 41°32'19"N 77°04'17"W);

(6) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 51 linear feet of Little Elk Run (EV, MF) (Liberty Quadrangle 41°32'44"N 77°03'41"W).

The project will result in 239 linear feet of stream impacts and 0.69 acre of wetland impacts, all for the purpose of installing a natural gas gathering line and water line with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E5929-030 and E0829-039.

**E5929-030: PVR Marcellus Gas Gathering, LLC**, 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Liberty & Union Townships, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 30 inch natural gas pipeline and one 12 inch water line impacting 1,146 square feet of palustrine emergent (PEM) wetland (Liberty Quadrangle 41°33'15"N 77°02'41"W);

(2) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 58 linear feet of an unnamed tributary to Brion Creek (EV, MF) (Liberty Quadrangle 41°33'19"N 77°02'33"W);

(3) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 83 linear feet of Brion Creek (EV, MF), 136 linear feet of unnamed

tributaries to Brion Creek (EV, MF), and 336 square feet of adjacent palustrine emergent (PEM) wetland (Liberty Quadrangle 41°33'20"N 77°02'30"W);

(4) one 30 inch natural gas pipeline and one 12 inch water line impacting 771 square feet of palustrine emergent (PEM) wetland (Liberty Quadrangle 41°33'50"N 77°01'31"W);

(5) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 110 linear feet of an unnamed tributary to Salt Spring Run (EV, MF) (Liberty Quadrangle 41°34'00"N 77°01'10"W);

(6) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 90 linear feet of Salt Spring Run (EV, MF), 790 linear feet of unnamed tributaries to Salt Spring Run (EV, MF), and 2,429 square feet of adjacent palustrine emergent (PEM) and palustrine forested (PFO) wetlands (Liberty Quadrangle 41°34'04"N 77°00'46"W);

(7) one 30 inch natural gas pipeline and one 12 inch water line impacting 1295 square feet of palustrine scrub-shrub (PSS) wetland (Liberty Quadrangle 41°34'05"N 77°00'40"W);

(8) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 52 linear feet of French Lick Run (EV, MF) (Ralston Quadrangle 41°34'14"N 76°59'06"W);

(9) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 1,126 square feet of palustrine emergent (PEM) wetlands (Ralston Quadrangle 41°34'25"N 76°58'43"W);

(10) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 105 linear feet of an unnamed tributary to French Lick Run (EV, MF) (Ralston Quadrangle 41°34'26"N 76°58'38"W);

(11) one 30 inch natural gas pipeline and one 12 inch water line impacting 451 feet of palustrine scrub-shrub (PSS) wetland (Ralston Quadrangle 41°34'34"N 76°58'15"W);

(12) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 60 linear feet of West Mill Creek (HQ-CWF) (Ralston Quadrangle 41°34'40"N 76°57'46"W);

(13) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 126 linear feet of an unnamed tributary to Mill Creek (HQ-CWF) (Ralston Quadrangle 41°34'49"N 76°57'10"W);

(14) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 90 linear feet of Mill Creek (HQ-CWF) (Ralston Quadrangle 41°34'49"N 76°57'07"W);

(15) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 7,232 square feet of palustrine scrub-shrub (PSS) wetland (Ralston Quadrangle 41°35'07"N 76°56'30"W);

(16) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 77 linear feet of Sugar Works Run (HQ-CWF) (Ralston Quadrangle 41°35'12"N 76°55'52"W);

(17) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 132 linear feet of an unnamed tributaries to Lycoming Creek (HQ-CWF) (Ralston Quadrangle 41°35'18"N 76°55'30"W);

(18) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 155



linear feet of unnamed tributaries to Lycoming Creek (HQ-CWF) (Ralston Quadrangle 41°35'23"N 76°55'14"W);

(19) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 8,197 square feet of palustrine scrub-shrub (PSS) wetland (Ralston Quadrangle 41°35'30"N 76°54'49"W);

(20) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 150 linear feet of an unnamed tributaries to Lycoming Creek (HQ-CWF) (Ralston Quadrangle 41°35'33"N 76°54'41"W);

(21) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 65 linear feet of an unnamed tributary to Lycoming (HQ-CWF) (Ralston Quadrangle 41°35'34"N 76°54'36"W);

(22) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 3,547 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'38"N 76°54'27"W);

(23) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 4,613 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'43"N 76°54'13"W);

(24) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 2,426 square feet of adjacent palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'44"N 76°54'07"W);

(25) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 52 linear feet of an unnamed tributary to Lycoming Creek (HQ-CWF) (Ralston Quadrangle 41°35'50"N 76°54'05"W);

(26) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 80 linear feet of an unnamed tributary to Lycoming Creek (HQ-CWF) (Ralston Quadrangle 41°35'55"N 76°53'59"W);

(27) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 3,430 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'58"N 76°53'29"W);

(28) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 75 linear feet of an unnamed tributary to Lycoming Creek (HQ-CWF) (Ralston Quadrangle 41°36'12"N 76°52'58"W);

(29) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 2,613 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°36'20"N 76°52'51"W);

(30) a temporary mat bridge impacting 20 linear feet of an unnamed tributary to Mill Creek (HQ-CWF) (Ralston Quadrangle 41°34'52"N 76°57'10"W);

(31) a temporary mat bridge impacting 418 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°34'19"N 76°58'43"W);

(32) a temporary mat bridge impacting 20 linear feet of an unnamed tributary to French Lick Run (HQ-CWF) (Ralston Quadrangle 41°34'28"N 76°59'05"W).

The project will result in 2,526 linear feet of stream impacts and 0.92 acre of wetland impacts, all for the purpose of installing a natural gas gathering line and water line with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E4129-037 and E0829-039.

**E0829-039: PVR Marcellus Gas Gathering, LLC**, 100 Penn Tower, Suite 201 & 202, 25 West Third Street,

Williamsport, PA 17701, Canton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 30 inch natural gas pipeline and one 12 inch water line impacting 8,459 square feet of palustrine emergent (PEM) wetland (Grover Quadrangle 41°36'27"N 76°52'02"W).

The project will result in 0.19 acre of wetland impacts, all for the purpose of installing a natural gas gathering line and water line with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E4129-037 and E5929-030.

**E0829-044: Chief Gathering LLC**, 999 North Loyalsock Ave. Suite G, Montoursville, PA 17754, Leroy, Franklin and Burlington Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. one 12 inch diameter natural gas line impacting 120 linear feet of an unnamed tributary to Preacher Brook (CWF, MF) and impacting 4,688 square feet of an adjacent Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°43'14", Longitude: -76°33'57");

2. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 15,933 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'58", Longitude: -76°33'47");

3. one 12 inch diameter natural gas line impacting 1,389 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'41", Longitude: -76°34'06");

4. one 12 inch diameter natural gas line impacting 44 linear feet of an unnamed tributary to Preacher Brook (CWF, MF) (Powell, PA, Latitude: 41°42'40", Longitude: -76°34'11");

5. one 12 inch diameter natural gas line impacting 61 linear feet of Preacher Brook (CWF, MF) (Powell, PA, Latitude: 41°42'39", Longitude: -76°34'14");

6. one 12 inch diameter natural gas line impacting 22 linear feet of an unnamed tributary to Preacher Brook (CWF, MF) (Powell, PA, Latitude: 41°42'39", Longitude: -76°34'17");

7. a temporary timber mat bridge impacting 15 linear feet of an unnamed tributary to Preacher Brook (CWF, MF) (Powell, PA, Latitude: 41°42'34", Longitude: -76°34'25");

8. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 73 linear feet of an unnamed tributary to Preacher Brook (CWF, MF) (Powell, PA Quadrangle, Latitude: 41°42'26", Longitude: -76°34'33");

9. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 1,182 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'23", Longitude: -76°34'36");

10. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 2,298 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'09", Longitude: -76°34'56");

11. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 30 linear feet of an unnamed tributary to Towanda Creek (CWF, MF) (Powell, PA Quadrangle, Latitude: 41°42'09", Longitude: -76°34'57");



12. one 12 inch diameter natural gas line impacting 104 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'56", Longitude: -76°34'56");

13. one 12 inch diameter natural gas line impacting 116 linear feet of Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'54", Longitude: -76°34'56");

14. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 103 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) and impacting 2,435 square feet of an adjacent Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'51", Longitude: -76°34'56");

15. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 8 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'53", Longitude: -76°35'02");

16. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 68 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'53", Longitude: -76°35'07");

17. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 8 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'53", Longitude: -76°35'11");

18. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 325 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'52", Longitude: -76°35'13");

19. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 314 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'54", Longitude: -76°35'14");

20. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 43 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'54", Longitude: -76°35'30");

21. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 71 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'52", Longitude: -76°35'35");

22. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 67 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'40", Longitude: -76°35'37");

23. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 12,040 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'39", Longitude: -76°35'39");

24. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 69 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) and impacting 7,798 square feet of an adjacent Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'38", Longitude: -76°35'47");

25. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 3,874 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'39", Longitude: -76°35'53");

26. one 12 inch diameter natural gas line impacting 37 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'42", Longitude: -76°35'52");

27. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 115 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'25", Longitude: -76°35'50");

28. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 154 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'18", Longitude: -76°35'51");

29. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 69 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'21", Longitude: -76°35'51");

30. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 94 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'15", Longitude: -76°35'51");

31. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 63 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'11", Longitude: -76°35'54");

32. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 151 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'10", Longitude: -76°36'07");

33. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 61 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'09", Longitude: -76°36'08");

34. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 35 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'09", Longitude: -76°36'10");

35. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 874 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'19", Longitude: -76°36'19");

36. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 743 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'23", Longitude: -76°36'21");

37. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 62 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'30", Longitude: -76°36'50");

38. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 24 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) and impacting 973 square feet of an adjacent Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'32", Longitude: -76°36'52");

39. one 12 inch diameter natural gas line impacting 94 linear feet of Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'48", Longitude: -76°36'56");

40. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 77 linear feet of North Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'48", Longitude: -76°37'56");

41. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 51 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'33", Longitude: -76°37'52");

42. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 3,150 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'27", Longitude: -76°38'11");

43. one 12 inch diameter natural gas line impacting 113 linear feet of Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'24", Longitude: -76°38'11");

44. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 4,289 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'15", Longitude: -76°38'11");

45. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 34 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'32", Longitude: -76°36'54");

46. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 32 linear feet of an unnamed tributary to Preacher Brook (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'40", Longitude: -76°33'47");

47. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 72 linear feet of an unnamed tributary to Preacher Brook (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'38", Longitude: -76°33'46");

48. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 60 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'24", Longitude: -76°33'45");

49. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 15 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) and impacting 981 square feet of an adjacent Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'23", Longitude: -76°33'45");

50. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 400 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'29", Longitude: -76°33'46");

51. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 689 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'23", Longitude: -76°33'46");

52. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 3 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'25", Longitude: -76°33'41");

53. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 123 linear feet of

an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'26", Longitude: -76°33'41");

54. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 122 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'19", Longitude: -76°33'47");

55. one 12 inch diameter natural gas line 30 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'15", Longitude: -76°33'52");

56. one 12 inch diameter natural gas line impacting 200 linear feet of Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'09", Longitude: -76°33'51");

57. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 2,276 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'06", Longitude: -76°33'52");

58. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 137 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'05", Longitude: -76°33'54");

The project will result in 2,888 linear feet or 31,479 square feet of temporary stream impacts and 63,678 square feet (1.46 acres) of PEM wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development.

**E4129-034: Anadarko Marcellus Midstream, L.L.C.**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Gamble, Cascade, Cogan House, & Pine Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 1,501 square feet of a palustrine scrub shrub (PSS) wetland (Bodines, PA Quadrangle 41°24'21"N 76°57'32"W);

2) a temporary road crossing using a timber mat bridge two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 3,773 square feet of a palustrine scrub shrub (PSS) wetland (Bodines, PA Quadrangle 41°24'25"N 76°57'33"W);

3) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 96 square feet of a palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°24'48"N 76°57'20"W);

4) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 69 linear feet of East Branch Murray Run (EV, MF) and 18,870 square feet of adjacent palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°24'23"N 76°56'57"W);

5) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 4,649 square feet of a

palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°24'23"N 76°56'48"W);

6) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 572 square feet of a pond (Bodines, PA Quadrangle 41°25'26"N 76°57'39"W);

7) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 189 square feet of a palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°24'22"N 76°56'11"W);

8) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 138 linear feet of an unnamed tributary (UNT) to Wallis Run (EV, MF) (Bodines, PA Quadrangle 41°24'22"N 76°56'06"W);

9) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 64 linear feet of an unnamed tributary (UNT) to Wallis Run (EV, MF) (Bodines, PA Quadrangle 41°24'37"N 76°55'53"W);

10) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 63 linear feet of Roaring Run (EV, MF) (Bodines, PA Quadrangle 41°24'42"N 76°55'38"W);

11) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 83 linear feet of an unnamed tributary (UNT) to West Branch Murray Run (EV, MF) (Bodines, PA Quadrangle 41°24'44"N 76°57'50"W);

12) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 518 square feet of a palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°24'43"N 76°57'48"W);

13) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 76 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) (Bodines, PA Quadrangle 41°25'09"N 76°57'12"W);

14) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 96 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) (Bodines, PA Quadrangle 41°24'55"N 76°57'25"W);

15) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 11,516 square feet of a palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'15"N 76°54'43"W);

16) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 66 linear feet of an unnamed tributary (UNT) to Slacks Run (HQ-CWF, MF) and 21,199 square feet of adjacent palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'16"N 76°54'30"W);

17) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 280 linear feet of an unnamed tributary (UNT) to Slacks Run (HQ-CWF, MF) and 2,814 square feet of adjacent palustrine scrub-shrub (PSS) wetland (Bodines, PA Quadrangle 41°27'17"N 76°54'25"W);

18) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 4,408 square feet of a palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'18"N 76°53'59"W);

19) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 7,316 square feet of a palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'18"N 76°53'56"W);

20) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline and one electric/fiber optic line bored beneath 100 linear feet of an unnamed tributary (UNT) to Salt Run (EV, MF) (Bodines, PA Quadrangle 41°27'18"N 76°53'51"W);

21) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 4,846 square feet of a palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'19"N 76°53'42"W);

22) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 254 linear feet of an unnamed tributary (UNT) to Salt Run (EV, MF) (Bodines, PA Quadrangle 41°27'19"N 76°53'41"W);

23) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 289 linear feet of an unnamed tributary (UNT) to Salt Run (EV, MF) (Bodines, PA Quadrangle 41°27'19"N 76°53'38"W);

24) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 94 linear feet of an unnamed tributary (UNT) to Salt Run (EV, MF) and 26,025 square feet of adjacent palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'19"N 76°53'19"W);

25) a timber mat bridge impacting 35 linear feet of an unnamed tributary to Salt Run (EV, MF) and 1,254 square feet of adjacent palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'14"N 76°53'16"W);

26) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch



HDPE waterline, and one electric/fiber optic line impacting 130 linear feet of an unnamed tributary (UNT) to Salt Run (EV, MF) and 42,826 square feet of adjacent palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'16"N 76°53'07"W);

27) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 239 linear feet of an unnamed tributary (UNT) to Salt Run (EV, MF) and 14,326 square feet of adjacent palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'12"N 76°52'59"W);

28) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 15,754 square feet of a palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'06"N 76°52'35"W);

29) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 1,834 square feet of a palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'06"N 76°52'29"W);

30) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 60 linear feet of an unnamed tributary (UNT) to West Branch Wallis Run (EV, MF) and 4,621 square feet of adjacent palustrine forested (PFO) wetland (Barbours, PA Quadrangle 41°27'06"N 76°52'26"W);

31) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 60 linear feet of an unnamed tributary (UNT) to West Branch Wallis Run (EV, MF) (Barbours, PA Quadrangle 41°27'06"N 76°52'24"W);

32) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 6,826 square feet of a palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°24'15"N 76°59'03"W);

33) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 27,125 square feet of a palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°24'15"N 76°59'08"W);

34) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 24 inch steel gas line, one 12 inch HDPE waterline, one electric/fiber optic line impacting 13 linear feet of an unnamed tributary (UNT) to Bear Run (EV, MF) (White Pine, PA Quadrangle 41°26'29"N 77°12'08"W);

35) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 24 inch steel gas line, one 12 inch HDPE waterline, one electric/fiber optic line impacting 69 linear feet of an unnamed tributary (UNT) to Bear Run (EV, MF) and 106 square feet of adjacent palustrine emergent (PEM) wetland (White Pine, PA Quadrangle 41°26'45"N 77°12'01"W);

36) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 24 inch steel gas line, one 12 inch HDPE waterline, one electric/fiber optic line 88 linear feet of Bear Run (EV, MF) and 169 square feet of adjacent palustrine emergent (PEM) wetland (White Pine, PA Quadrangle 41°26'47"N 77°12'01"W);

37) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 24 inch steel gas line, one 12 inch HDPE waterline, one electric/fiber optic line impacting 5 linear feet of an unnamed tributary (UNT) to Bear Run (EV, MF) (White Pine, PA Quadrangle 41°27'18"N 77°12'01"W);

38) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 24 inch steel gas line, one 12 inch HDPE waterline, one electric/fiber optic line impacting 79 linear feet of an unnamed tributary (UNT) to Bear Run (EV, MF) (White Pine, PA Quadrangle 41°27'40"N 77°11'57"W);

39) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 24 inch steel gas line, one 12 inch HDPE waterline, one electric/fiber optic line impacting 63 linear feet of an unnamed tributary (UNT) to Bear Run (EV, MF) (White Pine, PA Quadrangle 41°27'41"N 77°11'58"W).

The project will result in 1,656 linear feet of temporary stream impacts and 3.62 acres of temporary wetland impacts all for the purpose of installing natural gas and freshwater pipelines with associated roadways for Marcellus well development.

#### DAM SAFETY

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

**D10-128. PennDOT District 10-0**, 2550 Oakland Avenue, Indiana, PA 15701. To modify, operate and maintain SR 0228 Wet Pond Dam across a tributary to Breakneck Creek (WWF) impacting 0.25 acre of wetlands (PEM) and 266 feet of stream and providing 0.25 acre of wetland mitigation, for the purpose of creating stormwater management. (Mars, PA Quadrangle N: 11 inches, E: 17 inches; Latitude: 40° 41' 27" N, Longitude: -80° 00' 05" W) Adams Township, **Butler County**.

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## STORAGE TANKS

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### 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>
12010	Pat's Offroad P. O. Box 1993 Williston, ND 58802-1993 Attn: Clint Hudkins	Bradford	Springfield Township	2 ASTs storing used motor oil	84,000 gallons

## ACTIONS

### 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>
PA0062324 (Sewage)	Pike County Environmental, Inc. 1116 Delaware Drive Matamoras, PA 18336	Pike County Westfall Township	Delaware River (1-D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088684	Pleasant Hills Campground LLC PO Box 86 Hesston, PA 16647-0086	Huntingdon County Penn Township Juniata Township	UNT to Raystown Branch Juniata Branch	Y

\*\*\*\*Renewal individuals

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0100056	Rose Point Park Campground 314 Rose Point Road New Castle, PA 16101-9358	Lawrence County Slippery Rock Township	Slippery Rock Creek 20-C	Y

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

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

**NPDES Permit No. PA0057479**, IW, **Rhoads Industries, Inc.**, 1117 Admiral Peary Way, Philadelphia, PA 19112.

This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the transfer/renewal of an NPDES permit to discharge from a facility known as Philadelphia Navy Yard Dry—Dry Dock 2 to Delaware River in Watershed 3J.

**NPDES Permit No. PA0011657 Amendment 1**, IW, **Exelon Generation Co. LLC**, 3901 North Delaware Avenue, Philadelphia, PA 19137.

This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the amendment of an NPDES permit to reduce discharge flow from 360 MGD to 231.84 MGD from a facility known as Exelon Schuylkill Generating Station to Schuylkill River and Unnamed Stream in Watershed 3F.

**NPDES Permit No. PA0020303**, Sewage, **Schwenksville Borough Authority**, P. O. Box 458, Schwenksville, PA 19473-0458.

This proposed facility is located in Schwenksville Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.3 MGD of treated sewage from a facility known as Schwenksville Borough WWTP to Perkiomen Creek in Watershed 3-E.

**NPDES Permit No. PA0032301 A-1**, Sewage, **M & B Environmental, Inc.**, 744 Harleysville Pike, Harleysville, PA 19438.

This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the transfer of an NPDES permit to discharge from a facility known as Concord Industrial Park STP to the West Branch Chester Creek in Watershed 3G.

**NPDES Permit No. PA0051454**, Sewage, **John Alfonse**, 809 Collegeville Road, Mont Clare, PA 19453.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Alfonse Property to an Unnamed Tributary to Stony Creek in Watershed 3-F.

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

**NPDES Permit No. PA0023558**, Sewage, SIC Code 4952, **Ashland Borough**, 401 S. 18th Street, Ashland, PA 17921.

This existing facility is located in Ashland Borough, **Schuylkill County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

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

**NPDES Permit No. PA0261823**, Sewage, **David L. & Meagen L. Jones**, 322 Sleepy Hollow Road, Shermans Dale, PA 17032.

This proposed facility is located in Carroll Township, **Perry County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Sherman Creek in Watershed 7-A.

## 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. 0998420**, Sewage, **Transfer, Bryan J. Gill**, 506 Old Bethlehem Road, Quakertown, PA 18951.

This proposed facility is located in Haycock Township, **Bucks County**.

Description of Action/Activity: Permit transferred ownership from Jeanette DeMoreland to Bryan Gill with continued operation of a single residence sewage treatment plant.

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

**WQM Permit No. 5012402**, Sewerage, **David L. & Meagen L. Jones**, 322 Sleepy Hollow Road, Shermans Dale, PA 17032.

This proposed facility is located in Carroll Township, **Perry County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewage facilities consisting of a SFTF with septic tank, EcoFlo peat filter, chlorine disinfection and outfall.

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

**WQM Permit No. 5612401**, Sewerage, **Indian Lake Borough**, 1301 Causeway Drive, Central City, PA 15926

This proposed facility is located in Indian Lake Borough, **Somerset County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment facility.

**WQM Permit No. 0411401**, Sewerage, **Rochester Borough Sewer and Maintenance Authority**, PO Box 563, Rochester, PA 15074

This proposed facility is located in Rochester Borough, **Beaver County**

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

#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01231002	Delaware County Council County of Delaware 201 West Front Street Media, PA 19063	Delaware	Aston and Middletown Townships	Chester Creek (TSF-MF)

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024805003R	CMC Development Corp. 4511 Falmer Drive Bethlehem, PA 18020	Northampton	Bushkill Twp.	UNT to Bushkill Creek, HQ-CWF, MF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI035010001	Mr. Kenneth Dommel 89 Covered Bridge Road Pequea, PA 17565	Perry	Saville Township	Panther Creek (HQ-CWF, MF)

#### 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>
Cooper Township Clearfield County	PAG-02 101712005	BAMR P. O. Box 8461 Harrisburg, PA 17105-8461	UNT's (CWF) to Moshannon Creek (TSF)	BAMR P. O. Box 8461 Harrisburg, PA 17105-8461 717-783-7924
Doylestown Borough Bucks County	PAG0200 0911083	635 Main Street, LLC 217 Delmont Avenue Warminster, PA 18976	Cooks Run (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warrington Township Bucks County	PAG0200 0911081	The Cutler Group, Inc. 5 Apollo Road, Suite One Plymouth Meeting, PA 19462	Little Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Haverford Township Delaware County	PAG0200 2312009	VPS Builders, LLC 114 Black Bass Lane West Media, PA 1063	Darby Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4612006	Giovanna Raffaelli 865 Easton Road, Suite 250 Warrington, PA 18976	Mingo Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Ambler Borough Montgomery County	PAG0200 4612013	Eric Seidman 2110 Executive Drive Salisbury, NC 28145	Wissahickon Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery Township Montgomery County	PAG0200 4606015-R	David Cutler 5 Apollo Road, Suite 1 Plymouth Meeting, PA 19462	Little Neshaminy Creek (TSF-WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900



## 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>
City of Philadelphia Philadelphia County	PAG0201 511122	PA Department of Transportation District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406	Pennypack Creek (Mf-TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Archbald Borough, Lackawanna County	PAG02003510006R	Natalie Gelb Lackawanna Heritage Valley Authority 538 Spruce St. Suite 516 Scranton, PA 18503	Laurel Run, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Cumberland Twp. Adams County	PAG02000110002R	Zachary Biliitho, Gettysburg National Military Park 790 Baltimore Pike Gettysburg, PA 17325	UNTs to Rock Creek/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Oxford Township Adams County	PAG02000104023R	John Grim Irish Meadows Partners 300 Frederick Street Hanover, PA 17331	UNT to South Branch Conewago Creek/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Spring Township Berks County	PAG02000604119R	Fiorino Grande Grande Land, LP 2213 Quarry Road West Lawn, PA 19609	Cacoosing Creek/WWF, MF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
South Middleton Township Cumberland County	PAG02002112004	RSJ Holdings, LLC Trindle Self Storage 1450 Trindle Road Carlisle, PA 17015	Hogestown Run/CWF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717.240.7812
Lower Paxton Twp. Dauphin County	PAG02002212019	Handwerk Site Contractors PO Box 326 Hummelstown, PA 17011	Beaver Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Lower Swatara Twp. Dauphin County	PAG02002212009	Ray Nielson HMS Host Corporation 6905 Rockledge Drive Bethesda, MD 20817	Susquehanna River/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100

*Facility Location:  
Municipality &  
County*

<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>
Swatara Township Dauphin County	PAG02002210007R	Kalbach Associates, Liberty Excavators, Inc. 4402 Gettysburg Road Camp Hill, PA 17011	Beaver Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701  
570.327.3636*

*Facility Location:  
Municipality &  
County*

<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>
Patton Township Centre County	PAG02001412004	Robert Franks Sheetz Inc 5700 Sixth Ave Altoona PA 16606	UNT to Big Hollow Run CWF	Centre County Conservation District 414 Holmes Ave Suite 4 Bellefonte PA 16823 Phone: (814) 355-6817
City of DuBois Sandy Township Clearfield County	PAG02001710005	PA Dept of Transportation District 2-0 PO Box 342 Clearfield PA 16830	Sandy Lick Creek CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 Phone: (814) 765-2629
Richmond Township Tioga County	PAG02005912002	William Robinson 16064 Route 6 Mansfield PA 16933	Ellen Run CWF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 Ext. 5
Cranberry Township Butler County	PAG02001012022	The Peter E. Armstrong Sr. Revocable Trust 1001 New Castle Road Prospect PA 16052	Kaufman Run WWF	Butler County Conservation District 724-284-5270
Mars Borough Butler County	PAG02001012023	Breakneck Creek Regional Authority PO Box 1180 Mars Borough, PA 16046	Kaufman Run WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001010001R	Warner Pacific Properties 507 Mortimer Avenue Sturgis MI 49091	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270
Adams Township Butler County	PAG02001010003R	Echo5 LLC Attn: James A. West 100 Arthur Drive Wexford PA 15090	UNT Breakneck Creek WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001010005R	Regional Industrial Development Corporation of Southwestern PA 425 Sixth Avenue, Ste 500 Pittsburgh PA 15219	Brush Creek WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001011027	PENNDOT District 10 2550 Oakland Avenue PO Box 429 Indiana PA 15701	Brush Creek WWF	Butler County Conservation District 724-284-5270

<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>
Northeast Borough Erie County	PAG02002504031R(2)	Thornton Subdivision Dave Thornton 10650 West Main Street North East PA 16428	UNT Sixteen Mile Creek	Erie County Conservation District 814-825-6403
Sergeant Township McKean County	PAG02004212002	CARES McKean LLC 25 Green Hills Lane Rutland VT 05701	Sicily Run CWF	McKean County Conservation District 814-887-4001
Canal Township Venango County	PAG02006112001	Homer Hoolabaugh Canal Wesleyan Methodist Church 160 Deckards Run Road Utica PA 16362	Warden Run CWF	Venango County Conservation District 814-676-2832
Westmoreland County, Donegal Township	PAG2096512004	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Fourmile Run/TSF	PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800
Butler County, Cherry Township	PAG2091012005	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Slippery Rock Creek/CWF	PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

*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>
Dunmore Boro. Lackawanna County	PAR602201	DeNaples Auto Parts Bush Street Facility 400 Mill Street Dunmore, PA 18512	Roaring Brook Creek From Elmhurst Reservoir to mouth (CWF, MF)	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Carlisle Borough Cumberland County	PAR803730	Celadon Trucking Services, Inc 1711 Shearer Drive Carlisle, PA 17013	Conodoguinet Creek /WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
City of Harrisburg	PAR403508	Harrisburg Authority Ash Landfill 212 Locust Street Suite 302 Harrisburg, PA 17101	Spring Creek / CWF, MF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*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>
Conewango Township Warren County	PAR708318	West Penn Oil Company, Inc. 1425 Market Street Warren, PA 16365	Jackson Run 16-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*Facility Location:  
Municipality &  
County*

<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>
Saint Marys Elk County	PAR228313	Penn Pallet Incorporated 675 Fillmore Road Saint Marys, PA	Unnamed Tributary to Elk Creek 17-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Mahoning Township Lawrence County	PAR238304	Sealmaster Manufacturing of PA, Inc. P. O. Box 282 Hillsville, PA 16132-0282	Unnamed Tributary to Mahoning River 20-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Sugar Grove Township Mercer County	PAR808307	AC Coach Operations, Inc. 1 Anderson Plaza Greenville, PA 16125-9443	Unnamed Tributary to Shenango River 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County*

<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>
Haycock Township Bucks County	PAG040168	Bryan J. Gill Sr. 506 Old Bethlehem Road Quakertown, PA 18951	Dimple Creek—2D	Southeast Region Water Management 484-250-5970
Upper Hanover Township Montgomery County	PAG040175	Litka James & Mistic Barbara 2106 Ridge Way East Greenville, PA 18041	Macoby Creek to Perkiomen Creek—3-E	Southeast Region Water Management 484-250-5970
Birmingham Township Chester County	PAG040172	Winona N. Crampton 1109 Daniel Davis Lane West Chester, PA 19382-8072	Radley Run—3-H	Southeast Region Water Management 484-250-5970

*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County*

<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>
Penn Township Cumberland County	PAG083556 PAG083605 PAG080016	Merrell Bros., Inc. 8811 W. 500 N. Kokomo, IN 46901	Doug Hodecker Farm 1604 Pine Road Carlisle, PA 17015	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-10**Facility Location:  
Municipality &  
County*

<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	PAG100037	Texas Eastern Transmission, LP 5400 Westheimer Court 5D-65 Houston, TX 77056	Pennsylvania Canal	Southeast Region Clean Water Program 484-250-5970
Plymouth Township West Conshohocken Borough Conshohocken Borough Montgomery County	PAG100038	Texas Eastern Transmission, LP 890 Winter Street, Suite 300 Waltham, MA 02451	Schuylkill River- 3F	Southeast Region Clean Water Program 484-250-5970



*General Permit Type—PAG-12*

*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>
Conestoga Township Lancaster County	PAG123729	Bacon Acres Farm 151 Pequea Creek Road Conestoga, PA 17516	UNT to Pequea Creek / WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
West Lampeter Township Lancaster	PAG123633	Douglas E Rohrer Farm 1728 Bridge Road Lancaster, PA 17602	UNT to Pequea Creek / WWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

**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>
Ken Meck 1503 Beaver Valley Pike Willow Street, PA 17584	Lancaster	261.2	408.4	Pullets / Beef	NA	Approved
Harold Barley III 230 Indian Run Road Millersville, PA 17551	Lancaster	600	450.7	Layers/ Beef	HQ	Approved
Country View Family Farms, LLC MACH Farm 651 Pine Rd Palmyra, PA 17078	Lebanon	0	718.34	Swine	NA	Approved
Country View Family Farms LLC Swatara Swine Farm 1921 Blacks Bridge Road Annville, PA 17003	Lebanon	0	805.15	Swine	NA	Approved

## 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. 3612501**, Public Water Supply.

Applicant	<b>Ames Resse, Inc.</b>
Municipality	East Lampeter Township
County	<b>Lancaster</b>
Responsible Official	Enrique Traval, VP/ General Manager PO Box 413 Bird In Hand, PA 17505-0413
Type of Facility	Installation of VOC treatment and 4-log treatment of viruses
Consulting Engineer	Charles A Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit to Construct Issued:	5/7/2012

**Permit No. 0512502 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Brookwood Countryside Community MHP</b>
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Municipality	Bedford Township
County	<b>Bedford</b>
Responsible Official	Larry J. Farkas PE, Professional Engineer 637 Jeffers Circle Exton, PA 19341
Type of Facility	Chlorine contact tank installation.
Consulting Engineer	Larry J. Farkas, P.E. Cawley Environmental Services, Inc. 637 Jeffers Circle Exton, PA 19341
Permit to Construct Issued:	5/3/2012

**Permit No. 3612503**, Public Water Supply.

Applicant	<b>New Danville Six Pack, Inc.</b>
Municipality	Pequea Township
County	<b>Lancaster</b>
Responsible Official	Leang J. Ngo, Owner 2096 New Danville Pike Lancaster, PA 17602
Type of Facility	Addition of nitrate treatment by anion exchange
Consulting Engineer	James R. Sanchez, P.E. Sanchez & Associates, Inc. 460 N. George Street Millersville, PA 17551
Permit to Construct Issued:	5/3/2012

**Operations Permit** issued to: **Paul Lantz Builders, Inc.**, 7360184, Bart Township, **Lancaster County** on 5/7/2012 for the operation of facilities approved under Construction Permit No. 3610501.

**Operations Permit** issued to: **Silver Spring Water Association**, 7280061, Hamilton Township, **Franklin County** on 5/7/2012 for the operation of facilities submitted under Application No. 2811508 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448*

**Permit No. 4189514-T3—Transfer** Public Water Supply.

Applicant	<b>Chadlee Mobile Home Park</b>
[Township or Borough]	Armstrong Township
County	<b>Lycoming</b>
Responsible Official	Darcy Delainey Walkhampton Capitol Group 17701 LLC 2325-168 St. Moritz Drive, S.W. Calgary, Alberta, Canada T3H OK4
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	May 7, 2012

Description of Action Operation of the existing water system at Chadlee Mobile Home Park, including Well Nos. 1 and 2, phosphate sequestration, sodium hypochlorite disinfection, detention tanks, and distribution system.

**Permit No. 1801502-T1—Transfer** Public Water Supply.

Applicant **Eagle Ridge Personal Care Home, LLC**

[Township or Borough] Colebrook Township

County **Clinton**

Responsible Official Steven L. and Lisa A. Stem  
253 Sycamore Lane  
Julian, PA 16844

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued May 7, 2012

Description of Action Name change from Oakridge Personal Care Home and operation of Well No. 1

**Permit No. 4146426EP123—Permit-By-Rule** Public Water Supply.

Applicant **H2O to Go, Inc.**

[Township or Borough] Bellefonte Borough

County **Centre**

Responsible Official Lloyd K. Smucker, President  
H2O to Go, Inc.  
12 East Elizabeth Street  
Maytown, PA 17550

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued May 7, 2012

Description of Action The bottled water system has complied with the requirements of Chapter 109.1005(c)(1)—(4) and is authorized to operate under the PBR provisions of Chapter 109.1005(c).

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

**Permit No. 2011504** Public Water Supply

Applicant **John C. Nickelson, Denny Ridge Mobile Home Park**

Township or Borough Hayfield Township

County **Crawford**

Type of Facility Public Water Supply

Consulting Engineer Steven Halmi, P.E.  
Deiss & Halmi Engineering, Inc.  
105 Meadville Street  
Edinboro, PA 16412

Permit to Construct Issued May 7, 2012

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
South Abington Township	104 Shady Lane Road PO Box 259 Chinchilla, PA 18410	Lackawanna
Clarks Summit Borough	304 South State Street Clarks Summit, PA 18411	Lackawanna
Clarks Green Borough	104 N. Abington Road Clarks Green, PA 18411	Lackawanna

*Plan Description:* The selected alternatives chosen to address the existing wastewater disposal needs of the planning area provide for upgrades and process improvements to the existing wastewater treatment plant (WWTP) necessary to meet NPDES permitting requirements and to comply with the Chesapeake Bay Nutrient Reduction limitations. The WWTP improvements will also address adequate capacity to treat wet weather flows, and will also provide adequate capacity to meet the future wastewater disposal needs of the planning area.

The selected alternative relative to the needs of the sewage collection and conveyance system is the implementation of a comprehensive Sewer System Evaluation Survey (SSES) and rehabilitation program to address collection and conveyance system issues within each of the three (3) municipalities tributary to the Authority's WWTP. This will also include replacement of approximately 1,600 feet of the ARWA's Main Interceptor, along with the abandonment of South Abington Township's existing Pump Stations Nos. 1 and 2, with both pump stations being replaced by construction of a new gravity trunk sewer (Leggetts Creek Trunk Sewer) to the ARWA Main Interceptor.

**HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**

**Settlement under the Hazardous Sites Cleanup Act and Comprehensive Environmental Response, Compensation and Liability Act**

**Industrial Solvents and Chemical Company Site Newberry Township, York County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a proposed settlement with Martin Rutkowski ("Settlor").

The proposed settlement resolves claims of the Department with the Settlor under HSCA, CERCLA for the Department's response costs, as defined in HSCA, for the Industrial Solvents and Chemical Company Site (Site) located at 210 Stevens Road in Newberry Township, York County, Pennsylvania.

The proposed settlement obligates the Settlor to remit \$30,000 to the Department. The Settlor will own the Property and based upon the information that the Department has obtained concerning the Settlor and the Site, and the information certified to by Settlor, the Department has determined that Settlor: (1) did not conduct or permit the generation, transportation, storage, treatment or disposal of any hazardous substances at the Site; and (2) did not contribute to the release or threatened release of hazardous substances at the Site through any act or omission.

Settlor and its agents, successors, or assigns shall not conduct any activity at the Property that would be inconsistent with, or disturb, the Response actions at the Property or at the rest of the Site. Settlor and its agents, successors, or assigns shall maintain the asphalt cap and storm water control structures at the Site. An Environmental Covenant that pertains to this site will be recorded with the Recorder of Deeds for York County. The Department believes that the proposed settlement is fair, reasonable, and practicable, in the public interest and in furtherance of the statutory goals of HSCA and CERCLA.

For a period of 60 (sixty) days beginning with the May 19, 2012, publication date of this Notice in the *Pennsylvania Bulletin*, the public is invited to review the Consent Order and Agreement, Monday through Friday, from 8 a.m. to 4 p.m., at the Department's Southcentral Region Office located at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Steven DeMars at 717-705-4832.

After review, the public may submit written comments on the Consent Order and Agreement before July 18, 2012, by mailing them to Steven DeMars at the Department's Southcentral Regional Office at the address noted above. A person adversely affected by the settlement may also file an appeal to the Environmental Hearing Board.

## 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 A01-7**, 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 Environmental 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**, Tredyffrin 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, Pottsville, 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 Boly, Environmental Maintenance Company Inc., 1420 East 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.*

**Strohl Automotive**, 7831 Main Street, Upper Macungie Township, **Lehigh County**. Mr. Jamie Kleinle, Barry Isett & Associates, Inc., 85 South Route 100 & Kressler Lane, Allentown, PA 18106 has submitted a Final Report on behalf of his client, Strohl Automotive, 7831 Main Street, Fogelsville, PA 18051, concerning the remediation of soil found to have been impacted by lead as a result of discharged automobile fluids below the concrete floor slab onto the ground surface due to an unlined floor drain at this automobile dealership/service center and gas filling station. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report appeared in *The Morning Call* on March 29, 2012. A Notice of Intent to Remediate was simultaneously submitted.

**Heitsman 2V/4H Well Site**, Troy Road and State Route 19, 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 hydraulic fracturing fluid as a result of releases to the site. The report was submitted to document attainment of the Residential Statewide Health Standard and Background Standard for soil. The expected future use of the site will be for the production of natural gas. A Notice of Intent to Remediate was simultaneously submitted.

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

**Lock Haven Bald Eagle Street Former Manufactured Gas Plant Site**, City of Lock Haven, **Clinton County**. The Mahfood Group LLC, 1061 Waterdam Plaza Drive, Suite 201, McMurray, Pa 15317 has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Ethylbenzene, Toluene, Xylenes (total), Acenaphthene, Acenaphthylene, Anthracene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Benzo(k)fluoranthene, Chrysene, Dibenz(a,h)anthracene, Fluoranthene, Fluorene, Indeno(1,2,3-cd)pyrene, Naphthalene, Phenanthrene, Pyrene. The report is intended to document remediation of the site to meet the Statewide Health Standard/Site -Specific Standard.

**UGI PNG Bloomsburg Former Mfg. Plant (MGP)**, Town of Bloomsburg, **Columbia County**. UGI Utilities, Inc., PO Box 12677, Reading, Pa 19612-2677 on behalf of Mr. Tony Rymar has submitted a Cleanup Plan concerning remediation of site soil contaminated with gas constituents. The report outlines planned remediation of the site to meet the Site-specific Standard.

**Kroening Rental Lot #39**, Montour Township, **Columbia County**. Reliance Environmental, Inc., 130 E. Chestnut Street, Lancaster, Pa 17602 on behalf of Ms. Joy Kroening, 522 Montour Boulevard, Lot #39, Bloomsburg, PA 17815 has submitted a Final Report

concerning remediation of site soils contaminated with Benzene, Cumene, Ethylbenzene, MTBE, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene. 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*

**JMC Steel Group (Fmr. John Maneely Company)—Wheatland Tube Cold Draw Facility**, Wheatland Borough, **Mercer County**. ENVIRON International Corporation, 1760 Market Street, Suite 1000, Philadelphia, PA 19103 on behalf of JMC Steel Group, 1 Council Avenue, Wheatland, PA 16161 has submitted a Remedial Investigation/Risk Assessment Report concerning remediation of site soil contaminated with VOCs, Arsenic and site groundwater contaminated with VOCs, SVOCs, PCBs, Metals, nitrate, nitrite, sulfate, vinyl chloride and TCE. The report is intended to document remediation of the site to meet the Site-Specific and Statewide Health Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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**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).**

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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:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**St Joseph's University**, Lower Merion Township **Montgomery County**. David Farrington, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Victoria M. Ryan, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Howard R. Heim, St. Joseph's University, 5600 City Avenue, Philadelphia, PA 19131 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 21, 2012.

**Frazer Shop Center**, East Whiteland Township **Chester County**. Michael Stapler, Metropol Properties, L.P., PO Box 1189, Frazer, PA 19355 on behalf of Phil Gray, Phoenix Geo Environmental, LLC, 445 Bethlehem Pike, Suite 108, Colmar, PA 18915 has submitted a Remedial Investigation/Final Report concerning the remediation of site groundwater and soil contaminated with chlorinated. The Remedial Investigation/Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on March 5, 2012.

**Barney Residence**, East Vincent Township **Chester County**. Jeremy Bolyn, Environmental Maintenance Company, Inc, 1420 East Mermaid Lane, Glenside, PA 19038, Bill Yoeman, Plott's Oil, 462 Main Street, PO Box 130, Royersford, PA 19466 on behalf of Gerald Barney, 11 Kenneth Avenue, Spring City, PA 19475 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 9, 2012.

**900 Tryens Road Site**, Aston Borough **Delaware County**. Michael McCann, Ferguson & McCann, Inc., 270 Bodley Road, Aston, PA 19014 on behalf of David Matthias, Penn Photo, Inc., 900A Tryens Road, Aston, PA 19014 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 13, 2012.

**905 Montgomery Avenue Site**, Lower Merion Township **Montgomery County**. Brenda Kellogg, REPSG, 6901 Kingsessing Avenue, Philadelphia, PA 19142, James Manuel, REPSG, 6901 Kingsessing Avenue, Philadelphia, PA 19142, Lee Brahin, Brahin Properties, Inc., 1535 Chestnut Street, Philadelphia, PA 19102 on behalf of Joe Savaro, Trust UWO Leon Freeman, 1535 Chestnut Street, Philadelphia, PA 19102 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with inorganics. The Final report demonstrated attain-

ment of the Statewide Health Standard and was approved by the Department on March 14, 2012.

**Mt. Airy USA**, City of Philadelphia **Philadelphia County**. Jeremy W. Bolyn, Environmental Management Company Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Jason Salus, Mt. Airy USA, 6703 Germantown, Philadelphia, PA 19146 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 14, 2012.

**Pitt Estate**, Jenkintown Borough **Montgomery County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg PA 18073, Clare Erskine, Allstate Company, 1200 Atwater Drive, Suite 110, Malvern, PA 19355 on behalf of Courtney Pitt, 429 Clement Road, Jenkintown, PA 19046 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 2, 2012.

**Family Center Building**, City of Philadelphia, **Philadelphia County**. Thomas Buggiey, Roux Associates, Inc., 1222 Forest Parkway, Suite 1909, West Deptford, NJ 08066 on behalf of Charles Silverman, PA Department of General Services, 515 North Office Building, Harrisburg, PA 17125 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The 90 day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 29, 2012.

**Delaware Valley Interchange MP**, 358 Bristol Township **Bucks County**. John R. Boullanger, GAI Consultants, Inc. 385 East Waterfront Drive, Homestead, PA 15120-5005 on behalf of Deann Metro, P.E., Pennsylvania Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 7, 2012.

**Minute Man Press**, Bristol Township **Bucks County**. Staci Cottone, J&J Spill Service and Supplies, Inc., PO Box 370, Blue Bell, PA 19422 on behalf of Ted Pagano, 1 Kerlin Court, Garnett Valley, PA 19060 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 2, 2012.

**Peco Distribution Pole #29717**, Plumstead Township **Bucks County**. George Horvat, PECO Energy, 2301 Market Street, Philadelphia, PA 19103 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with pcb. The 90 day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 14, 2012.

**Camilla Hall Nursing Home**, East Whiteland Township **Chester County**. Richard J. Burns, Conestoga-Rover & Associates, 410 Eagleview Blvd. Exton PA 19341 on behalf of Sister Joanne Ralph, Sister, Servants of the Immaculate Heart of Mary, 1140 King Road, Immaculata, PA 19345-0200 has submitted a Final Report concerning the remediation of site groundwater contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 9, 2012.



**Albert Einstein Medical Center**, City of Philadelphia **Philadelphia County**. Thomas R. Marks, Marks Environmental, Inc. 140 Bollinger Road, Elverson, PA 19520 on behalf of Craig Sieving, Albert Einstein Medical Center, 5501 Old York Road, Philadelphia, PA 19141 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 1, 2012.

**Sunoco Pipeline LP Marcus Hook Tank Farm**, Upper Chichester Township **Delaware County**. Tiffanie Doerr, P.G. Auaterra Technologies, 122 South Church Street, West Chester, PA 19382, Brad Fish, Sunoco Logistics Partners, 10 Industrial Highway, MS4, Lester, PA 19029 on behalf of Gus Bozkland, Sunoco, Pipeline, LP, 1818 Market Street, Suite 1500, Philadelphia, PA 19103 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The 90 day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 13, 2012.

**Biase & Nugent Property**, North Wales Borough **Montgomery County**. Jason Pero, Brilliant Environmental Services, 3070 Bristol Pike, Building 2, Suite 105, Bensalem, PA 19020, Anthony Parator, Miller Environmental Group, Inc. 105 Riverview Drive Palsboro, NJ 08066 on behalf of Christine Nugent, 312 West Walnut Street, North Wales, PA 19545 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The 90 day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 27, 2012.

**Rite Aid 2451**, City of Philadelphia, **Philadelphia County**. Ken Yoder, BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill PA 17011 on behalf of Robert Lerner, Rite Aid Corporation, 30 Hunter Lane, Camp Hill, PA 17011 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with motor oil. The Final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on January 13, 2012.

**Red Lion Inn**, Bensalem Township **Bucks County**. Richard S. Werner, Environmental Consulting, Inc. 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Robert White, Redevelopment Authority of the County of Bucks, 1 North Wilson Avenue, Bristol, PA 19007 has submitted a Final Report concerning the remediation of site groundwater contaminated with diesel fuel, no. 2 fuel oil, unleaded gasoline and unleaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 16, 2012.

**Conshohocken Rail LLC**, Plymouth Township **Montgomery County**. Craig Herr, RT Environmental Serves Inc. 215 West Church Road, King of Prussia, PA 19406 on behalf of Andrew Cahill, TWL Lending, LLC, 4537 South Valentia Way, Suite 340, Greenwood Village, CO 80111 has submitted a Remedial Investigation and Cleanup Plan concerning the remediation of site groundwater and soil contaminated with inorganics. The Cleanup Plan and Remedial Investigation Report were approved by the Department on March 26, 2012.

**Moore Residence**, Pennsburg Township **Chester County**. James Maddox, J&M Industries, 11 Millside Drive, Wilmington, DE 19801 on behalf of Ann E. Moore,

1 Red Oak Road, Wilmington, DE 19086 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 9, 2012.

**Miller Trailer Park**, Bristol Borough **Bucks County**. Lawrence W. Bily, RT Environmental Services, Inc. 215 West Church Road, King of Prussia, PA 19406, Gary R. Brown P.E., RT Environmental Services, Inc. 215 West Church Road, King of Prussia, PA 19406 on behalf of Nicholas J. Mink, Highlander Realty Management, LLC, 306 West Cuthbert Blvd. Haddon Township NJ 08108 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Cleanup Plan and Remedial Investigation Report was withdrawn by the Department on December 2, 2011

**Sunoco Inc. Philadelphia Refinery Schuylkill River Tank Farm AO1-5**, City of Philadelphia, **Philadelphia County**. Colleen Costello, Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1500, Philadelphia, PA 19103, James Oppenheim, Sunoco, Inc. (R&M), 100 Green Street, Marcus Hook, PA 19061 on behalf of Scott Baker, Sunoco, Inc. (R&M) 3144 Passyunk Avenue, Philadelphia, PA 19145 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site Groundwater and soil contaminated with other organics. The Remedial Investigation Report and Cleanup Plan were disapproved by the Department on March 15, 2012.

**Rite Aid Store 3495-03**, Borough of Royersford **Montgomery County**. Jeffery Bauer, PG, Whitestone Associates, Inc. 1600 Manor Drive, Suite 220, Chalfont, PA 19446 on behalf of Richard Bradley, Rite Aid Pennsylvania, 11750 Bustleton Avenue, Philadelphia, PA 19116 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 9, 2012.

**33-51 East Laurel Street Site**, City of Philadelphia, **Philadelphia County**. Brooke Ann Brigant, EWMA, 1 Princess Road, Suite B, Lawrenceville, NJ 08648 on behalf of 33-51 East Laurel Street, LLC, 45 Deal Street, Harrington, NJ 07640 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with leaded gasoline and unleaded gasoline, diesel fuel, no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 13, 2012.

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

**W. Brooks 1V/5H Well Site**, Springville Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 submitted a 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 methanol as a result of a release of black water from the drainage way along the western side of the well site. The report documented attainment of the Residential Statewide Health Standard and the Background Standard for soil and was approved on May 1, 2012. The report was originally submitted within 90 days of the release.

**Gesford 1H/5H Well Site**, Dimock Township, **Susquehanna County**. James Pinta and David Testa,



URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 submitted a 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 gas well drilling fluids as a result of a leaking reserve pit liner. The report documented attainment of the residential Statewide Health Standard and the Background Standard for soil and was approved on May 3, 2012. The report was originally submitted within 90 days of the release.

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

**Lock Haven Bald Eagle Street Former Manufactured Gas Plant Site**, City of Lock Haven, **Clinton County**. The Mahfood Group LLC, 1061 Waterdam Plaza Drive, Suite 201, McMurry, PA 15317 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Ethylbenzene, Toluene, Xylenes (total), Acenaphthene, Acenaphthylene, Anthracene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Benzo(k)fluoranthene, Chrysene, Dibenz(a,h)anthracene, Fluoranthene, Fluorene, Indeno(1,2,3-cd)pyrene, Naphthalene, Phenanthrene, Pyrene. The Final report demonstrated attainment of the Statewide Health Standard/Site-Specific Standard and was approved by the Department on April 27, 2012.

**Vera Grove Rishel Estate Property**, Point Township, **Northumberland County**. Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, Pa 18452 on behalf of Vera Grove Rishel Estate Property, 2747-2757 Point Township Drive (Route 11), Northumberland, Pa 17857 has submitted a Final Report concerning the remediation of site soil contaminated with leaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of April 24, 2012.

**Halliburton Energy Services, Inc.**, Clinton Township, **Lycoming County**. Northridge Group, Inc. on behalf of Halliburton Energy Services, Inc., 4 Girton Drive, Muncy, Pa 17756 has submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Fluorene, Anthracene, Phenanthrene, Pyrene, Benzo(a) anthracene, Chrysene, Benzo(b)Fluoranthene, Benzo(a)Pyrene, Benzo(g,h,i.)perylene, Naphthalene, 1,3,5-Trimethylbenzene, and 1,2,4-Trimethylbenzene. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 10, 2012.

**Mod Trans, Inc.** Selinsgrove Borough, **Snyder County**. Northridge Group, Inc. on behalf of Mod Trans Inc., 6130 South Susquehanna Trail, Port Trevorton, Pa 17801 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Napthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl tertiary Butyl Ether. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 26, 2012.

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

**Trinity Industries, Inc. South Plant**, Borough of Greenville & Hempfield Township, **Mercer County**. Golder & Associates, Inc., Spring Mill Corporation Center, 555 North Lane, Suite 6057, Conshohocken, PA 19428 on behalf of Trinity Industries, Inc., 2525 Stemmons Freeway, Dallas, TX 75207 has submitted a Cleanup Plan

concerning the remediation of site soil contaminated with metals—primarily Lead, and groundwater contaminated with Manganese, and Arsenic. The Cleanup Plan was disapproved by the Department on April 27, 2012.

**New Castle Industries—Tanner Plating Division**, City of New Castle, **Lawrence County**. SE Technologies, LLC., 98 Vanadium Road, Building D 2nd Floor, Bridgeville, PA 15017 on behalf of New Castle Industries, Inc.—Tanner Plating Division, 925 Industrial Street, New Castle, PA 16102 has submitted a Remedial Investigation / Cleanup Plan / Final Report concerning the remediation of site soil contaminated with Antimony, Chromium and site groundwater contaminated with Antimony and Chromium. The Cleanup Plan was approved by the Department on May 3, 2012. The Remedial Investigation / Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on May 3, 2012.

**Gandley Property (Fmr. Taylor Property)**, Bloomfield Township, **Crawford County**. Marshall, Miller, & Associates, Inc., 2 Gunpowder Road, Mechanicsburg, PA 17050 on behalf of US Foods, Inc., 1114 Garden Street, Greensburg, PA 15601 has submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel and used motor oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 2, 2012.

**ARL, Inc.—Diesel Spill**, Waterford Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of ARL, Inc., 1155 Stoops Ferry Road, Coraopolis, PA 15108 has submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Ethylbenzene, Toluene, Cumene, MTBE, 1,2,4 Trimethyl Benzene, 1,3,5 Trimethyl Benzene, and Naphthalene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 3, 2012.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

*Hazardous Waste Transporter License Issued*

**Connecticut Tank Removal, Inc.**, 118 Burr Center, Bridgeport, CT 06605. License No. PA-AH 0794. Effective February 29, 2012.

**WM Curbside, LLC**, 5101 E. LA Palma Avenue, Suite 206, Anaheim, CA 92807. License No. PA-AH 0793. Effective January 18, 2012.

**Ecology Services, Inc.**, 9135 Guilford Road, Columbia, MD 21046. License No. PA-AH 0789. Effective March 22, 2012.

*Hazardous Waste Transporter License Renewed*

**Orgco Company, Inc.**, 208 Route 109, Farmingdale, NY 11735. License No. PA-AH 0391. Effective January 18, 2012.

**Providence Environmental Concepts**, 312 Sharp Road, Columbia, SC 29203. License No. PA-AH 0739. Effective January 24, 2012.

**Interstate Chemical Company, Inc.**, 2797 Freeland Road, Hermitage, PA 16148. License No. PA-AH 0689. Effective January 26, 2012.

**J & D Trucking, Inc.**, 3526 Northwest Blvd, Vineland, NJ 08360. License No. PA-AH 0652. Effective January 26, 2012.

**Safety-Kleen Canada, Inc.**, 300 Woolwich Road, Breslau, ON N0B 1M0. License No. PA-AH 0517. Effective February 2, 2012.

**AERC.COM, Inc.**, 2591 Mitchell Avenue, Allentown, PA 18103-6609. License No. PA-AH 0687. Effective February 3, 2012.

**Freehold Cartage Inc.**, P. O. Box 5010, Freehold, NJ 07728-5010. License No. PA-AH 0067. Effective February 6, 2012.

**U.S. Bulk Transport, Inc.**, 205 Pennbriar Drive, Erie, PA 16509. License No. PA-AH 0408. Effective February 7, 2012.

**Chemical Analytics, Inc.**, 29959 Beverly Road, Romulus, MI 48174. License No. PA-AH 0584. Effective February 8, 2012.

**Edward Armstrong & Sons, Inc.**, 205 Greenfield Road, Lancaster, PA 17601. License No. Pa-AH 0027. Effective February 7, 2012.

**Price Trucking Corporation**, 67 Beacon Street, Buffalo, NY 14220. License No. PA-AH 0371. Effective February 13, 2012.

**Environmental Specialists, Inc.**, 1101 Andrews Avenue, Youngstown, OH 44505. License No. PA-AH 0587. Effective February 15, 2012.

**E.I. Dupont DE Nemours and Company, Experimental Station**, P. O. Box 80249, Route 141, Wilmington, DE 19880-0249. License No. PA-AH S227. Effective February 15, 2012.

**Advanced Waste Carriers, Inc.**, 1126 South 70th Street, Suite N408B, West Allis, WI 53214. License No. PA-AH 0742. Effective February 21, 2012.

**Carlucci Construction Company, Inc.**, 401 Meadow Street, Cheswick, PA 15024. License No. PA-AH 0297. Effective February 21, 2012.

**ETC Logistics, LLC.**, P. O. Box 462, Parkman, OH 44080. License No. PA-AH 0688. Effective February 28, 2012.

**Elk Transportation, Inc.**, 1420 Clarion Street, Reading, PA 19061. License No. PA-AH 0413. Effective March 1, 2012.

**Lewis Environmental, Inc.**, P. O. Box 639, 455 Railroad Plaza, Royersford, PA 19468. License No. PA-AH 0591. Effective March 6, 2012.

**Sunpro, Inc.**, 7640 Whipple Avenue Northwest, North Canton, OH 44720. License No. PA-AH 0659. Effective March 6, 2012.

**R.E.D. Technologies, LLC.**, 10 Northwood Drive, Bloomfield, CT 06002. License No. PA-AH 0772. Effective March 8, 2012.

**EAP Industries, Inc.**, P. O. Box 275, 1575 Smith Township State Road Route 18, Atlasburg, PA 15004. License No. PA-AH 0660. Effective March 14, 2012.

**Baltimore Tank Lines, Inc.**, P. O. Box 1028, Glen Burnie, MD 21060-1028. License No. PA-AH 0458. Effective March 12, 2012.

**Univar USA, Inc.**, 328 Bunola River Road, Bunola, PA 15020. License No. PA-AH 0334. Effective March 19, 2012.

**Berner Trucking, Inc.**, P. O. Box 660, Dover, OH 44622. License No. PA-AH 0382. Effective March 19, 2012.

**Smith Systems Transportation, Inc.**, P. O. Box 2455, Scottsbluff, NE 69361. License No. PA-AH 0654. Effective March 21, 2012.

**Ken's Marine Service, Inc.**, P. O. Box 4001, Bayonne, NJ 07002. License No. PA-AH S154. Effective March 20, 2012.

**Gemchem, Inc.**, P. O. Box 384, Lititz, PA 17543. License No. PA-AH 0259. Effective March 21, 2012.

**A & D Environmental Services (SC), LLC.**, 1741 Calks Ferry Road, Lexington, SC 29073. Effective March 26, 2012.

**S & C Transport, Inc.**, 12600 Stark Road, Livonia, MI 48150. License No. PA-AH 0446. Effective March 29, 2012.

**R&R Trucking, Inc.**, 302 Thunder Road, Duenweg, MO 64841. License No. PA-AH 0592. Effective April 4, 2012.

**Stericycle Specialty Waste Solutions**, 18 Water Street, Reading, PA 19605. License No. PA-AH 0770. Effective April 10, 2012.

**Environmental Products & Services**, P. O. Box 315, Syracuse, NY 13209. License No. PA-AH 0748. Effective April 11, 2012.

**Duquesne Light Company, Construction Coord & Underground**, 2645 New Beaver Avenue, Pittsburgh, PA 15233. License No. PA-AH 0462. Effective April 12, 2012.

**United Oil Recovery, Inc.**, 47 Gracey Avenue, Meriden, CT 06451. License No. PA-AH 0378. Effective April 10, 2012.

**Bestrans, Inc.**, 19 Davidson Lane, New Castle, DE 19720. License No. PA-AH 0766. Effective April 12, 2012.

**Thunderbird Trucking, LLC.**, 4343 Kennedy Avenue, East Chicago, IN 46312. License No. PA-AH 0745. Effective April 18, 2012.

**Altom Transport, Inc.**, 4242 S. Knox Avenue, Chicago, IL 60632. License No. PA-AH 0693. Effective May 1, 2012.

**Aqua-Tex Transport, Inc.**, P. O. Box 1204, Hamonton, NJ 08037. License No. PA-AH S179. Effective May 3, 2012.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

*Hazardous Waste Transporter License Voluntarily Terminated*

**A & D Environmental Services, Inc.**, 2718 Uwharrie Road, Archdale, NC 27263. License No. PA-AH 0760. Effective January 26, 2012.

**Ashland, Inc.**, 5200 Blazer Parkway, Dublin, OH 43017. License No. PA-AH 0121. Effective March 1, 2012.

**Consolidated Transportation, Inc.**, 23 Perrine Street, P. O. Box 768, Auburn, NY 13021. License No. PA-AH 0059. Effective April 1, 2012.

*Hazardous Waste Transporter License Expired*

**Pure Earth Recycling (NJ), Inc.**, P. O. Box 92, Franklinville, NJ 08322-0092. License No. PA-AH 0307. Effective March 31, 2012.

**INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE**

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

*Infectious and Chemotherapeutic Waste Transporter License Issued*

**Med Waste Management, LLC.**, 1860 52nd Street, Brooklyn, NY 11204 License No. PA-HC0242. Effective on February 28, 2012.

**Triumvirate Environmental, Inc.**, 61 Innerbelt Road, Somerville, MA 02143. License No. PA-HC0245. Effective on May 2, 2012.

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Orchard Hill Memorial Park, Inc.**, 187 State Route 94, Lafayette, NJ 07848-4614. License No. PA-HC 0163. Effective on January 18, 2012.

**EPS of Vermont, Inc.**, 532 State Fair Blvd., P. O. Box 315, Syracuse, NY 13204. License No. PA-HC0238. Effective on March 22, 2012.

**Med-Flex, Inc.**, P. O. Box 357, Hainesport, NJ 08036. License No. PA-HC0207. Effective on May 1, 2012.

*Infectious and Chemotherapeutic Waste Transporter License Voluntarily Terminated*

**Advant-Edge Solutions, Inc.**, 1 Shea Way, Newark, DE 19713. License No. PA-HC 0239. Effective December 31, 2011.

**Stericycle Environmental Department, Atlantic Region**, 3614 Hoskins Court, Hamilton, OH 45011. License No. PA-HC0217. Effective February 7, 2012.

**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Permit Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit No. 101639. L & S Demo Recycling**, 884 Brook Road, Conshohocken, PA 19428. This is a major permit modification is for the addition of a mechanical picking/sorting line and a grinder to enhance recycling operations at L&S Demo Recycling Transfer Facility, an existing construction and demolition (C&D) waste transfer and processing facility located in Plymouth Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on April 20, 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*

**GP3-46-0103: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on May 2, 2012, to operate a portable nonmetallic mineral processing plant in Marlborough Township, **Montgomery County**.

**GP9-46-0058: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on May 2, 2012, to operate two (2) diesel/#2 fuel-fired internal combustion engines in Marlborough Township, **Montgomery County**.

**GP3-15-0063: Terra Technical Services, LLC.** (600 Brandywine Avenue, Downingtown, PA 19335) on May 2, 2012, to operate a portable nonmetallic mineral processing plant in Malvern Borough, **Chester County**.

**GP9-15-0015: Terra Technical Services, LLC.** (600 Brandywine Avenue, Downingtown, PA 19335) on May 2, 2012, to operate a diesel/#2 fuel-fired internal combustion engines in Malvern Borough, **Chester County**.

*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*

**GP3-21-03100: Hempt Brothers, Inc.** (205 Creek Road, Camp Hill, PA 17011) on May 1, 2012, to install and operate a portable nonmetallic mineral processing plant at approximately mile marker 218 on the PA Turnpike in West Pennsboro Township, **Cumberland County**.

**GP11-21-03100: Hempt Brothers, Inc.** (205 Creek Road, Camp Hill, PA 17011) on May 1, 2012, to install and operate a non-road diesel engine located at approximately mile marker 218 on the PA Turnpike in West Pennsboro Township, **Cumberland County**.

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

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

**GP14-25-1011A: Dusckas Martin Funeral Home** (4216 Sterretania Road, Erie, PA 16506) on May 1, 2012, for operation of a Human Crematory (B & L Cremation Systems) equipped with two (2) ThermJet Burners (BAQ-GPA/GP-14) in Millcreek Township, **Erie County**.

**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.**

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

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



**46-0007: Holy Redeemer Hospital & Medical Center** (1648 Huntingdon Pike, Meadowbrook, PA 19046) on May 7, 2012, for the addition of a stationary spark ignition reciprocating internal combustion engine for the production of electricity for the hospital and a system of heat exchangers to recover the heat from the exhaust from the engine for heating requirements throughout the hospital in Abington Township, **Montgomery County**. This engine is subject to 40 C.F.R. Part 63, Subpart ZZZZ because the hospital is an area source of hazardous air pollutants, and this engine is subject to 40 C.F.R. Part 60, Subpart JJJJ for new spark ignition reciprocating internal combustion engines.

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

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

**54-310-055: Richard E. Pierson Construction Co. Inc.—Middleport Quarry** (P. O. Box 4309, Woodstown, NJ 08098-0430) on April 13, 2012, to construct a new crushing plant with water sprays at their Middleport Quarry facility in Walker Township, **Schuylkill County**.

**66-399-012: Williams Field Services Company, LLC** (Westpointe Center Three, 1605 Coraopolis Heights Road, Moon Township, PA 15108) on April 20, 2012, for installation of two (2) 7,301 Bhp natural gas fired Low NO<sub>x</sub> turbines and (1) 402 Bhp emergency generator with oxidation catalyst at their Wilcox Compressor Station site in Tunkhannock Township, **Wyoming County**.

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

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

**08-00010F: Global Tungsten & Powders, Corp.** (Hawes Street, Towanda, PA 18848-0504) on May 1, 2012, to construct and operate two (2) process chemical reactor tanks (CR-2 & CR-5) and one new backup process chemical reactor tank (CR-7) for digesting tungsten carbide scrap metal with hydrochloric acid at the facility in North Towanda Township, **Bradford County**. This is a state only facility.

*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*

**65-00642A: Equitrans LP** (625 Liberty Avenue, Pittsburgh, PA 15222) on May 2, 2012, to issue a Plan Approval to authorize the installation of Cameron Compressor Systems Cleanburn Technology packages (Cleanburn) on three existing Cooper-Bessemer engines, the uprate of the engines from 1,100 hp to 1,350 hp, and the establishment of Federally enforceable synthetic minor emission limitations for the Hartson Station in Finleyville Boro, **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*

**62-032I: Ellwood National Steel** (3 Front Street, Irvine, PA 16329) on May 1, 2012, to construct a new vacuum oxygen decarburization (VOD) unit and seventh annealing furnace in Brokenstraw Township, **Warren County**. This is 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*

**46-0274: Tegrant Diversified Brands, Inc.** (161 Corporate Drive, Montgomeryville, PA 18936) on May 4, 2012, to operate rigid polyurethane foam molding operation in Montgomery Township, **Montgomery County**.

*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*

**06-05105B: Green Gas Pioneer Crossing Energy, LLC** (4251 SW High Meadows Avenue, Palm City, Florida 34990-3726) on May 1, 2012, to add two (2) landfill gas-fired reciprocating internal combustion engines (2,233 HP each) to power two (2) 1,600 KW electric generators at their landfill gas to energy facility at the Pioneer Crossing Landfill in Exeter Township, **Berks County**. The plan approval was extended.

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

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

**08-00003F: CraftMaster Manufacturing, Inc.** (PO Box 311, Shiner Road, Towanda, PA 18848) on May 1, 2012, to extend the authorization to operate two regenerative thermal oxidizers; one on the Line 1 pressurized refiners and first stage dryers, and one on the line 2 pressurized refiners and first stage dryers, each preceded by a water dropout box on a temporary basis until December 16, 2012, at their facility in Wysox Township, **Bradford County**. The plan approval has been extended.

**08-00003G: CraftMaster Manufacturing, Inc.** (PO Box 311, Shiner Road, Towanda, PA 18848) on May 1, 2012, to extend the authorization to exhaust the refiner reject emissions from Source IDs 141P and 142P to scrubbers (IDs D41 and E42) on a temporary basis to December 16, 2012, at their facility in Wysox Township, **Bradford County** until Derry Township, **Montour County**. The plan approval has been extended.

**18-00011H: Croda, Inc.** (8 Croda Way, Mill Hall, PA 17751) on May 1, 2012, to extend the temporary period of operation for the pastillation of Behentrimonium Methosulfate (BTMS) process at their facility in Bald Eagle Township, **Clinton County** for period from May 28, 2012 until November 24, 2012 in order for the Department to incorporate the source into an operating permit. The plan approval has been extended.

**47-309-001: United States Gypsum Co.** (60 PPL Road, Danville, PA 17821) on May 1, 2012 to extend the authorization to temporarily operate an additional 180 days from May 22, 2012 until November 18, 2012 in order to complete the demonstration of compliance evaluation in Derry Township, **Montour County**. The plan approval has been extended.

**47-00014B: United States Gypsum Co.** (60 PPL Road, Danville, PA 17821) on May 1, 2012, to extend the authorization to temporarily operate an additional 180



days from June 14, 2012 until December 11, 2012 in order to complete the demonstration of compliance evaluation in Derry Township, **Montour County**. 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*

**63-00110H: World Kitchen, Inc.** (100 Eighth Street, Charleroi, PA 15022) on May 2, 2012, to extend PA-63-00110H until November 8, 2012 in **Washington County**. PA-63-00110H was originally issued on April 19, 2010 to authorize the installation of additional electric boost capacity on Source 107, to establish Source 107 NO<sub>x</sub> emissions at less than 50 tpy, to establish the entire facility as a Synthetic Minor, and to approve the generation of Emission Reduction Credits generated from the shutdown of Source 105.

**63-00549B: Arden Landfill, Inc.** (625 Charrington Parkway, Moon Township, PA 15108) on May 7, 2012, to extend Plan Approval PA-63-00549B to authorize the temporary operation of the Landfill Expansion at Arden Landfill at Chartiers Township, **Washington County**.

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

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

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

**09-00027: Fres-Co System USA, Inc.** (3005 State Road, Telford, PA 18969) on May 3, 2012, for renewal of the Title V Operating Permit in West Rockhill Township, **Bucks County**. The facility is primarily involved in commercial printing. Fres-Co operates boilers, Rotogravure and Flexographic presses. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The sources at this facility are subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**37-00059: Praxis Companies—Praxis Northeast Plant** (435 Industrial Drive, Savannah, TN 38372-5996) on May 4, 2012, to re-issue the Title V Operating Permit for this Reinforced Plastics Plumbing Fixture manufacturing facility at 372 Rundle Road, in Taylor Township, **Lawrence County**. The facility is a major source due to its potential to emit VOCs and HAPs.

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

*Contact: Thomas Huynh, Chief—Telephone: 215-685-9476*

**V11-035: Philadelphia Prison System** (8001 State Road, Philadelphia, PA 19136) for the operation of a correctional institution which houses inmates in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include 57 boilers and hot water heaters that burn natural gas or #2 fuel oil, all are rated under 15 MMBTU/hr. Other air emission sources include a 365 Hp natural gas fired chiller, ten emergency generators.

Modifying Installation Permits to add eight (8) combustion units and one (1) emergency generator to be under a 25 tons per rolling 12-month period NO<sub>x</sub> limit.

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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*

**46-00139: Spray Products Corp.** (1323 Conshohocken Road, Norristown, PA 19404) on May 7, 2012, for a Non-Title V Facility, State-Only, Natural Minor Permit in Plymouth Township, **Montgomery County**. The sources of emissions are two Propellant Gasser / Production Filler Lines and a can crusher. The facility has a potential to emit less than 25 tons per year of Volatile Organic Compounds (VOCs). Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

**07-05041: Diversapack LLC** (13985 South Eagle Valley Road, Tyrone, PA 16686-7905) on May 1, 2012, for their flexible packaging manufacturing and printing facility in Snyder Township, **Blair County**.

**01-03025: New Enterprise Stone & Lime Co., Inc.—dba Valley Quarries, Inc.** (PO Box J, Chambersburg, PA 17201-0809) on May 1, 2012, for the Fairfield Quarry operations in Hamiltonban Township, **Adams County**. The State-only permit was renewed.

**67-05080: York Building Products Co., Inc.** (PO Box 1708, York, PA 17405-1708) on April 27, 2012, for their Thomasville Lincoln Stone Plant operations in Jackson Township, **York County**. The State-only permit was renewed.

**36-03105: Pennsy Supply, Inc.** (1001 Paxton Street, PO Box 3331, Harrisburg, PA 17105-3331) on May 1, 2012, for the East Petersburg Quarry operations in East Hempfield Township, **Lancaster County**. The State-only permit was renewed.

**67-03105: American Colloid Co.** (600 Lincoln Street, York, PA 17401-3317) on May 2, 2012, for the foundry pre-mix blending and cat litter packaging facility in York City, **York County**. The State-only permit was renewed.

**44-05016: Lewistown Cabinet Center, Inc.** (PO Box 507, Reedsville, PA 17084) on May 2, 2012, for their wood cabinet manufacturing facility in Armagh Township, **Mifflin County**. The State-only permit was renewed.

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

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

**N11-027: Septa Frankford** (Frankford Ave & Bridge St, Philadelphia, PA 19124) for the operation of a bus repair and maintenance shop in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include Six (6) Boilers less than 5 MMBTU/hr firing

natural gas or No. 2, One (1) 0.72 MMBTU/hr Pressure Washer firing natural gas, Three (3) Emergency generators less than 150 kW firing natural gas, One (1) 6000 gallon gasoline storage tank with Stage 2 vapor recovery, One (1) Cold cleaning degreaser.

**N11-026: Septa Germantown Brake Shop** (6725 Germantown Brake Shop Philadelphia, PA 19119) for the operation of a bus repair and maintenance shop in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include Two (2) 4.718 MMBTU/hr Boiler firing natural gas or No. 2, One (1) 0.44 MMBTU/hr Pressure washer firing natural gas, One (1) 1000 underground gasoline storage tank both with Stage 2 vapor recovery, One (1) Cold cleaning 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.**

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

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

**15-00090: NE OPco Inc.—DBA National Envelope** (303 Eagle View Blvd, Exton, PA 19341) on May 3, 2012, for operation of a printing facility in Newtown Township, **Chester County**. This amendment is to incorporate plan approval, number 15-0090D into the facility-wide air quality operating permit. Administrative Amendment of State-Only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

**S10-006: St. Agnes Continuing Care Center** (1930 S Broad St, Unit 1, Philadelphia, PA 19145) administratively amended on May 4, 2012 to incorporate a change of ownership to Center for Medicine and Commerce and to change contact information. The Synthetic Minor operating permit was originally issued on May 11, 2010.

## **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 Applications Returned*

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

**1192-33850118-E-1. P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Application for a stream encroachment to utilize an existing stream crossing over an unnamed tributary to Soldier Run in Winslow Township, **Jefferson County**. Receiving streams: Three unnamed tributaries to Soldier Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 9, 2012. Application Withdrawn: May 3, 2012.

### *Coal Permits Actions*

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

**03961302 and NPDES No. PA0214531, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES permit for the Darmac No. 3 Deep Mine in Plumcreek Township, **Armstrong County** and Washington Township, **Indiana County** to Rosebud Mining Company from TJS Mining, Inc. No additional discharges. The application was considered administratively complete on March 1, 2012. Application received: January 30, 2012. Permit issued: May 1, 2012.

**03031302 and NPDES No. PA0235598, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES permit for the TJS No. 5 Deep Mine in South Bend Township, **Armstrong County** to Rosebud Mining Company from TJS Mining, Inc. No additional discharges. The application was considered administratively complete on February 28, 2012. Application received: January 30, 2012. Permit issued: May 2, 2012.

**03901302 and NPDES No. PA0215325, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES permit for the TJS No. 1 Deep Mine in South Bend Township, **Armstrong County** to Rosebud Mining Company from TJS Mining, Inc. No additional discharges. The application was considered administratively complete on February 29, 2012. Application received: January 30, 2012. Permit issued: May 2, 2012.

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

**56080104 and NPDES No. PA0262625. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, revision of an existing bituminous surface and auger mine to add an additional NPDES point in Paint and Adams Townships, **Somerset and Cambria Counties**, affecting 252.9 acres. Receiving stream(s): unnamed tributaries to Paint Creek, Paint Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 19, 2012. Permit issued: April 30, 2012.

**56110102 and NPDES No. PA0263184, Marquise Mining Corporation**, P. O. Box 338, Blairsville, PA 15717, commencement, operation and restoration of a bituminous surface mine in Lincoln Township, **Somerset County**, affecting 45.5 acres. Receiving stream(s): Quemahoning Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. The permit includes a Chapter 105 wetland encroachment to affect 0.09 acre



of wetlands during active mining of Phase I. Application received: March 2, 2011. Permit issued: April 30, 2012.

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

**03090102 and NPDES Permit No. PA0251623. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Permit issued for commencement, operation and reclamation of a bituminous surface mine and auger mining, located in Plumcreek Township, **Armstrong County**, affecting 25.5 acres. Receiving streams: Plumcreek Application received: April 6, 2009. Permit issued: May 1, 2012.

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

**16070101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous surface mine in Monroe Township, **Clarion County** affecting 166.0 acres. Receiving streams: Unnamed tributaries to Brush Run and Brush Run, unnamed tributaries to Piney Creek. This renewal is issued for reclamation only. Application received: March 16, 2012. Permit Issued: May 1, 2012.

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

**17050108 and NPDES No. PA0256277. King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866). Renewal of an existing bituminous surface mine located in Graham and Morris Townships, **Clearfield County** affecting 91.2 acres. The company is also requesting a change in land use from forestland to rural residential. Receiving stream: Moravian Run classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 16, 2012. Permit issued: May 4, 2012.

**17110101. A. W. Long Coal Co.** (1203 Presqueisle St., Philipsburg, PA 16866). Commencement, operation and restoration of a bituminous surface mine located in Morris Township, **Clearfield County** affecting 302.8 acres. Receiving streams: unnamed tributaries to Emigh Run and Emigh Run (cold water fisheries) and unnamed tributaries to Hawk Run and Hawk Run (cold water fisheries). There are no potable water supply intakes within 10 miles downstream. Application received: January 5, 2011. Permit issued: April 24, 2012.

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

**54111301 and NPDES Permit No. PA0225011. Little Buck Coal Company**, (57 Lincoln Road, Pine Grove, PA 17963), commencement, operation and restoration of an anthracite underground mine operation in Tremont Township, **Schuylkill County** affecting 1.5 acres, receiving stream: Stumps Run. Application received: May 10, 2011. Permit issued: May 1, 2012.

**54860109R5. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite surface mine operation for reclamation activities only in Tremont Township, **Schuylkill County** affecting 35.0 acres, receiving stream: none. Application received: April 11, 2012. Renewal issued: May 7, 2012.

#### *Noncoal Permits Actions*

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

**17060301 and NPDES No. PA 0256307. Kinkead Aggregates LLC** (2311 Route Highway East Homer City,

PA 15748). Transfer of an existing large industrial mineral mine located in Bell Township, **Clearfield County** affecting 137.4 acres. Receiving streams: unnamed tributary to Bear Run and Bear Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: September 15, 2011. Permit issued: April 27, 2012.

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

**19110301 and NPDES Permit No. PA0225002. Hanson Aggregates Pennsylvania, LLC**, (7660 Imperial Way, Allentown, PA 18195), commencement, operation and restoration of a quarry operation in Hemlock and Madison Townships, **Columbia County** affecting 281.9 acres, receiving stream: unnamed tributary to Little Fishing Creek. Application received: April 29, 2011. Permit 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*

**10124101. Wampum Hardware Company** (2856 Stoystown Road, Friedens, PA 15541-7020) Blasting activity permit for construction blasting in Buffalo Township, **Butler County**. This blasting activity permit will expire on December 31, 2012. Permit Issued: May 2, 2012.

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

**08124130. Hayduk Enterprises Inc.** (257 Riverside Drive, Factoryville, PA 18419). Blasting for a pipeline located in Overton Township, **Bradford County**. Permit issued: May 4, 2012. Permit expires: December 31, 2012.

**08124131. Meshoppen Blasting, Inc.** (Frantz Road, P. O. Box 127, Meshoppen, PA 18630). Blasting for a well site access road located in Tuscarora Township, **Bradford County**. Permit issued: May 3, 2012. Permit expires: August 31, 2012.

**59124103. Maine Drilling & Blasting, Inc.** (P. O. Box 1140, Gardiner, ME 04345-1140). Blasting for a well pad located in Sullivan Township, **Tioga County**. Permit issued: May 1, 2012. Permit expires: April 23, 2013.

**59124104. Maine Drilling & Blasting, Inc.** (P. O. Box 1140, Gardiner, ME 04345-1140). Blasting for a well pad located in Rutland Township, **Tioga County**. Permit issued: May 1, 2012. Permit expires: April 23, 2013.

**59124105. Maine Drilling & Blasting, Inc.** (P. O. Box 1140, Gardiner, ME 04345-1140). Blasting for a pool/pond located in Sullivan Township, **Tioga County**. Permit issued: May 7, 2012. Permit expires: May 1, 2013.

**59124106. Maine Drilling & Blasting, Inc.** (P. O. Box 1140, Gardiner, ME 04345-1140). Blasting for a pool/pond located in Delmar Township, **Tioga County**. Permit issued: May 7, 2012. Permit expires: May 3, 2013.

**60124101. Keystone Blasting, Inc.** (15 Hopeland Road, Lititz, PA 17543-9795). Construction blasting for a

warehouse located in Buffalo Township, **Union County**. Permit issued: May 4, 2012. Permit expires: August 30, 2012.

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

**36124121. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Holtwood New PPL Power Plant in Martic Township, **Lancaster County** with an expiration date of April 25, 2013. Permit issued: May 1, 2012.

**58124122. Doug Wathen, LLC**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Mackey Gas Pad in Lathrop Township, **Susquehanna County** with an expiration date of March 23, 2013. Permit issued: May 1, 2012.

**58124132. Doug Wathen, LLC**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Bunnell Gas Pad in Dimock Township, **Susquehanna County** with an expiration date of April 13, 2013. Permit issued: May 1, 2012.

**58124136. Doug Wathen, LLC**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for G. Davis Gas Pad in Gibson Township, **Susquehanna County** with an expiration date of April 20, 2013. Permit issued: May 1, 2012.

**13124001. Chicago Explosive Services**, (141 West Jackson Suite 4217, Chicago, IL 60604), demolition of the Extension Bridge Over Pohopoco Creek in Franklin Township, **Carbon County** with an expiration date of May 31, 2012. Permit issued: May 2, 2012.

**58124010. John Brainard**, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for Pad 44 in Jackson Township, **Susquehanna County** with an expiration date of December 31, 2012. Permit issued: May 3, 2012.

**58124011. John Brainard**, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for Range Unit 37 in New Milford Township, **Susquehanna County** with an expiration date of December 12, 2012. Permit issued: May 3, 2012.

**40124111. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Gene Cosco in Plains Township, **Luzerne County** with an expiration date of December 31, 2012. Permit issued: May 4, 2012.

**58124135. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Brock Smith Well Pad in New Milford Township, **Susquehanna County** with an expiration date of April 23, 2013. Permit issued: May 4, 2012.

**46124107. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Gwynedd Mercy College in Lower Gwynedd Township, **Montgomery County** with an expiration date of May 1, 2013. Permit issued: May 7, 2012.

**64124101. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Paupack Lake Estates in Paupack and Lake Townships, **Wayne County** with an expiration date of May 31, 2013. Permit issued: May 7, 2012.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Envi-

ronmental 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.

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### 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.

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-823. Chester County Conservation District**, 688 Unionville Road, Suite 200, Kennett Square, PA 19348, East Bradford Township, **Chester County**, ACOE Philadelphia District.

To restore and maintain approximately 1,200 linear feet of impaired reach of Plum Run and its tributary (WWF, MF). Work will include streambank stabilization, minor channel realignment, floodplain grading and fish enhancement structures.

The site is located approximately one half mile south of the intersection of US-322 Business and S.R. 0052 (West Chester, PA. USGS Quadrangle N: 9.5 inches, W: 6.3 inches).



The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

**E23-492. Quarry Center, LP**, 940 E. Haverford Road, Suite 102, Bryn Mawr, PA 19010, Haverford Township, **Delaware County**, ACOE Philadelphia District.

To construct and maintain an approximately 54-foot long, 32-foot span, and 10-foot high (maximum) bridge across Naylor's Run associated with the proposed commercial development at Llanerch Quarry. The site is located near the intersection of West Chester Pike (S.R. 0003) and Township Line Road (S.R. 0001) (Lansdowne, PA, USGS Quadrangle N: 8.1 inches; W: 3.2 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.*

**E07-442: Bald Eagle Sportsmen's Club, Inc.**, 1635 Mountain Laurel Court, Warriors Mark, Pennsylvania 16877, in Snyder Township, **Blair County**, ACOE Baltimore District

To convert and maintain the existing earthen lined body of water to a concrete lined body of water and place and maintain fill in 0.008 acre of the body of water in the floodway of Big Fill Run (HQ-CWF, MF) for the purpose of improving the function of the body of water as a trout raceway. The project is located east of State Route 305, approximately 0.9 mile north of its intersection with South Eagle Valley Road (Tyrone, PA Quadrangle; N: 19.56 inches, W: 8.23 inches; Latitude: 40°43'57.7", Longitude: -78°11'3.8") in Snyder Township, Blair County.

**E36-865: County of Lancaster**, 50 North Duke Street, Lancaster, Pennsylvania 17608, in Lancaster City and West Lampeter Township, **Lancaster County**, ACOE Baltimore District

To remove an existing structure and construct and maintain a single span bridge having a normal span of 97.0 feet, a width of 27.0 feet and a minimum underclearance of 6.2 feet across Mill Creek (CWF, MF) impacting 0.047 acre of PEM wetland, all for the purpose of improving transportation and roadway standards. The project is located one mile past the intersection of Duke Street and Eshelman Mill Road (Lancaster, PA Quadrangle; N: 1.72 inches, W: 3.85 inches; Latitude: 40°00'34.1", Longitude: -76°16'39") in Lancaster City and West Lampeter Township, Lancaster County. The amount of wetland impact is considered a de minimus impact of 0.047 acre and wetland mitigation is not required.

**E38-179: Pennsylvania Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, Pennsylvania 17103-1699, in Millcreek Township, **Lebanon County**, ACOE Baltimore District

To: 1) remove the existing superstructure and construct and maintain a two-span spread box beam superstructure having two clear spans of 29.81 feet, a width of 31.00 feet, and a minimum underclearance of 4.17 feet across Mill Creek (TSF, MF), set on the existing concrete abutments and pier; and 2) to temporarily impact 0.01 acre of PEM wetland at the proposed bridge location all for the purpose of improving transportation safety and roadway standards. The project is located along SR 2014 (Furnace Road) (Womelsdorf, PA Quadrangle; N: 20.7 inches, W:

13.8 inches; Latitude: 40°21'50", Longitude: -76°13'27") in Millcreek Township, Lebanon County.

**E67-887: City of York**, 50 West King Street, York, PA 17405 in West Manchester Township and York City, **York County**, ACOE Baltimore District

To remove a portion of the existing stream enclosure and to relocate and maintain 700.0 feet of an unnamed tributary to Willis Run (WWF, MF) for the purpose of increasing the capacity of the current conveyance system during high flows. The project is located at the southwest corner of the intersection of Marbrook Lane and Roosevelt Avenue (West York, PA Quadrangle; N: 18.25 inches, W: 1.0 inch; Latitude: 39°58'34.36", Longitude: -76°45'25.59") in West Manchester Township and York City, York County.

**E36-887: Donegal Chapter Trout Unlimited**, PO Box 8001, Lancaster, PA 17604 in East Drumore Township, **Lancaster County**, ACOE Baltimore District

To construct and maintain 19 rock deflectors, 23 cover logs, 13 boulder/rock walls, 4 muddills, 2 rock vanes, 7 areas of random boulder placement, an 18.0-foot wide by 40.0-foot long agricultural livestock crossing, a wetland crossing temporarily impacting 0.1 acre of palustrine forested wetland, and to remove 3 log jams in and along Conowingo Creek (HQ-CWF, MF) (from Latitude: 39°51'7.84" N, Longitude: -76°11'53.80" W to Latitude: 39°50'50.55" N, Longitude: -76°11'45.87" W). To construct and maintain a rock cross vane, 3 boulder/rock walls, 3 agricultural livestock crossings being 10.0-foot wide by 75.0-foot long, 10.0-foot wide by 70.0-foot long, and 10.0-foot wide by 40.0-foot long, and dual 16.0-foot long, 18.0-inch diameter, HDPE culverts for a temporary stream crossing in and along an unnamed tributary to Conowingo Creek (HQ-CWF, MF) (from Latitude: 39°51'2.22" N, Longitude: -76°11'33.69" W to Latitude: 39°50'53.21" N, Longitude: -76°11'47.15" W). To construct and maintain 13 rock cross vanes, 8 cover logs, 7 boulder/rock walls, and 2 agricultural livestock crossing being 10.0-foot wide by 35.0-foot long and 10.0-foot wide by 50.0-foot long in and along an unnamed tributary to Conowingo Creek (HQ-CWF, MF) (from Latitude: 39°51'6.05" N, Longitude: -76°11'45.31" W to Latitude: 39°50'53.61" N, Longitude: -76°11'48.27" W). The project also includes approximately 7,110.0 feet of streambank fencing in and along Conowingo Creek (HQ-CWF, MF) and the two unnamed tributaries to Conowingo Creek (HQ-CWF, MF). The purpose of the project is to reduce sediment loading and to enhance fish habitat in the streams. The project is located approximately 3/8 of a mile north of Cardinal Drive, approximately 1,000.0 feet west of the intersection of Cardinal Drive and Conowingo Road (Wakefield, PA Quadrangle; N: 17.81 inches, W: 9.98 inches; Latitude: 39°50'53" N, Longitude: -76°11'46" W) in East Drumore Township, Lancaster County. Wetland impacts are temporary and mitigation is not required.

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

**E5829-013: Laser Northeast Gathering Company, LLC**, 1212 South Abington Road, Clarks Summit, PA 18411, Bridgewater, Forest Lake, and Silver Lake Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 16.0-inch diameter natural gas gathering line impacting 1,840 square feet of Palustrine Scrub Shrub Wetland (PSS) (Laurel Lake, PA Quadrangle, Latitude: 41° 53' 28", Longitude: 75° 54' 36"),

2. a 16.0-inch diameter natural gas gathering line impacting 40 lineal feet crossing an unnamed tributary to Fall Brook (EV-CWF) (Laurel Lake, PA Quadrangle, Latitude: 41° 53' 28", Longitude: 75° 54' 36"),

3. a 16.0-inch diameter natural gas gathering line impacting 40 lineal feet crossing an unnamed tributary to Fall Brook (EV-CWF) (Laurel Lake, PA Quadrangle, Latitude: 41° 53' 29", Longitude: 75° 54' 54"),

4. a 16.0-inch diameter natural gas gathering line impacting 2,840 square feet of Palustrine Emergent Wetland (PEM) (Laurel Lake, PA Quadrangle, Latitude: 41° 53' 28", Longitude: 75° 54' 58"),

5. a 16.0-inch diameter natural gas gathering line impacting 40 lineal feet crossing an unnamed tributary to Fall Brook (EV-CWF) (Laurel Lake, PA Quadrangle, Latitude: 41° 53' 20", Longitude: 75° 55' 17"),

The project will result in the impact of 120 lineal feet of temporary stream impacts and 4,680 square feet of wetlands impacts for the purpose of installing a natural gas gathering line for Marcellus gas well development. Wetland mitigation will be reviewed by the Department.

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335*

**E24-08-003, Seneca Resources Corporation**, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237. Spring Creek Surface Water Withdrawal and Waterline, in Spring Creek and Highland Townships, **Elk County**, United States Army Corps of Engineers Pittsburgh District.

Seneca Resources Corporation is proposing to construct and maintain a surface water withdrawal intake and waterline with 12 water obstructions and encroachments in and along Spring Creek (HQ-CWF) and unnamed tributaries thereof, and Big Run (HQ-CWF) and unnamed tributaries thereof. The project area has a proposed limit of disturbance of 16.8 acres. The surface water withdrawal intake consists of two pump enclosure screens on the surface of the stream bed, approximately 12 inches in diameter and 48 inches long. Submersible pumps will be located inside the screened enclosures, and the screen will be designed and sized to allow a maximum flow velocity across the screen of 0.5 feet per second to avoid entrainment/impingement of aquatic life. Water from the intakes will be conveyed by four-inch diameter flexible pipes to a single six-inch diameter pipe to a metering manhole and pump station building. A ten-inch water line will be trenched along existing access roads to transport freshwater from the pump station building to a freshwater storage area and natural gas well pad for use in natural gas well drilling operations.

Proposed stream impacts are limited to 11 linear feet of temporary impact to Spring Creek, associated with the water withdrawal intake. Other proposed water obstructions include boring the proposed waterline beneath Big Run, and trenching the waterline underneath existing culverts that convey the flows of unnamed tributaries to Spring Creek and Big Run. No permanent stream impacts are proposed. No temporary or permanent wetland impacts are proposed.

The project begins at the surface water withdrawal intake, which is located near the east bank of Spring Creek, approximately 3 miles upstream of the mouth of Spring Creek. The 4.64-mile waterline will follow existing access roads and transport freshwater from the intake to a freshwater storage area and natural gas well pad approximately 1.75 miles west of Owls Nest. (Hallton, PA

Quadrangle, Latitude: Beginning 41° 25' 56" N, Ending 41° 28' 30" N; Longitude: Beginning -78° 57' 25" W, Ending -78° 55' 19" W)

### 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 # ESX12-117-0047

Applicant Name Seneca Resources Corporation

Contact Person Michael Clinger

Address 51 Zents Boulevard

City, State, Zip Brookville, PA 15825

County Tioga County

Township(s) Bloss Township

Receiving Stream(s) and Classification(s) UNT to Johnson Creek, Johnson Creek (Both CWF) Natural Trout Reproduction—HQ;

Secondary: Tioga River (CWF/HQ-CWF)

ESCGP-1 # ESX12-115-0050

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) Gibson Township

Receiving Stream(s) and Classification(s) Tunkhannock Creek / Rock Creek (HQ)

ESCGP-1 # ESX12-081-0058

Applicant Name SWEPI LP

Contact Person H. James Sewell

Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086

County Lycoming County

Township(s) Jackson Township

Receiving Stream(s) and Classification(s) Tributary to Roaring Branch/Tributary to Lycoming Creek (EV);

Secondary: Roaring Branch/Lycoming Creek

## ESCGP-1 # ESX12-033-0014

Applicant Name EOG Resources, Inc.  
 Contact Person Jon Jorgenson  
 Address 2039 South Sixth Street  
 City, State, Zip Indiana, PA 15701  
 County Clearfield County  
 Township(s) Lawrence Township  
 Receiving Stream(s) and Classification(s) Fork Run (HQ);  
 Secondary: Lick Run

## ESCGP-1 # ESX12-081-0060

Applicant Name Seneca Resources Corporation  
 Contact Person Michael Clinger  
 Address 51 Zents Boulevard  
 City, State, Zip Brookville, PA 15825  
 County Lycoming County  
 Township(s) McIntyre Township  
 Receiving Stream(s) and Classification(s) Grays Run,  
 Heylmun Run (HQ);  
 Secondary: Lycoming Creek (EV, MF)

## ESCGP-1 # ESX12-015-0099

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) Albany Township  
 Receiving Stream(s) and Classification(s) UNT to Sugar  
 Run (CWF);  
 Secondary: Sugar Run (CWF)

## ESCGP-1 # ESX12-131-0009

Applicant Name Carrizo Marcellus, LLC  
 Contact Person Gary Byron  
 Address 251 Drainlick Road, P. O. Box 231  
 City, State, Zip Drifting, PA 16834  
 County Wyoming County  
 Township(s) Washington Township  
 Receiving Stream(s) and Classification(s) West Branch  
 Meshoppen Creek, Meshoppen Creek and Taques Creek  
 (All CWF)

## ESCGP-1 # ESX12-033-0013

Applicant Name Energy Corporation of America  
 Contact Person Travis Wendel  
 Address 1380 Route 286 Highway East, Suite 221  
 City, State, Zip Indiana, PA 15701  
 County Clearfield County  
 Township(s) Girard Township  
 Receiving Stream(s) and Classification(s) Gifford Run,  
 West Branch of the Susquehanna (HQ)

## ESCGP-1 # ESX12-117-0043

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) Liberty Township  
 Receiving Stream(s) and Classification(s) Roaring Branch  
 & UNT to Little Elk Run (CWF/MF)

## ESCGP-1 # ESX12-131-0002

Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Wyoming County  
 Township(s) Meshoppen Township  
 Receiving Stream(s) and Classification(s) Little Meshop-  
 pen Creek, Black Walnut Creek, Tribs. 29454, 29455,  
 29456 to Susquehanna River, Susquehanna River (All  
 WWF/MF)

## ESCGP-1 # ESX11-131-0040 (01)

Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Wyoming County  
 Township(s) Meshoppen Township  
 Receiving Stream(s) and Classification(s) Little Mehoop-  
 any Creek (CWF, MF);  
 Secondary: Roaring Run (CWF, MF), Susquehanna  
 River (WWF, MF)

## ESCGP-1 # ESX12-131-0003

Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Wyoming County  
 Township(s) Windham Township  
 Receiving Stream(s) and Classification(s) Roaring Run  
 (CWF, MF);  
 Secondary: Sugar Run Creek, Little Mehoopany Creek  
 (CWF, MF)

## ESCGP-1 # ESX12-115-0074

Applicant Name Appalachia Midstream Services LLC  
 Contact Person Mr. Patrick Myers Jr.  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna County  
 Township(s) Auburn Township  
 Receiving Stream(s) and Classification(s) Baker Creek,  
 Carter Creek, Tribs. 29352, 29353, 33008 to Little  
 Meshoppen Creek and Little Meshoppen Creek (All  
 CWF/MF)

## ESCGP-1 # ESX11-081-0057(01)

Applicant Name Anadarko E&P Co LP  
 Contact Person Nathan S Bennett  
 Address 33 W Third St, Suite 200  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cummings, Mifflin and Cogan House Town-  
 ships  
 Receiving Stream(s) and Classification(s) UNT to Second  
 Fork Larry's Creek (EV, MF)

## ESCGP-1 # ESX11-081-0057(02)

Applicant Name Anadarko E&P Co LP  
 Contact Person Nathan S Bennett  
 Address 33 W Third St, Suite 200  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cummings and Cogan House Townships  
 Receiving Stream(s) and Classification(s) UNT to Second  
 Fork Larry's Creek (EV, MF)

*Northwest Region: Oil and Gas Program Manager, 230  
 Chestnut St. Meadville, PA 16335*

## ESCGP-1 #ESX12-019-0135-Wack Pipeline

Applicant Keystone Midstream Services  
 Contact David Yourd  
 Address 11400 Westmoor Circle, Suite 325  
 City Westminster State CO Zip Code 80021  
 County Butler Township(s) Lancaster(s)  
 Receiving Stream(s) and Classification(s) UNT to Yellow  
 Creek and Scholars Run, and Yellow Creek (CWF) and  
 Scholars Run (WWF) and Crab Run (CWF)



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**STORAGE TANKS**


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**SITE-SPECTIFIC INSTALLATION PERMITS**


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The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
12-42-012	American Refining Group 77 N. Kendall Avenue Bradford, PA 16701 Attn: Stephen Sherk	McKean	City of Bradford	1 AST storing process mediums	43,782 gallons

[Pa.B. Doc. No. 12-912. Filed for public inspection May 18, 2012, 9:00 a.m.]

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**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—Substantive Revision**

Final TGD: Substantive Revision. DEP ID: 563-2504-001. Title: Conventional Bonding for Land Reclamation—Coal. Description: This guidance describes the regulatory and statutory requirements for determining bond amounts. It also establishes bond rates and the process for determining the bond for land reclamation. The substantive revisions made to the guidance include the following: addition of section II. D., relating to mine sealing/boreholes; modifications to clarify the bond release requirements; changes to the reclamation fees section to reflect recent regulatory amendments; and the deletion of Appendices C and D, which have been replaced by Departmental forms. Notice of availability of the proposed guidance was published at 39 Pa.B. 733 (February 7, 2009). No comments were received during the comment period. Contact: Questions regarding this technical guidance document should be directed to Chris Yeakle, P. O. Box 669, Knox, PA, 16232, (814) 797-1191 or [cyeakle@pa.gov](mailto:cyeakle@pa.gov).

*Effective Date:* Upon publication of notice as final in the *Pennsylvania Bulletin*.

DEP ID: 563-2504-501. Title: Qualifying, Processing and Tracking Financial Guarantees and Bond Credits. Description: The purpose of this document is to provide guidance to evaluate, process and track Remining Financial Guarantees and bond credits. It is revised to reflect regulatory changes that affect this program. Notice of availability of the proposed guidance was published at 42 Pa.B. 866 (February 11, 2012). No comments were received during the comment period. Contact: Questions regarding this technical guidance document should be directed to Chris Yeakle, P. O. Box 669, Knox, PA, 16232, (814) 797-1191 or [cyeakle@pa.gov](mailto:cyeakle@pa.gov).

*Effective Date:* Upon publication of notice as final in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-913. Filed for public inspection May 18, 2012, 9:00 a.m.]

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**Clean Air Interstate Rule; Proposed 2016 Annual and Ozone Season CAIR Nitrogen Oxides Allowance Allocations and Redistribution of 2011-2015 Allowances for Certain Facilities and Extension of CAIR Nitrogen Oxides Set Aside Program for Offsetting Sulfur Dioxide Emissions**

In accordance with 25 Pa. Code §§ 145.211(d) and 145.221(d) (relating to timing requirements for CAIR NO<sub>x</sub> allowance allocations; and timing requirements for CAIR NO<sub>x</sub> Ozone Season allowance allocations), the Department of Environmental Protection (Department) is providing notice and an opportunity to comment on the proposed 2016 annual and ozone season Clean Air Interstate Rule (CAIR) nitrogen oxides (NO<sub>x</sub>) allowance allocations.

The Commonwealth's 2016 NO<sub>x</sub> budget for the annual CAIR program contains 82,541 NO<sub>x</sub> allowances; 81,429 NO<sub>x</sub> allowances are proposed for allocation. Notice of proposal for 39 vintage year 2016 allowances to new units was published at 42 Pa.B. 1101 (February 25, 2012).

In this notice, the Department is proposing to extend the set aside program described in 25 Pa. Code § 145.212(f)(2)—(4) (relating to CAIR NO<sub>x</sub> allowance allocations) to include a set aside of 2016 vintage year CAIR



NO<sub>x</sub> allowances. The Department is accepting comments on the proposed extension in accordance with 25 Pa. Code § 145.212(f)(5). The Department is proposing to maintain the 1.3% set aside for future allocation of additional CAIR NO<sub>x</sub> allowances to offset sulfur dioxide (SO<sub>2</sub>) emissions to units exempted by section 405(g)(6)(A) of the Clean Air Act (42 U.S.C.A. § 7651d(g)(6)(A)). This extension is appropriate in light of the continued implementation of the CAIR program that resulted from the court's temporary stay of the Federal Cross State Air Pollution Rule in *EME Homer City Generation, L.P. v EPA*, D.C. Cir. 11-1302. The allocation of additional NO<sub>x</sub> allowances to offset SO<sub>2</sub> emissions may be extended after a 30-day public comment period provided in accordance with 25 Pa. Code § 145.212(f)(5).

The Commonwealth's NO<sub>x</sub> budget for the ozone season CAIR program contains 35,143 NO<sub>x</sub> allowances; 35,121 CAIR ozone season NO<sub>x</sub> allowances are proposed for allocation. Notice of proposal for 22 allowances to new units was published at 42 Pa.B. 1101.

In accordance with 25 Pa. Code § 145.212(c) and (f)(4), the Department is proposing to distribute 198 vintage 2010 annual NO<sub>x</sub> allowances that remained after the Department's allocations last year to independent power producers (IPP) that were exempted from many of the provisions of the Federal Acid Rain Program but were not exempted from the CAIR requirements. See 41 Pa.B. 1580 (March 19, 2011) and 41 Pa.B. 4047 (July 23, 2011).

The Department is proposing to reallocate 218 vintage years 2011 through 2015 NO<sub>x</sub> allowances, originally allocated to Trigen Energy Corporation, Edison Station Units 1—4. The United States Environmental Protection Agency has determined that the Edison Station units are not subject to CAIR. The allowances were transferred into the Department's Primary Reserve account. The Department allocated the allowances applying the methodology required in 25 Pa. Code § 145.212 for each vintage year allocation. The allocations were rerun for each affected year without including the four Edison Station units.

The Department is also proposing to allocate 27 vintage year 2015 annual NO<sub>x</sub> allowances remaining in the Department's CAIR account due to typographical error in the spreadsheet used to calculate the allocations for 2015. These allowances are also being allocated in accordance with 25 Pa. Code § 145.212.

For each CAIR unit and qualifying resource receiving a NO<sub>x</sub> allocation, Tables 1 and 2 as follows list the following: facility name; county; ORIS Code; unit ID; either the gross loading, steam loading, useful thermal energy and/or total heat energy of steam; converted heat input from the base year; and proposed 2016 annual allowance allocation or 2016 ozone season allowance allocation

Table 3 lists each CAIR unit and qualifying resource that is being allocated NO<sub>x</sub> allowances from the 198 allowances that remained after the 2011 allocation to IPPs.

Table 4 lists each facility CAIR unit and qualifying resource that is being allocated additional NO<sub>x</sub> allowances and the vintage year to which those allowances belong.

Owners and operators of units should be aware that CAIR NO<sub>x</sub> allowances and CAIR NO<sub>x</sub> Ozone Season 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 these allocations, once final.

#### Written Comments

Written comments on the proposed annual and ozone season CAIR NO<sub>x</sub> allowance allocations for 2016 should be sent to the attention of Randy Bordner, Environmental Group Manager, Air Resource Management Division, Bureau of Air Quality, DEP, P. O. Box 8468, Harrisburg, PA 17105-8468 or [ranbordner@pa.gov](mailto:ranbordner@pa.gov) no later than June 18, 2012. Any written comments (including e-mails) should include the name, affiliation (if any), mailing address and telephone number of the interested person and contain "Proposed 2016 Annual and Ozone Season CAIR Nitrogen Oxides (NO<sub>x</sub>) Allowance Allocations" or "Extension of CAIR NO<sub>x</sub> Set Aside Program for SO<sub>2</sub> Emissions" in the subject line.

Questions concerning this notice should be directed to Randy Bordner at (717) 772-3921. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

Table 1: Proposed Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 32	0		3,562,683		4,453,354	295
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 33	0		3,869,399		4,836,749	320
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 34	0		3,658,008		4,572,510	303
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 35	0		1,906,106		2,382,633	158
AES Ironwood COUNTY Lebanon ORIS CODE 5537 UNIT ID 1	1,837,887				12,267,896	812
AES Ironwood COUNTY Lebanon ORIS CODE 5537 UNIT ID 2	1,877,221				12,530,448	829
Allegheny Energy Units 1 & 2 COUNTY Allegheny ORIS CODE 55196 UNIT ID 1	41,169				274,802	18
Allegheny Energy Units 1 & 2 COUNTY Allegheny ORIS CODE 55196 UNIT ID 2	44,948				300,025	20
Allegheny Energy Units 3, 4 & 5 COUNTY Allegheny ORIS CODE 55710 UNIT ID 3	259,129				1,729,688	114
Allegheny Energy Units 3, 4 & 5 COUNTY Allegheny ORIS CODE 55710 UNIT ID 4	218,786				1,460,397	97
Allegheny Energy Units 8 & 9 COUNTY Fayette ORIS CODE 55377 UNIT ID 8	51,683				344,987	23

Table 1: Proposed Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy Lbs of (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Allegheny Energy Units 8 & 9 COUNTY Fayette ORIS CODE 55377 UNIT ID 9	50,110				334,487	22
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 1	14,763				98,543	7
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 2	20,002				133,513	9
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 3	26,170				174,685	12
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 4	30,270				202,052	13
Armstrong Power Station COUNTY Armstrong ORIS CODE 3178 UNIT ID 1	881,379				6,962,890	461
Armstrong Power Station COUNTY Armstrong ORIS CODE 3178 UNIT ID 2	953,675				7,534,036	499
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 1	470,506				3,140,627	208
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 2	466,565				3,114,322	206
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 3	352,774				2,354,769	156
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 5	529,901				3,537,091	234

Table 1: Proposed Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 6	508,463				3,393,990	225
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 7	544,022				3,631,349	240
Bruce Mansfield COUNTY Beaver ORIS CODE 6094 UNIT ID 1	6,697,711				52,911,917	3502
Bruce Mansfield COUNTY Beaver ORIS CODE 6094 UNIT ID 2	5,847,854				46,198,047	3057
Bruce Mansfield COUNTY Beaver ORIS CODE 6094 UNIT ID 3	7,167,640				56,624,356	3747
Brunner Island COUNTY York ORIS CODE 3140 UNIT ID 1	2,446,721				19,329,096	1279
Brunner Island COUNTY York ORIS CODE 3140 UNIT ID 2	2,987,740				23,603,146	1562
Brunner Island COUNTY York ORIS CODE 3140 UNIT ID 3	5,589,248				44,155,059	2922
Brunot Island Power Station COUNTY Allegheny ORIS CODE 3096 UNIT ID 2A	2,116				14,124	1
Brunot Island Power Station COUNTY Allegheny ORIS CODE 3096 UNIT ID 2B	2,902				19,371	1
Brunot Island Power Station COUNTY Allegheny ORIS CODE 3096 UNIT ID 3	2,594				17,315	1



Table 1: Proposed Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Cambria Cogen COUNTY Cambria ORIS CODE 10641 UNIT ID 1	0		4,724,626		5,905,783	391
Cambria Cogen COUNTY Cambria ORIS CODE 10641 UNIT ID 2	0		4,624,237		5,780,296	383
Chambersburg Units 12 & 13 COUNTY Franklin ORIS CODE 55654 UNIT ID 12	48,297				322,384	21
Chambersburg Units 12 & 13 COUNTY Franklin ORIS CODE 55654 UNIT ID 13	56,589				377,732	25
Cheswick COUNTY Allegheny ORIS CODE 8226 UNIT ID 1	1,954,013				15,436,702	1022
Colver Power Project COUNTY Cambria ORIS CODE 10143 UNIT ID AAB01	1,012,604				7,999,572	529
Conemaugh COUNTY Indiana ORIS CODE 3118 UNIT ID 1	6,985,785				55,187,702	3652
Conemaugh COUNTY Indiana ORIS CODE 3118 UNIT ID 2	5,980,173				47,243,367	3126
Cromby COUNTY Chester ORIS CODE 3159 UNIT ID 1	498,386				3,937,249	261
Cromby COUNTY Chester ORIS CODE 3159 UNIT ID 2	149,040				994,842	66
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 11	1,611				10,753	1

Table 1: Proposed Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 12	1,771				11,821	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 21	2,026				13,524	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 22	1,655				11,047	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 31	2,354				15,713	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 32	2,275				15,186	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 41	2,058				13,737	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 42	1,962				13,096	1
Duke Energy Fayette, II LLC COUNTY Fayette ORIS CODE 55516 UNIT ID CTG1	1,042,702				6,960,036	461
Duke Energy Fayette, II LLC COUNTY Fayette ORIS CODE 55516 UNIT ID CTG2	1,024,045				6,835,500	452
Ebensburg Power Company COUNTY Cambria ORIS CODE 10603 UNIT ID 31	0		4,807,321		6,009,151	398
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 1	993,263				7,846,778	519

Table 1: Proposed Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 2	1,126,625				8,900,338	589
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 3	138,591				925,095	61
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 4	125,646				838,687	56
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 1	36,346				287,132	19
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 2	121,718				961,573	64
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 3	99,833				788,681	52
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 4	385,050				3,041,893	201
FPL Energy Marcus Hook, LP COUNTY Delaware ORIS CODE 55801 UNIT ID 1	1,010,945			3,547	3,454,788	229
FPL Energy Marcus Hook, LP COUNTY Delaware ORIS CODE 55801 UNIT ID 2	975,630			98,832	3,453,364	229
FPL Energy Marcus Hook, LP COUNTY Delaware ORIS CODE 55801 UNIT ID 3	955,241			261,010	3,586,500	237
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 1A	1,609,466				10,743,186	711

Table 1: Proposed Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 1B	1,669,200				11,141,910	737
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 2A	1,184,516				7,906,644	523
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 2B	1,187,691				7,927,837	525
Fairless Hills Generating Station COUNTY Bucks ORIS CODE 7701 UNIT ID PHBLR4	167,304				1,116,754	74
Fairless Hills Generating Station COUNTY Bucks ORIS CODE 7701 UNIT ID PHBLR5	62,195				415,152	27
G F Weaton COUNTY Beaver ORIS CODE 50130 UNIT ID 34	262,310				2,072,249	137
G F Weaton COUNTY Beaver ORIS CODE 50130 UNIT ID 35	255,540				2,018,766	134
Gilberton Power Company COUNTY Schuylkill ORIS CODE 10113 UNIT ID 31	0	2,911,333			3,512,706	232
Gilberton Power Company COUNTY Schuylkill ORIS CODE 10113 UNIT ID 32	0	2,720,428			3,282,366	217
Grays Ferry Cogen Partnership COUNTY Philadelphia ORIS CODE 54785 UNIT ID 2	699,347			2,765,252	5,843,437	387
Grays Ferry Cogen Partnership COUNTY Philadelphia ORIS CODE 54785 UNIT ID 25	0		1,627,980		2,034,975	135



Table 1: Proposed Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-1A	4,253				28,389	2
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-1B	4,256				28,409	2
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-2A	7,633				50,950	3
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-2B	7,650				51,064	3
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-3A	6,859				45,784	3
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-3B	6,848				45,710	3
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-4A	7,208				48,113	3
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-4B	7,187				47,973	3
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-5A	7,470				49,862	3
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-5B	7,470				49,862	3
Hatfield's Ferry Power Station COUNTY Greene ORIS CODE 3179 UNIT ID 1	3,308,953				26,140,725	1730

Table 1: Proposed Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Hatfield's Ferry Power Station COUNTY Greene ORIS CODE 3179 UNIT ID 2	3,194,648				25,237,718	1670
Hatfield's Ferry Power Station COUNTY Greene ORIS CODE 3179 UNIT ID 3	3,221,294				25,448,221	1684
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TURE2	936				6,248	0
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TURE3	1,133				7,563	1
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TURE4	1,119				7,469	0
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TURE5	992				6,622	0
Homer City COUNTY Indiana ORIS CODE 3122 UNIT ID 1	3,947,943				31,188,751	2064
Homer City COUNTY Indiana ORIS CODE 3122 UNIT ID 2	4,117,311				32,526,758	2153
Homer City COUNTY Indiana ORIS CODE 3122 UNIT ID 3	3,736,885				29,521,389	1954
Humlock Creek Energy Center COUNTY Luzerne ORIS CODE 3176 UNIT ID 6	115,854				915,247	61
Humlock Unit 4 COUNTY Luzerne ORIS CODE 56397 UNIT ID 4	9,654				64,443	4

Table 1: Proposed Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Hunterstown Combined Cycle COUNTY Adams ORIS CODE 55976 UNIT ID CT101	751,319				5,015,052	332
Hunterstown Combined Cycle COUNTY Adams ORIS CODE 55976 UNIT ID CT201	804,064				5,367,129	355
Hunterstown Combined Cycle COUNTY Adams ORIS CODE 55976 UNIT ID CT301	718,201				4,793,992	317
Keystone COUNTY Armstrong ORIS CODE 3136 UNIT ID 1	7,357,668				58,125,577	3847
Keystone COUNTY Armstrong ORIS CODE 3136 UNIT ID 2	7,216,624				57,011,330	3773
Liberty Electric Power Plant COUNTY Delaware ORIS CODE 55231 UNIT ID 1	1,608,518				10,736,858	711
Liberty Electric Power Plant COUNTY Delaware ORIS CODE 55231 UNIT ID 2	1,645,866				10,986,156	727
Lower Mount Bethel Energy COUNTY Northampton ORIS CODE 55667 UNIT ID CT01	1,470,992				9,818,870	650
Lower Mount Bethel Energy COUNTY Northampton ORIS CODE 55667 UNIT ID CT02	1,465,291				9,780,820	647
Martins Creek COUNTY Northampton ORIS CODE 3148 UNIT ID 3	520,536				3,474,578	230
Martins Creek COUNTY Northampton ORIS CODE 3148 UNIT ID 4	398,369				2,659,113	176

Table 1: Proposed Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 1	2,876				19,197	1
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 2	0				0	0
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 3	2,876				19,195	1
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 33	1,050,032				8,295,250	549
Montour COUNTY Montour ORIS CODE 3149 UNIT ID 1	5,748,794				45,415,473	3006
Montour COUNTY Montour ORIS CODE 3149 UNIT ID 2	4,497,963				35,533,908	2352
Mountain COUNTY Cumberland ORIS CODE 3111 UNIT ID 31	2,548				17,008	1
Mountain COUNTY Cumberland ORIS CODE 3111 UNIT ID 32	2,925				19,524	1
Mt. Carmel Cogeneration COUNTY Northumberland ORIS CODE 10343 UNIT ID SG-101	0		3,730,226		4,662,783	309
New Castle COUNTY Lawrence ORIS CODE 3138 UNIT ID 3	221,494				1,749,799	116
New Castle COUNTY Lawrence ORIS CODE 3138 UNIT ID 4	252,876				1,997,722	132



Table 1: Proposed Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
New Castle COUNTY Lawrence ORIS CODE 3138 UNIT ID 5	316,091				2,497,122	165
North East Cogeneration Plant COUNTY Erie ORIS CODE 54571 UNIT ID 1	1,258			662	5,121	0
North East Cogeneration Plant COUNTY Erie ORIS CODE 54571 UNIT ID 2	1,813			896	7,308	0
Northampton Generating Plant COUNTY Northampton ORIS CODE 50888 UNIT ID	874,267				6,906,709	457
Northeastern Power Company COUNTY Schuylkill ORIS CODE 50039 UNIT ID 31	490,007				3,871,055	256
Ontelaunee Energy Center COUNTY Berks ORIS CODE 55193 UNIT ID CT1	1,167,836				7,795,305	516
Ontelaunee Energy Center COUNTY Berks ORIS CODE 55193 UNIT ID CT2	1,120,481				7,479,211	495
PEI Power Corporation COUNTY Lackawanna ORIS CODE 50279 UNIT ID 2	31,368				209,381	14
Panther Creek Energy Facility COUNTY Carbon ORIS CODE 50776 UNIT ID 1	372,610				2,943,619	195
Panther Creek Energy Facility COUNTY Carbon ORIS CODE 50776 UNIT ID 2	390,936				3,088,394	204
Piney Creek Power Plant COUNTY Clarion ORIS CODE 54144 UNIT ID 31	288,000				2,275,200	151

Table 1: Proposed Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Portland COUNTY Northampton ORIS CODE 3113 UNIT ID 1	755,730				5,970,271	395
Portland COUNTY Northampton ORIS CODE 3113 UNIT ID 2	1,056,182				8,343,836	552
Portland COUNTY Northampton ORIS CODE 3113 UNIT ID 5	3,287				21,943	1
Richmond COUNTY Philadelphia ORIS CODE 3168 UNIT ID 91	1,958				13,070	1
Richmond COUNTY Philadelphia ORIS CODE 3168 UNIT ID 92	2,400				16,020	1
Schuylkill COUNTY Philadelphia ORIS CODE 3169 UNIT ID 1	18,637				124,402	8
Scrubgrass Generating Plant COUNTY Venango ORIS CODE 50974 UNIT ID 1	404,373				3,194,547	211
Scrubgrass Generating Plant COUNTY Venango ORIS CODE 50974 UNIT ID 2	396,401				3,131,568	207
Seward COUNTY Indiana ORIS CODE 3130 UNIT ID 1	2,253,692				17,804,167	1178
Seward COUNTY Indiana ORIS CODE 3130 UNIT ID 2	2,008,823				15,869,702	1050
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 1	535,841				4,233,144	280

Table 1: Proposed Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 2	522,428				4,127,181	273
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 3	823,912				6,508,905	431
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 4	8,368,719				66,112,880	4375
St. Nicholas Cogeneration Project COUNTY Schuylkill ORIS CODE 54634 UNIT ID 1	763,658				6,032,898	399
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 1A	266,740				2,107,248	139
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 1B	261,471				2,065,621	137
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 2A	276,622				2,185,311	145
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 2B	0				0	0
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 3	477,267				3,770,405	250
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 4	595,931				4,707,852	312
Titus COUNTY Berks ORIS CODE 3115 UNIT ID 1	275,088				2,173,195	144

Table 1: Proposed Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Titus COUNTY Berks ORIS CODE 3115 UNIT ID 2	253,030				1,998,937	132
Titus COUNTY Berks ORIS CODE 3115 UNIT ID 3	280,612				2,216,835	147
Tolna COUNTY York ORIS CODE 3116 UNIT ID 31	1,611				10,753	1
Tolna COUNTY York ORIS CODE 3116 UNIT ID 32	1,315				8,778	1
Veolia Energy Philadelphia - Schuylkill COUNTY Philadelphia ORIS CODE 50607 UNIT ID 23			7,032		8,790	1
Veolia Energy Philadelphia - Schuylkill COUNTY Philadelphia ORIS CODE 50607 UNIT ID 24			2,299		2,874	0
Veolia Energy Philadelphia - Schuylkill COUNTY Philadelphia ORIS CODE 50607 UNIT ID 26			30,004		37,505	2
WPS Westwood Generation, LLC COUNTY Schuylkill ORIS CODE 50611 UNIT ID 31	209,623				1,656,019	110
Warren COUNTY Warren ORIS CODE 3132 UNIT ID 5	0				0	0
Wheelabrator - Frackville COUNTY Schuylkill ORIS CODE 50879 UNIT ID GEN1	0	3,358,645			4,052,415	268
					<b>Total</b>	<b>81,429</b>



Table 2: Proposed Pennsylvania 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 32			1,525,334		1,906,668	118
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 33			1,710,418		2,138,023	132
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 34	0		1,624,078		2,030,098	125
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 35	0		816,051		1,020,064	63
AES Ironwood COUNTY Lebanon ORIS CODE 55337 UNIT ID 1	963,349				6,430,351	397
AES Ironwood COUNTY Lebanon ORIS CODE 55337 UNIT ID 2	942,315				6,289,953	388
Allegheny Energy Units 1 & 2 COUNTY Allegheny ORIS CODE 55196 UNIT ID 1	32,417				216,382	13
Allegheny Energy Units 1 & 2 COUNTY Allegheny ORIS CODE 55196 UNIT ID 2	33,105				220,978	14
Allegheny Energy Units 3, 4 & 5 COUNTY Allegheny ORIS CODE 55710 UNIT ID 3	166,522				1,111,537	69
Allegheny Energy Units 3, 4 & 5 COUNTY Allegheny ORIS CODE 55710 UNIT ID 4	152,164				1,015,696	63
Allegheny Energy Units 8 & 9 COUNTY Fayette ORIS CODE 55377 UNIT ID 8	32,041				213,876	13

Table 2: Proposed Pennsylvania 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Allegheny Energy Units 8 & 9 COUNTY Fayette ORIS CODE 55377 UNIT ID 9	31,204				208,286	13
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 1	6,147				41,031	3
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 2	10,613				70,842	4
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 3	14,545				97,088	6
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 4	17,054				113,835	7
Armstrong Power Station COUNTY Armstrong ORIS CODE 3178 UNIT ID 1	398,217				3,145,914	194
Armstrong Power Station COUNTY Armstrong ORIS CODE 3178 UNIT ID 2	403,377				3,186,677	197
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 1	308,822				2,061,389	127
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 2	312,349				2,084,926	129
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 3	289,853				1,934,772	119
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 5	317,505				2,119,347	131

Table 2: Proposed Pennsylvania 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 6	319,072				2,129,808	131
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 7	320,673				2,140,494	132
Bruce Mansfield COUNTY Beaver ORIS CODE 6094 UNIT ID 1	2,735,823				21,613,002	1,333
Bruce Mansfield COUNTY Beaver ORIS CODE 6094 UNIT ID 2	2,539,490				20,061,971	1,238
Bruce Mansfield COUNTY Beaver ORIS CODE 6094 UNIT ID 3	2,970,548				23,467,329	1,448
Brunner Island COUNTY York ORIS CODE 3140 UNIT ID 1	970,070				7,663,553	473
Brunner Island COUNTY York ORIS CODE 3140 UNIT ID 2	1,209,943				9,558,550	590
Brunner Island COUNTY York ORIS CODE 3140 UNIT ID 3	2,346,330				18,536,007	1,144
Brunot Island Power Station COUNTY Allegheny ORIS CODE 3096 UNIT ID 2A	2,116				14,124	1
Brunot Island Power Station COUNTY Allegheny ORIS CODE 3096 UNIT ID 2B	2,902				19,371	1
Brunot Island Power Station COUNTY Allegheny ORIS CODE 3096 UNIT ID 3	2,594				17,315	1

Table 2: Proposed Pennsylvania 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Cambria Cogen COUNTY Cambria ORIS CODE 10641 UNIT ID 1	0		2,082,507		2,603,134	161
Cambria Cogen COUNTY Cambria ORIS CODE 10641 UNIT ID 2	0		2,155,573		2,694,466	166
Chambersburg Units 12 & 13 COUNTY Franklin ORIS CODE 55654 UNIT ID 12	36,403				242,990	15
Chambersburg Units 12 & 13 COUNTY Franklin ORIS CODE 55654 UNIT ID 13	37,126				247,818	15
Cheswick COUNTY Allegheny ORIS CODE 8226 UNIT ID 1	911,134				7,197,958	444
Colver Power Project COUNTY Cambria ORIS CODE 10143 UNIT ID AAB01	441,498				3,487,834	215
Conemaugh COUNTY Indiana ORIS CODE 3118 UNIT ID 1	5,372,820				42,445,278	2,619
Conemaugh COUNTY Indiana ORIS CODE 3118 UNIT ID 2	2,607,353				20,598,089	1,271
Cromby COUNTY Chester ORIS CODE 3159 UNIT ID 1	277,924				2,195,600	135
Cromby COUNTY Chester ORIS CODE 3159 UNIT ID 2	140,687				939,086	58
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 11	1,574				10,506	1



Table 2: Proposed Pennsylvania 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 12	1,736				11,588	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 21	2,004				13,377	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 22	1,586				10,587	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 31	2,115				14,118	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 32	2,055				13,717	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 41	1,846				12,322	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 42	1,928				12,869	1
Duke Energy Fayette, II LLC COUNTY Fayette ORIS CODE 55516 UNIT ID CTG1	442,266				2,952,126	182
Duke Energy Fayette, II LLC COUNTY Fayette ORIS CODE 55516 UNIT ID CTG2	446,565				2,980,821	184
Ebensburg Power Company COUNTY Cambria ORIS CODE 10603 UNIT ID 31	0		2,015,924		2,519,905	155
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 1	516,629				4,081,369	252

Table 2: Proposed Pennsylvania 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 2	636,635				5,029,417	310
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 3	138,095				921,784	57
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 4	125,646				838,687	52
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 1	16,716				132,052	8
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 2	70,086				553,679	34
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 3	68,416				540,486	33
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 4	193,532				1,528,900	94
FPL Energy Marcus Hook, LP COUNTY Delaware ORIS CODE 55801 UNIT ID 1	421,428			1062.9	1,439,661	89
FPL Energy Marcus Hook, LP COUNTY Delaware ORIS CODE 55801 UNIT ID 2	464,044			36559.4	1,629,482	101
FPL Energy Marcus Hook, LP COUNTY Delaware ORIS CODE 55801 UNIT ID 3	432,894			6518.1	1,485,615	92
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 1A	642,649				4,289,682	265

Table 2: Proposed Pennsylvania 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 1B	711,544				4,749,556	293
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 2A	550,616				3,675,362	227
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 2B	541,174				3,612,336	223
Fairless Hills Generating Station COUNTY Bucks ORIS CODE 7701 UNIT ID PHBLR4	82,260				549,086	34
Fairless Hills Generating Station COUNTY Bucks ORIS CODE 7701 UNIT ID PHBLR5	11,473				76,582	5
G F Weaton COUNTY Beaver ORIS CODE 50130 UNIT ID 34	108,050				853,595	53
G F Weaton COUNTY Beaver ORIS CODE 50130 UNIT ID 35	90,170				712,343	44
Gilberton Power Company COUNTY Schuylkill ORIS CODE 10113 UNIT ID 31	0	1208199.23			1,457,768	90
Gilberton Power Company COUNTY Schuylkill ORIS CODE 10113 UNIT ID 32	0	1090237.75			1,315,440	81
Grays Ferry Cogen Partnership COUNTY Philadelphia ORIS CODE 54785 UNIT ID 2	290,048			771068	1,953,768	121
Grays Ferry Cogen Partnership COUNTY Philadelphia ORIS CODE 54785 UNIT ID 25	0		572,392		715,490	44

Table 2: Proposed Pennsylvania 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-1A	3,694				24,657	2
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-1B	3,687				24,611	2
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-2A	6,680				44,589	3
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-2B	6,697				44,702	3
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-3A	5,817				38,828	2
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-3B	5,806				38,755	2
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-4A	6,170				41,185	3
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-4B	6,149				41,045	3
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-5A	6,466				43,161	3
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-5B	6,466				43,161	3
Hatfield's Ferry Power Station COUNTY Greene ORIS CODE 3179 UNIT ID 1	1,247,319				9,853,821	608



Table 2: Proposed Pennsylvania 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Hatfield's Ferry Power Station COUNTY Greene ORIS CODE 3179 UNIT ID 2	1,405,118				11,100,432	685
Hatfield's Ferry Power Station COUNTY Greene ORIS CODE 3179 UNIT ID 3	1,464,277				11,567,790	714
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TURE2	857				5,720	0
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TURE3	963				6,428	0
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TRUB4	1,002				6,688	0
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TURBI	734				4,899	0
Homer City COUNTY Indiana ORIS CODE 3122 UNIT ID 1	1,486,322				11,741,947	724
Homer City COUNTY Indiana ORIS CODE 3122 UNIT ID 2	1,580,572				12,486,516	770
Homer City COUNTY Indiana ORIS CODE 3122 UNIT ID 3	1,808,060				14,283,671	881
Humlock Creek Energy Center COUNTY Luzerne ORIS CODE 3176 UNIT ID 6	16,690				131,851	8
Humlock Unit 4 COUNTY Luzerne ORIS CODE 56397 UNIT ID 4	7,551				50,404	3

Table 2: Proposed Pennsylvania 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Hunterstown Combined Cycle COUNTY Adams ORIS CODE 55976 UNIT ID CT101	437,255				2,918,678	180
Hunterstown Combined Cycle COUNTY Adams ORIS CODE 55976 UNIT ID CT201	452,823				3,022,595	186
Hunterstown Combined Cycle COUNTY Adams ORIS CODE 55976 UNIT ID CT301	461,027				3,077,352	190
Keystone COUNTY Armstrong ORIS CODE 3136 UNIT ID 1	3,255,811				25,720,907	1,587
Keystone COUNTY Armstrong ORIS CODE 3136 UNIT ID 2	3,100,282				24,492,228	1,511
Liberty Electric Power Plant COUNTY Delaware ORIS CODE 55231 UNIT ID 1	726,883				4,851,944	299
Liberty Electric Power Plant COUNTY Delaware ORIS CODE 55231 UNIT ID 2	754,820				5,038,424	311
Lower Mount Bethel Energy COUNTY Northampton ORIS CODE 55667 UNIT ID CT01	814,648				5,437,776	335
Lower Mount Bethel Energy COUNTY Northampton ORIS CODE 55667 UNIT ID CT02	796,813				5,318,725	328
Martins Creek COUNTY Northampton ORIS CODE 3148 UNIT ID 3	445,189				2,971,637	183
Martins Creek COUNTY Northampton ORIS CODE 3148 UNIT ID 4	359,339				2,398,588	148

Table 2: Proposed Pennsylvania 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 1	2,876				19,197	1
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 2	0				0	0
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 3	2,876				19,195	1
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 33	562,799				4,446,109	274
Montour COUNTY Montour ORIS CODE 3149 UNIT ID 1	2,450,495				19,358,911	1,194
Montour COUNTY Montour ORIS CODE 3149 UNIT ID 2	1,433,402				11,323,876	699
Mountain COUNTY Cumberland ORIS CODE 3111 UNIT ID 31	2,286				15,259	1
Mountain COUNTY Cumberland ORIS CODE 3111 UNIT ID 32	2,559				17,081	1
Mt. Carmel Cogeneration COUNTY Northumberland ORIS CODE 10343 UNIT ID SG-101	0		1,556,033		1,945,041	120
New Castle COUNTY Lawrence ORIS CODE 3138 UNIT ID 3	123,539				975,954	60
New Castle COUNTY Lawrence ORIS CODE 3138 UNIT ID 4	131,052				1,035,313	64

Table 2: Proposed Pennsylvania 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
New Castle COUNTY Lawrence ORIS CODE 3138 UNIT ID 5	169,005				1,335,141	82
North East Cogeneration Plant COUNTY Erie ORIS CODE 54571 UNIT ID 1	548			346	2,303	0
North East Cogeneration Plant COUNTY Erie ORIS CODE 54571 UNIT ID 2	810			511	3,403	0
Northampton Generating Plant COUNTY Northampton ORIS CODE 50888 UNIT ID NGC01	372,634				2,943,809	182
Northeastern Power Company COUNTY Schuylkill ORIS CODE 50039 UNIT ID 31	210,166				1,660,311	102
Ontelaunee Energy Center COUNTY Berks ORIS CODE 55193 UNIT ID CT1	478,663				3,195,076	197
Ontelaunee Energy Center COUNTY Berks ORIS CODE 55193 UNIT ID CT2	497,957				3,323,863	205
PEI Power Corporation COUNTY Lackawanna ORIS CODE 50279 UNIT ID 2	22,855				152,557	9
Panther Creek Energy Facility COUNTY Carbon ORIS CODE 50776 UNIT ID 1	157,815				1,246,739	77
Panther Creek Energy Facility COUNTY Carbon ORIS CODE 50776 UNIT ID 2	169,901				1,342,218	83
Piney Creek Power Plant COUNTY Clarion ORIS CODE 54144 UNIT ID 31	103,570				818,200	50



Table 2: Proposed Pennsylvania 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Portland COUNTY Northampton ORIS CODE 3113 UNIT ID 1	410,061				3,239,486	200
Portland COUNTY Northampton ORIS CODE 3113 UNIT ID 2	454,416				3,589,886	221
Portland COUNTY Northampton ORIS CODE 3113 UNIT ID 5	3,288				21,946	1
Richmond COUNTY Philadelphia ORIS CODE 3168 UNIT ID 91	1,889				12,609	1
Richmond COUNTY Philadelphia ORIS CODE 3168 UNIT ID 92	2,314				15,446	1
Schuylkill COUNTY Philadelphia ORIS CODE 3169 UNIT ID 1	18,637				124,402	8
Scrubgrass Generating Plant COUNTY Venango ORIS CODE 50974 UNIT ID 1	158,845				1,254,876	77
Scrubgrass Generating Plant COUNTY Venango ORIS CODE 50974 UNIT ID 2	158,935				1,255,587	77
Seward COUNTY Indiana ORIS CODE 3130 UNIT ID 1	1,022,086				8,074,479	498
Seward COUNTY Indiana ORIS CODE 3130 UNIT ID 2	967,384				7,642,354	471
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 1	233,979				1,848,434	114

Table 2: Proposed Pennsylvania 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 2	254,401				2,009,768	124
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 3	342,721				2,707,496	167
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 4	4,244,325				33,530,168	2,069
St. Nicholas Cogeneration Project COUNTY Schuylkill ORIS CODE 54634 UNIT ID 1	321,896				2,542,978	157
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 1A	123,564				976,152	60
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 1B	119,932				947,464	58
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 2A	123,809				978,087	60
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 2B	0				0	0
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 3	194,317				1,535,104	95
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 4	334,150				2,639,789	163
Titus COUNTY Berks ORIS CODE 3115 UNIT ID 1	136,050				1,074,795	66

Table 2: Proposed Pennsylvania 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Titus COUNTY Berks ORIS CODE 3115 UNIT ID 2	136,617				1,079,274	67
Titus COUNTY Berks ORIS CODE 3115 UNIT ID 3	152,427				1,204,173	74
Tolna COUNTY York ORIS CODE 3116 UNIT ID 31	1,611				10,753	1
Tolna COUNTY York ORIS CODE 3116 UNIT ID 32	1,315				8,778	1
Veolia Energy Philadelphia - Schuylkill COUNTY Philadelphia ORIS CODE 50607 UNIT ID 23	0				0	0
Veolia Energy Philadelphia - Schuylkill COUNTY Philadelphia ORIS CODE 50607 UNIT ID 24	0				0	0
Veolia Energy Philadelphia - Schuylkill COUNTY Philadelphia ORIS CODE 50607 UNIT ID 26	0		1,537		1,922	0
WPS Westwood Generation, LLC COUNTY Schuylkill ORIS CODE 50611 UNIT ID 31	115,397				911,638	56
Warren COUNTY Warren ORIS CODE 3132 UNIT ID 5	0				0	0
Wheelabrator - Frackville COUNTY Schuylkill ORIS CODE 50879 UNIT ID GEN1	0	1449018.4			1,748,331	108
<b>Total</b>					<b>85,121</b>	<b>35,121</b>

TABLE 3 Additional vintage 2010 CAIR NO<sub>x</sub> Allowance Allocations

FACILITY NAME	ORIS CODE	UNIT ID	2010 CAIR NO <sub>x</sub> Allowance Allocation	2012 reallocation of vintage 2010 allocations due to 198 extra set aside allocations	Additional 2010 vintage CAIR NO <sub>x</sub> Allowance Allocation
AES Beaver Valley LLC	10676	34	293	294	1
AES Ironwood	55337	2	200	201	1
Armstrong Power Station	3178	1	783	785	2
Armstrong Power Station	3178	2	798	800	2
Bruce Mansfield	6094	1	4,641	4,651	10
Bruce Mansfield	6094	2	4,664	4,673	9
Bruce Mansfield	6094	3	4,848	4,858	10
Brunner Island	3140	1	1,752	1,756	4
Brunner Island	3140	2	1,946	1,950	4
Brunner Island	3140	3	4,057	4,065	8
Brunot Island Power Station	3096	3	2	3	1
Cambria Cogen	10641	1	380	381	1
Cambria Cogen	10641	2	368	369	1
Cheswick	8226	1	2,358	2,363	5
Colver Power Project	10143	AAB01	662	664	2
Conemaugh	3118	1	5,197	5,207	10
Conemaugh	3118	2	4,557	4,566	9
Cromby	3159	1	548	549	1
Cromby	3159	2	153	154	1
Ebensburg Power Company	10603	31	536	537	1
Eddystone Generating Station	3161	1	989	991	2
Eddystone Generating Station	3161	2	1,148	1,150	2
Eddystone Generating Station	3161	4	185	186	1
Elrama	3098	2	370	371	1
Elrama	3098	4	564	565	1
Fairless Energy, LLC	55298	1A	262	263	1
Fairless Energy, LLC	55298	2A	249	250	1
Fairless Energy, LLC	55298	2B	266	267	1
Fayette Energy Facility	55516	CTG1	84	85	1
Gilberton Power Company	10113	31	366	367	1
Grays Ferry Cogen Partnership	54785	25	200	201	1
Hatfields Ferry Power Station	3179	1	2,629	2,634	5
Hatfields Ferry Power Station	3179	2	1,352	1,355	3



TABLE 3 Additional vintage 2010 CAIR NO<sub>x</sub> Allowance Allocations

FACILITY NAME	ORIS CODE	UNIT ID	2010 CAIR NO <sub>x</sub> Allowance Allocation	2012 reallocation of vintage 2010 allocations due to 198 extra set aside allocations	Additional 2010 vintage CAIR NO <sub>x</sub> Allowance Allocation
Hatfields Ferry Power Station	3179	3	2,291	2,296	5
Homer City	3122	1	3,280	3,287	7
Homer City	3122	2	3,541	3,548	7
Homer City	3122	3	3,181	3,187	6
Keystone	3136	1	4,813	4,823	10
Keystone	3136	2	4,391	4,400	9
Lower Mount Bethel Energy	55667	CT01	190	191	1
Lower Mount Bethel Energy	55667	CT02	185	186	1
Martins Creek	3148	1	395	396	1
Martins Creek	3148	3	740	741	1
Martins Creek	3148	4	496	497	1
Mitchell Power Station	3181	33	1,098	1,100	2
Montour	3149	1	3,764	3,772	8
Montour	3149	2	3,545	3,552	7
New Castle	3138	3	340	341	1
New Castle	3138	4	292	293	1
New Castle	3138	5	506	507	1
Northampton Generating Plant	50888	NGC01	641	643	2
Northeastern Power Company	50039	31	345	346	1
Ontelaunee Energy Center	55193	CT1	254	255	1
Ontelaunee Energy Center	55193	CT2	254	255	1
Panther Creek Energy Facility	50776	1	263	264	1
Panther Creek Energy Facility	50776	2	261	262	1
Portland	3113	1	613	614	1
Portland	3113	2	919	921	2
Scrubgrass Generating Plant	50974	1	272	273	1
Seward	3130	1	361	362	1
Seward	3130	2	519	520	1
Shawville	3131	1	507	508	1
Shawville	3131	2	532	533	1
Shawville	3131	3	770	772	2
Shawville	3131	4	584	585	1
St. Nicholas Cogeneration Project	54634	1	720	722	2
Sunbury	3152	1B	123	124	1
Sunbury	3152	3	278	279	1

**TABLE 3 Additional vintage 2010 CAIR NO<sub>x</sub> Allowance Allocations**

<b>FACILITY NAME</b>	<b>ORIS CODE</b>	<b>UNIT ID</b>	<b>2010 CAIR NO<sub>x</sub> Allowance Allocation</b>	<b>2012 reallocation of vintage 2010 allocations due to 198 extra set aside allocations</b>	<b>Additional 2010 vintage CAIR NO<sub>x</sub> Allowance Allocation</b>
Titus	3115	1	286	287	1
Titus	3115	2	272	273	1
WPS Westwood Generation, LLC	50611	31	167	168	1
				<b>total</b>	<b>198</b>

**Table 4: Additional CAIR NO<sub>x</sub> Annual and Ozone Season Allocations**

<b>FACILITY NAME</b>	<b>ORIS CODE</b>	<b>UNIT ID</b>	<b>2011 Annual</b>	<b>2013 Annual</b>	<b>2013 Ozone</b>	<b>2014 Annual</b>	<b>2015 Annual</b>	<b>2015 Ozone</b>
AES Beaver Valley LLC	10676	32	0	0	0	0	1	0
AES Beaver Valley LLC	10676	34	0	0	1	0	1	0
AES Beaver Valley LLC	10676	35	0	0	1	0	0	0
AES Ironwood	55337	2	0	1	0	1	0	0
Armstrong Power Station	3178	1	0	1	0	1	0	0
Bethlehem Power Plant	55690	5	0	1	0	0	0	0
Bethlehem Power Plant	55690	6	0	0	0	1	0	0
Bruce Mansfield	6094	1	0	2	2	4	2	1
Bruce Mansfield	6094	2	0	3	1	5	3	1
Bruce Mansfield	6094	3	0	2	1	5	2	0
Brunner Island	3140	1	0	0	0	2	1	0
Brunner Island	3140	2	0	1	0	2	1	0
Brunner Island	3140	3	0	3	1	3	2	0
Cambria Cogen	10641	1	0	0	0	0	0	1
Cambria Cogen	10641	2	0	1	0	0	1	0
Cheswick	8226	1	0	1	0	1	1	0
Conemaugh	3118	1	0	2	1	4	3	1
Conemaugh	3118	2	0	2	1	5	3	0
Cromby	3159	1	0	1	0	1	0	0
Ebensburg Power Company	10603	31	0	1	0	1	0	0
Eddystone Generating Station	3161	1	0	0	0	1	0	0
Eddystone Generating Station	3161	2	0	0	0	1	1	1
Elrama	3098	4	0	1	0	0	0	0
FPL Energy Marcus Hook, LP	55801	2	0	0	0	0	1	0
FPL Energy Marcus Hook, LP	55801	3	0	0	0	1	1	1
Fairless Energy, LLC	55298	1A	0	0	0	0	1	0
Fairless Energy, LLC	55298	1B	0	0	0	1	0	0
Fairless Energy, LLC	55298	2A	0	1	0	1	0	0
Fairless Energy, LLC	55298	2B	0	0	0	1	0	0
Fayette Energy Facility	55516	CTG1	0	0	0	1	0	1

Table 4: Additional CAIR NO<sub>x</sub> Annual and Ozone Season Allocations

FACILITY NAME	ORIS CODE	UNIT ID	2011 Annual	2013 Annual	2013 Ozone	2014 Annual	2015 Annual	2015 Ozone
Gilberton Power Company	10113	32	0	1	0	1	0	0
Grays Ferry Cogen Partnership	54785	2	0	0	0	0	0	1
Hatfields Ferry Power Station	3179	1	0	1	0	3	1	0
Hatfields Ferry Power Station	3179	2	0	1	1	3	1	0
Hatfields Ferry Power Station	3179	3	0	1	1	3	1	0
Homer City	3122	1	0	1	1	3	1	0
Homer City	3122	2	0	1	1	3	2	0
Homer City	3122	3	1	2	0	3	2	1
Hunterstown Combined Cycle	55976	CT301	0	0	0	1	0	0
Keystone	3136	1	0	2	2	5	2	1
Keystone	3136	2	0	2	2	5	3	1
Liberty Electric Power Plant	55231	2	0	0	0	0	0	1
Lower Mount Bethel Energy	55667	CT01	0	0	0	1	1	1
Lower Mount Bethel Energy	55667	CT02	0	1	0	1	0	0
Mitchell Power Station	3181	33	0	1	0	1	1	0
Montour	3149	1	0	2	0	3	3	0
Montour	3149	2	0	2	1	4	2	0
New Castle	3138	5	0	1	0	0	0	0
Northampton Generating Plant	50888	NGC01	0	1	0	1	1	0
Ontelaunee Energy Center	55193	CT1	0	1	0	1	1	0
Ontelaunee Energy Center	55193	CT2	0	0	0	0	0	1
Panther Creek Energy Facility	50776	1	0	0	0	1	1	0
Panther Creek Energy Facility	50776	2	0	0	0	0	1	1
Piney Creek Power Plant	54144	31	0	0	1	1	1	0
Portland	3113	1	0	0	1	0	0	0
Portland	3113	2	0	0	0	1	1	0
Scrubgrass Generating Plant	50974	2	0	0	0	1	0	0
Seward	3130	1	0	1	0	2	1	0
Seward	3130	2	0	1	0	1	1	0
Shawville	3131	1	0	0	0	1	0	0
Shawville	3131	2	0	1	0	1	0	0
Shawville	3131	3	0	0	0	1	1	0
Shawville	3131	4	0	0	1	1	0	0
St. Nicholas Cogeneration Project	54634	1	0	1	1	1	1	0
Sunbury	3152	1A	0	1	0	0	0	0
Sunbury	3152	1B	0	0	1	0	0	0
Sunbury	3152	3	0	0	0	1	0	0

**Table 4: Additional CAIR NO<sub>x</sub> Annual and Ozone Season Allocations**

FACILITY NAME	ORIS CODE	UNIT ID	2011 Annual	2013 Annual	2013 Ozone	2014 Annual	2015 Annual	2015 Ozone
Sunbury	3152	4	0	0	0	1	0	0
Titus	3115	2	0	0	0	0	0	1
WPS Westwood Generation, LLC	50611	31	0	0	0	1	0	0
<b>Total Allocations</b>			1	50	23	100	55*	16

\* Total reallocated is 27 more than the amount given back by Trigen due to a discovered under-allocation for the 2015 annual NO<sub>x</sub> allocation.

[Pa.B. Doc. No. 12-914. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Climate Change Advisory Committee Meeting Change

The Climate Change Advisory Committee (CCAC) meeting originally scheduled for Thursday, May 24, 2012, is rescheduled for Thursday, June 21, 2012, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the next scheduled meeting of the CCAC can be directed to Joe Sherrick at (717) 787-2030 or josherrick@pa.gov. The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (select "Public Participation").

Persons in need of accommodations as provided for the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2290 or through the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-915. Filed for public inspection May 18, 2012, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Bryn Mawr Medical Specialists Endoscopy Associates for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bryn Mawr Medical Specialists Endoscopy Associates has requested an exception to the requirements of 28 Pa. Code § 571.2 (relating to modifications to HHS requirements).

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](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. 12-916. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Application of Children's Surgery Center of Malvern, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Surgery Center of Malvern, LLC has requested an exception to the requirements of 28 Pa. Code § 551.22(3)(ii) (relating to criteria for performance of ambulatory surgery on pediatric patients) for the following doctors:

Dr. Eric Felix  
Dr. Jay Goldsleger  
Dr. Andrew Greenstein  
Dr. Francis Hoerz

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](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. 12-917. Filed for public inspection May 18, 2012, 9:00 a.m.]

### **Application of The Community Surgery & Laser Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Community Surgery & Laser Center has requested an exception to the requirements of 28 Pa. Code §§ 553.31 and 559.2 (relating to administrative responsibilities; and director of nursing).

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. 12-918. Filed for public inspection May 18, 2012, 9:00 a.m.]

### **Application of Geisinger Gastroenterology and Endoscopy Center—Lewistown for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Gastroenterology and Endoscopy Center—Lewistown has requested an exception to the requirements of 28 Pa. Code § 101.31 (relating to hospital requirements).

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. 12-919. Filed for public inspection May 18, 2012, 9:00 a.m.]

### **Application of Geisinger Janet Weis Children's Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Janet Weis Children's Hospital has requested an exception to the requirements of 28 Pa. Code § 51.34 (relating to revocation of exceptions).

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. 12-920. Filed for public inspection May 18, 2012, 9:00 a.m.]

### **Application of Geisinger Medical Center Orthopedic Clinic for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Medical Center Orthopedic Clinic has requested an exception to the requirements of 28 Pa. Code § 153.1 (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 exception from the following standard contained in this publication: 3.7-3.3.1.2 (relating to operating rooms).

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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-921. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Application of Heart of Lancaster Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Heart of Lancaster Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standard contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-3.9.6.2 (relating to patient toilet room).

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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-922. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Application of Lansdale Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lansdale Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standard contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-3.2.4.2 (relating to space requirements).

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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-923. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Application of Laurel Laser & Surgery Center—Altoona for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Laurel Laser & Surgery Center—Altoona has requested an exception to the requirements of 28 Pa. Code § 553.4(a) (relating to other functions).

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. 12-924. Filed for public inspection May 18, 2012, 9:00 a.m.]

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### Application of Laurel Laser & Surgery Center— Duncansville for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Laurel Laser & Surgery Center—Duncansville has requested an exception to the requirements of 28 Pa. Code § 553.4(a) (relating to other functions).

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. 12-925. Filed for public inspection May 18, 2012, 9:00 a.m.]

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### Application of Paoli Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Paoli Hospital has requested an exception to the requirements of 28 Pa. Code § 101.31 (relating to hospital requirements).

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. 12-926. Filed for public inspection May 18, 2012, 9:00 a.m.]

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### Application of Pinnacle Health at Harrisburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health at Harrisburg Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (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 exception from the following standards contained in this publication: 2.2-3.7.3.2 and 2.2-3.7.3.3 (relating to work areas and counters; and teaching area).

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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-927. Filed for public inspection May 18, 2012, 9:00 a.m.]



### Application of Planned Parenthood Association of Bucks County—Warminster for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood Association of Bucks County—Warminster 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), 3.8-7.2.3.4(2) and 571.1(b) and (c).

This facility is also requesting exceptions to 28 Pa. Code §§ 29.33(13), 551.22(2) and (3)(i), 555.24(b), 559.3(b) and 571.2(d).

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. 12-928. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Application of Planned Parenthood of Northeast and Mid-Penn—Allentown for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Northeast and Mid-Penn—Allentown 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), 3.8-7.2.3.4(2) and 571.1(b) and (c).

This facility is also requesting exceptions to 28 Pa. Code §§ 29.33(13), 551.22(2) and (3)(i), 555.24(b) and 559.3(b).

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. 12-929. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Application of Planned Parenthood of Northeast and Mid-Penn—Reading for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Northeast and Mid-Penn—Reading 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), 3.8-7.2.3.4(2) and 571.1(b) and (c).

This facility is also requesting exceptions to 28 Pa. Code §§ 29.33(13), 551.22(2) and (3)(i), 555.24(b) and 559.3(b).

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. 12-930. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Application of Planned Parenthood Southeastern Pennsylvania's Far Northeast 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 Southeastern Pennsylvania's Far Northeast Health 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: 3.7-3.3.2, 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), 3.8-7.2.3.4(2) and 571.1(b) and (c).

This facility is also requesting exceptions to 28 Pa. Code § 551.22(2) and (3)(i) (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. 12-931. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Application of Planned Parenthood Southeastern Pennsylvania's Norristown 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 Southeastern Pennsylvania's Norristown Health 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, 3.8-5.1.2.1, 3.8-5.1.2.2, 3.8-7.2.2.2(2), 3.8-7.2.3.2(2), 3.8-7.2.3.4(2) and 571.1(b) and (c).

This facility is also requesting exceptions to 28 Pa. Code §§ 551.22(2) and (3)(i) and 567.11(5) (relating to criteria for performance of ambulatory surgery on pediatric patients; and operating suite equipment).

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. 12-932. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Application of Planned Parenthood Southeastern Pennsylvania's Surgical Locust Street 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 Southeastern Pennsylvania's Surgical Locust Street Health 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: 3.7-3.3.2, 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), 3.8-7.2.3.4(2) and 571.1(b) and (c).

This facility is also requesting exceptions to 28 Pa. Code §§ 551.22(2) and (3)(i) and 571.2(d) (relating to criteria for performance of ambulatory surgery on pediatric patients; and modifications to HHS requirements).

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. 12-933. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Application of Planned Parenthood Southeastern Pennsylvania's West Chester 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 Southeastern Pennsylvania's West Chester Health 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: 3.7-3.3.2, 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), 3.8-7.2.3.4(2) and 571.1(b) and (c).

This facility is also requesting exceptions to 28 Pa. Code § 551.22(2) and (3)(i) (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. 12-934. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Application of Saint Vincent Surgery Center of Erie for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Saint Vincent Surgery Center of Erie has requested an exception to the requirements of 28 Pa. Code §§ 553.1—553.4 and 553.31 and Chapters 555, 557 and 563.

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. 12-935. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Application of UPMC Bedford Memorial for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Bedford Memorial has requested an exception to the requirements of 28 Pa. Code § 107.26(b)(2) (relating to additional committees).

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. 12-936. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Application of UPMC East for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC East has requested an exception to the requirements of 28 Pa. Code § 153.1 (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 exception from the following standard contained in this publication: 1.6-2.1.3.4 (relating to ice machines).

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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-937. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Application of UPMC Magee Women's Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Magee Women's Hospital 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*.

This facility is also requesting exceptions to 28 Pa. Code §§ 551.22(2), (3) and (4), 553.24 and 571.11 (relating to criteria for performance of ambulatory surgery on pediatric patients; discharge of a minor or incompetent patient; and principle).

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. 12-938. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Application of Wyomissing Surgical Services, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wyomissing Surgical Services, Inc. has requested an exception to the requirements of 28 Pa. Code § 567.41 (relating to principle).

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. 12-939. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Availability of Technical Advisory Interpreting Mileage Requirements in 28 Pa. Code § 9.679(f)

Under 28 Pa. Code § 9.603 (relating to technical advisories), the Department of Health (Department), Bureau of Managed Care, is issuing technical advisories on the Department's interpretation of its regulations in 28 Pa. Code § 9.679(f) (relating to access requirements in service areas) requiring a plan to show compliance regarding time and mileage standards.

Copies of the technical advisories may be obtained by contacting William Wiegmann, Director, Division of Certification, Department of Health, Room 912, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 787-5193.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact William Wiegmann at the previously listed address or telephone 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 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-940. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Draft Title V Maternal and Child Health Services Block Grant 2011 Report and 2013 Application; Public Comment Period

The Bureau of Family Health (Bureau) is accepting public comments on the Commonwealth's draft of the Title V Maternal and Child Health Services Block Grant 2011 Report and 2013 Application from June 4, 2012, through July 3, 2012. A draft of the application will be electronically accessible through the Department of Health's web site at <http://www.health.state.pa.us>. Comments must be submitted in writing to Steve Heuer at [stheuer@pa.gov](mailto:stheuer@pa.gov) or in hard copy to the following address. Comments must be received no later than 5 p.m. on July 3, 2012.

Persons with a disability or individuals who require an alternative format for review of the Commonwealth's draft of the Title V Maternal and Child Health Services Block Grant 2011 Report and 2013 Application should contact the Bureau in writing or electronically at Title V Block Grant Coordinator, Bureau of Family Health, Health and Welfare Building, 7th Floor East, 625 Forster Street, Harrisburg, PA 17120, (717) 346-3000, TDD (717) 783-6514, fax (717) 772-0323, [stheuer@pa.gov](mailto:stheuer@pa.gov), or for speech and/or hearing impaired persons V/TT (717) 783-

6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-941. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Philadelphia Nursing Home  
Girard and Corinthian Avenues  
Philadelphia, PA 19130  
FAC ID 163902

The following pending new long-term care nursing facility is seeking exceptions to 28 Pa. Code §§ 201.17(a), 205.6(a), 205.21(a), 205.24(a), 205.25(a), 205.26(e), 205.38(b) and 211.6(b):

Tulip Vent Care, LLC  
2301 Allegheny Avenue  
Philadelphia, PA 19134  
FAC ID (Pending)

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. 12-942. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Maternal and Child Health Services Block Grant Public Meeting

The Department of Health, Bureau of Family Health will hold the upcoming Title V Maternal and Child Health (MCH) Services Block Grant public meeting on Wednesday, May 23, 2012, starting at 9 a.m. at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting is to discuss the Title V MCH Services Block Grant 2011 Annual Report and 2013 Application due July 15, 2012. Direct questions



about this meeting to Steven Heuer, Project Officer at (717) 346-3000 or [stheuer@pa.gov](mailto:stheuer@pa.gov).

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 Steven Heuer, Project Officer at (717) 346-3000, or for speech and/or hearing impaired persons call V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-943. Filed for public inspection May 18, 2012, 9:00 a.m.]

### **Newborn Screening and Follow-Up Program Technical Advisory Board and Infant Hearing Screening Program Technical Advisory Committee Joint Meeting**

The Newborn Screening and Follow-Up Program, established under the Newborn Child Testing Act (35 P. S. §§ 621—625), and the Infant Hearing Screening Advisory Committee, established under the Infant Hearing, Education, Assessment, Reporting and Referral (IHEARR) Act (11 P. S. §§ 876-1—876-9), will hold a joint public meeting on Tuesday, June 12, 2012. The meeting will be held at the Department of Transportation, Bureau of Construction and Materials, 81 Lab Lane, Harrisburg, PA 17110 from 9:30 a.m. until 3 p.m.

For additional information or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so, contact Suzanne Bellotti or Arthur Florio, Public Health Program Administrators, Division of Newborn Screening and Genetics at (717) 783-8143. Speech and/or hearing impaired

persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT). R.S.V.P. by June 1, 2012, to Joan Wenerick at (717) 783-8143.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-944. Filed for public inspection May 18, 2012, 9:00 a.m.]

### **Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting**

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, June 27, 2012, from 9 a.m. to 3 p.m. at the Giant Super Food Store Community Center, 2nd Floor, 2300 Linglestown Road, Harrisburg, PA 17110.

For additional information contact Sharon H. Sowers, Chief, Department of Health, Comprehensive Cancer Control Section Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA at (717) 783-1457.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Sharon Sowers at the number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-945. Filed for public inspection May 18, 2012, 9:00 a.m.]

## **DEPARTMENT OF PUBLIC WELFARE**

### **Income Limits and Co-payments for the Subsidized Child Care Program**

This notice increases the income limits codified in 55 Pa. Code Chapter 3041, Appendix B (relating to co-payment chart family co-payment scale effective May 7, 2012 (based on the 2012 Federal Poverty Income Guidelines) under 55 Pa. Code § 3041.107(b) (relating to availability and use of the Federal Poverty Income Guidelines). This increase became effective May 7, 2012.

Section 3041.107(b) of 55 Pa. Code requires the Department of Public Welfare to update the copayment schedule in 55 Pa. Code Chapter 3041, Appendix B to reflect changes in the Federal Poverty Income Guidelines (FPIG). Effective May 7, 2012, the income guidelines for the subsidized child care program are increased due to increases in the FPIG. Under section 408.3 of the Public Welfare Code (62 P. S. § 408.3), the copayment schedule is adjusted in incremental amounts to reflect the increases. Chapter 3041, Appendix B of 55 Pa. Code also establishes the family copayment levels according to the family's computed annual income and lists the weekly family copayment based on the annual family income.

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-756. No fiscal impact; (8) recommends adoption.



**CO-PAYMENT CHART**  
**FAMILY CO-PAYMENT SCALE EFFECTIVE MAY 7, 2012**  
**(BASED ON THE 2012 FEDERAL POVERTY INCOME GUIDELINES)**

Weekly Co-pay	Family Size: 1		Weekly Co-pay	Family Size: 2	
	Annual Income			Annual Income	
\$5.00	Less than:	\$9,170	\$5.00	Less than:	\$8,660
\$10.00	\$9,170.01	\$11,170	\$10.00	\$8,660.01	\$13,000
\$15.00	\$11,170.01	\$13,170	\$15.00	\$13,000.01	\$13,130
\$20.00	\$13,170.01	\$15,170	\$20.00	\$13,130.01	\$15,130
\$25.00	\$15,170.01	\$17,170	\$24.00	\$15,130.01	\$17,130
\$30.00	\$17,170.01	\$19,170	\$28.00	\$17,130.01	\$19,130
\$35.00	\$19,170.01	\$21,170	\$32.00	\$19,130.01	\$21,130
\$40.00	\$21,170.01	\$23,170	\$36.00	\$21,130.01	\$23,130
\$45.00	\$23,170.01	\$25,170	\$41.00	\$23,130.01	\$25,130
\$50.00	\$25,170.01	\$26,250	\$46.00	\$25,130.01	\$27,130
			\$51.00	\$27,130.01	\$29,130
			\$57.00	\$29,130.01	\$31,130
			\$63.00	\$31,130.01	\$33,130
			\$69.00	\$33,130.01	\$35,130
			\$74.00	\$35,130.01	\$35,556
	200% FPIG	\$22,340		200% FPIG	\$30,260

Weekly Co-pay	Family Size: 3		Weekly Co-pay	Family Size: 4	
	Annual Income			Annual Income	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$13,870	\$10.00	\$8,660.01	\$14,730
\$16.00	\$13,870.01	\$15,090	\$17.00	\$14,730.01	\$17,050
\$21.00	\$15,090.01	\$17,090	\$23.00	\$17,050.01	\$19,050
\$26.00	\$17,090.01	\$19,090	\$27.00	\$19,050.01	\$21,050
\$30.00	\$19,090.01	\$21,090	\$32.00	\$21,050.01	\$23,050
\$34.00	\$21,090.01	\$23,090	\$36.00	\$23,050.01	\$25,050
\$38.00	\$23,090.01	\$25,090	\$40.00	\$25,050.01	\$27,050
\$42.00	\$25,090.01	\$27,090	\$44.00	\$27,050.01	\$29,050
\$47.00	\$27,090.01	\$29,090	\$48.00	\$29,050.01	\$31,050
\$52.00	\$29,090.01	\$31,090	\$52.00	\$31,050.01	\$33,050
\$57.00	\$31,090.01	\$33,090	\$57.00	\$33,050.01	\$35,050
\$62.00	\$33,090.01	\$35,090	\$62.00	\$35,050.01	\$37,050
\$67.00	\$35,090.01	\$37,090	\$67.00	\$37,050.01	\$39,050
\$73.00	\$37,090.01	\$39,090	\$72.00	\$39,050.01	\$41,050
\$79.00	\$39,090.01	\$41,090	\$77.00	\$41,050.01	\$43,050
\$85.00	\$41,090.01	\$43,090	\$82.00	\$43,050.01	\$45,050
\$90.00	\$43,090.01	\$44,862	\$87.00	\$45,050.01	\$47,050
			\$93.00	\$47,050.01	\$49,050
			\$99.00	\$49,050.01	\$51,050
			\$105.00	\$51,050.01	\$53,050
			\$111.00	\$53,050.01	\$54,168
	200% FPIG	\$38,180		200% FPIG	\$46,100

Weekly Co-pay	Family Size: 5		Weekly Co-pay	Family Size: 6	
	Annual Income			Annual Income	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$15,600	\$10.00	\$8,660.01	\$16,470
\$18.00	\$15,600.01	\$19,010	\$19.00	\$16,470.01	\$20,970
\$25.00	\$19,010.01	\$21,010	\$27.00	\$20,970.01	\$22,970
\$29.00	\$21,010.01	\$23,010	\$31.00	\$22,970.01	\$24,970
\$33.00	\$23,010.01	\$25,010	\$35.00	\$24,970.01	\$26,970
\$38.00	\$25,010.01	\$27,010	\$39.00	\$26,970.01	\$28,970
\$42.00	\$27,010.01	\$29,010	\$44.00	\$28,970.01	\$30,970
\$46.00	\$29,010.01	\$31,010	\$48.00	\$30,970.01	\$32,970
\$50.00	\$31,010.01	\$33,010	\$52.00	\$32,970.01	\$34,970
\$54.00	\$33,010.01	\$35,010	\$56.00	\$34,970.01	\$36,970
\$58.00	\$35,010.01	\$37,010	\$60.00	\$36,970.01	\$38,970
\$62.00	\$37,010.01	\$39,010	\$64.00	\$38,970.01	\$40,970
\$67.00	\$39,010.01	\$41,010	\$68.00	\$40,970.01	\$42,970
\$72.00	\$41,010.01	\$43,010	\$73.00	\$42,970.01	\$44,970
\$77.00	\$43,010.01	\$45,010	\$78.00	\$44,970.01	\$46,970
\$82.00	\$45,010.01	\$47,010	\$83.00	\$46,970.01	\$48,970
\$87.00	\$47,010.01	\$49,010	\$88.00	\$48,970.01	\$50,970
\$92.00	\$49,010.01	\$51,010	\$93.00	\$50,970.01	\$52,970
\$97.00	\$51,010.01	\$53,010	\$98.00	\$52,970.01	\$54,970
\$103.00	\$53,010.01	\$55,010	\$103.00	\$54,970.01	\$56,970
\$109.00	\$55,010.01	\$57,010	\$108.00	\$56,970.01	\$58,970
\$115.00	\$57,010.01	\$59,010	\$113.00	\$58,970.01	\$60,970
\$121.00	\$59,010.01	\$61,010	\$119.00	\$60,970.01	\$62,970
\$127.00	\$61,010.01	\$63,010	\$125.00	\$62,970.01	\$64,970
\$132.00	\$63,010.01	\$63,474	\$131.00	\$64,970.01	\$66,970
			\$137.00	\$66,970.01	\$68,970
			\$143.00	\$68,970.01	\$70,970
			\$149.00	\$70,970.01	\$72,780
	200% FPIG	\$54,020		200% FPIG	\$61,940

Weekly Co-pay	Family Size: 7		Weekly Co-pay	Family Size: 8	
	Annual Income			Annual Income	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$17,330	\$10.00	\$8,660.01	\$18,200
\$20.00	\$17,330.01	\$22,930	\$21.00	\$18,200.01	\$24,890
\$29.00	\$22,930.01	\$24,930	\$31.00	\$24,890.01	\$26,890
\$33.00	\$24,930.01	\$26,930	\$35.00	\$26,890.01	\$28,890
\$37.00	\$26,930.01	\$28,930	\$39.00	\$28,890.01	\$30,890
\$41.00	\$28,930.01	\$30,930	\$43.00	\$30,890.01	\$32,890
\$45.00	\$30,930.01	\$32,930	\$47.00	\$32,890.01	\$34,890
\$50.00	\$32,930.01	\$34,930	\$51.00	\$34,890.01	\$36,890
\$54.00	\$34,930.01	\$36,930	\$56.00	\$36,890.01	\$38,890
\$58.00	\$36,930.01	\$38,930	\$60.00	\$38,890.01	\$40,890
\$62.00	\$38,930.01	\$40,930	\$64.00	\$40,890.01	\$42,890
\$66.00	\$40,930.01	\$42,930	\$68.00	\$42,890.01	\$44,890

NOTICES

Weekly Co-pay	Family Size: 7		Weekly Co-pay	Family Size: 8	
	Annual Income			Annual Income	
\$70.00	\$42,930.01	\$44,930	\$72.00	\$44,890.01	\$46,890
\$74.00	\$44,930.01	\$46,930	\$76.00	\$46,890.01	\$48,890
\$78.00	\$46,930.01	\$48,930	\$80.00	\$48,890.01	\$50,890
\$83.00	\$48,930.01	\$50,930	\$84.00	\$50,890.01	\$52,890
\$88.00	\$50,930.01	\$52,930	\$88.00	\$52,890.01	\$54,890
\$93.00	\$52,930.01	\$54,930	\$93.00	\$54,890.01	\$56,890
\$98.00	\$54,930.01	\$56,930	\$98.00	\$56,890.01	\$58,890
\$103.00	\$56,930.01	\$58,930	\$103.00	\$58,890.01	\$60,890
\$108.00	\$58,930.01	\$60,930	\$108.00	\$60,890.01	\$62,890
\$113.00	\$60,930.01	\$62,930	\$113.00	\$62,890.01	\$64,890
\$118.00	\$62,930.01	\$64,930	\$118.00	\$64,890.01	\$66,890
\$123.00	\$64,930.01	\$66,930	\$123.00	\$66,890.01	\$68,890
\$128.00	\$66,930.01	\$68,930	\$128.00	\$68,890.01	\$70,890
\$134.00	\$68,930.01	\$70,930	\$133.00	\$70,890.01	\$72,890
\$140.00	\$70,930.01	\$72,930	\$138.00	\$72,890.01	\$74,890
\$146.00	\$72,930.01	\$74,930	\$143.00	\$74,890.01	\$76,890
\$152.00	\$74,930.01	\$76,930	\$149.00	\$76,890.01	\$78,890
\$158.00	\$76,930.01	\$78,930	\$155.00	\$78,890.01	\$80,890
\$164.00	\$78,930.01	\$80,930	\$161.00	\$80,890.01	\$82,890
\$170.00	\$80,930.01	\$82,086	\$167.00	\$82,890.01	\$84,890
			\$173.00	\$84,890.01	\$86,890
			\$179.00	\$86,890.01	\$88,890
			\$185.00	\$88,890.01	\$90,890
			\$191.00	\$90,890.01	\$91,392
	200% FPIG	\$69,860		200% FPIG	\$77,780

Weekly Co-pay	Family Size: 9		Weekly Co-pay	Family Size: 10	
	Annual Income			Annual Income	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$19,070	\$10.00	\$8,660.01	\$19,930
\$22.00	\$19,070.01	\$26,850	\$23.00	\$19,930.01	\$28,810
\$33.00	\$26,850.01	\$28,850	\$35.00	\$28,810.01	\$30,810
\$37.00	\$28,850.01	\$30,850	\$39.00	\$30,810.01	\$32,810
\$41.00	\$30,850.01	\$32,850	\$43.00	\$32,810.01	\$34,810
\$45.00	\$32,850.01	\$34,850	\$47.00	\$34,810.01	\$36,810
\$49.00	\$34,850.01	\$36,850	\$51.00	\$36,810.01	\$38,810
\$53.00	\$36,850.01	\$38,850	\$55.00	\$38,810.01	\$40,810
\$57.00	\$38,850.01	\$40,850	\$59.00	\$40,810.01	\$42,810
\$62.00	\$40,850.01	\$42,850	\$63.00	\$42,810.01	\$44,810
\$66.00	\$42,850.01	\$44,850	\$68.00	\$44,810.01	\$46,810
\$70.00	\$44,850.01	\$46,850	\$72.00	\$46,810.01	\$48,810
\$74.00	\$46,850.01	\$48,850	\$76.00	\$48,810.01	\$50,810
\$78.00	\$48,850.01	\$50,850	\$80.00	\$50,810.01	\$52,810
\$82.00	\$50,850.01	\$52,850	\$84.00	\$52,810.01	\$54,810
\$86.00	\$52,850.01	\$54,850	\$88.00	\$54,810.01	\$56,810
\$90.00	\$54,850.01	\$56,850	\$92.00	\$56,810.01	\$58,810

Weekly Co-pay	Family Size: 9		Weekly Co-pay	Family Size: 10	
	Annual Income			Annual Income	
\$94.00	\$56,850.01	\$58,850	\$96.00	\$58,810.01	\$60,810
\$99.00	\$58,850.01	\$60,850	\$100.00	\$60,810.01	\$62,810
\$104.00	\$60,850.01	\$62,850	\$104.00	\$62,810.01	\$64,810
\$109.00	\$62,850.01	\$64,850	\$109.00	\$64,810.01	\$66,810
\$114.00	\$64,850.01	\$66,850	\$114.00	\$66,810.01	\$68,810
\$119.00	\$66,850.01	\$68,850	\$119.00	\$68,810.01	\$70,810
\$124.00	\$68,850.01	\$70,850	\$124.00	\$70,810.01	\$72,810
\$129.00	\$70,850.01	\$72,850	\$129.00	\$72,810.01	\$74,810
\$134.00	\$72,850.01	\$74,850	\$134.00	\$74,810.01	\$76,810
\$139.00	\$74,850.01	\$76,850	\$139.00	\$76,810.01	\$78,810
\$144.00	\$76,850.01	\$78,850	\$144.00	\$78,810.01	\$80,810
\$149.00	\$78,850.01	\$80,850	\$149.00	\$80,810.01	\$82,810
\$154.00	\$80,850.01	\$82,850	\$154.00	\$82,810.01	\$84,810
\$160.00	\$82,850.01	\$84,850	\$159.00	\$84,810.01	\$86,810
\$166.00	\$84,850.01	\$86,850	\$164.00	\$86,810.01	\$88,810
\$172.00	\$86,850.01	\$88,850	\$169.00	\$88,810.01	\$90,810
\$178.00	\$88,850.01	\$90,850	\$174.00	\$90,810.01	\$92,810
\$184.00	\$90,850.01	\$92,850	\$180.00	\$92,810.01	\$94,810
\$190.00	\$92,850.01	\$94,850	\$186.00	\$94,810.01	\$96,810
\$196.00	\$94,850.01	\$96,850	\$192.00	\$96,810.01	\$98,810
\$202.00	\$96,850.01	\$98,850	\$198.00	\$98,810.01	\$100,810
\$207.00	\$98,850.01	\$100,698	\$204.00	\$100,810.01	\$102,810
			\$210.00	\$102,810.01	\$104,810
			\$216.00	\$104,810.01	\$106,810
			\$222.00	\$106,810.01	\$108,810
			\$228.00	\$108,810.01	\$110,004
	200% FPIG	\$85,700		200% FPIG	\$93,620

Weekly Co-pay	Family Size: 11		Weekly Co-pay	Family Size: 12	
	Annual Income			Annual Income	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$20,800	\$10.00	\$8,660.01	\$21,670
\$24.00	\$20,800.01	\$30,770	\$25.00	\$21,670.01	\$32,730
\$37.00	\$30,770.01	\$32,770	\$40.00	\$32,730.01	\$34,730
\$41.00	\$32,770.01	\$34,770	\$43.00	\$34,730.01	\$36,730
\$45.00	\$34,770.01	\$36,770	\$47.00	\$36,730.01	\$38,730
\$49.00	\$36,770.01	\$38,770	\$51.00	\$38,730.01	\$40,730
\$53.00	\$38,770.01	\$40,770	\$55.00	\$40,730.01	\$42,730
\$57.00	\$40,770.01	\$42,770	\$59.00	\$42,730.01	\$44,730
\$61.00	\$42,770.01	\$44,770	\$63.00	\$44,730.01	\$46,730
\$65.00	\$44,770.01	\$46,770	\$67.00	\$46,730.01	\$48,730
\$69.00	\$46,770.01	\$48,770	\$71.00	\$48,730.01	\$50,730
\$74.00	\$48,770.01	\$50,770	\$75.00	\$50,730.01	\$52,730
\$78.00	\$50,770.01	\$52,770	\$80.00	\$52,730.01	\$54,730
\$82.00	\$52,770.01	\$54,770	\$84.00	\$54,730.01	\$56,730
\$86.00	\$54,770.01	\$56,770	\$88.00	\$56,730.01	\$58,730



NOTICES

Weekly Co-pay	Family Size: 11		Weekly Co-pay	Family Size: 12	
	Annual Income			Annual Income	
\$90.00	\$56,770.01	\$58,770	\$92.00	\$58,730.01	\$60,730
\$94.00	\$58,770.01	\$60,770	\$96.00	\$60,730.01	\$62,730
\$98.00	\$60,770.01	\$62,770	\$100.00	\$62,730.01	\$64,730
\$102.00	\$62,770.01	\$64,770	\$104.00	\$64,730.01	\$66,730
\$106.00	\$64,770.01	\$66,770	\$108.00	\$66,730.01	\$68,730
\$110.00	\$66,770.01	\$68,770	\$112.00	\$68,730.01	\$70,730
\$114.00	\$68,770.01	\$70,770	\$116.00	\$70,730.01	\$72,730
\$119.00	\$70,770.01	\$72,770	\$120.00	\$72,730.01	\$74,730
\$124.00	\$72,770.01	\$74,770	\$125.00	\$74,730.01	\$76,730
\$129.00	\$74,770.01	\$76,770	\$130.00	\$76,730.01	\$78,730
\$134.00	\$76,770.01	\$78,770	\$135.00	\$78,730.01	\$80,730
\$139.00	\$78,770.01	\$80,770	\$140.00	\$80,730.01	\$82,730
\$144.00	\$80,770.01	\$82,770	\$145.00	\$82,730.01	\$84,730
\$149.00	\$82,770.01	\$84,770	\$150.00	\$84,730.01	\$86,730
\$154.00	\$84,770.01	\$86,770	\$155.00	\$86,730.01	\$88,730
\$159.00	\$86,770.01	\$88,770	\$160.00	\$88,730.01	\$90,730
\$164.00	\$88,770.01	\$90,770	\$165.00	\$90,730.01	\$92,730
\$169.00	\$90,770.01	\$92,770	\$170.00	\$92,730.01	\$94,730
\$174.00	\$92,770.01	\$94,770	\$175.00	\$94,730.01	\$96,730
\$179.00	\$94,770.01	\$96,770	\$180.00	\$96,730.01	\$98,730
\$184.00	\$96,770.01	\$98,770	\$185.00	\$98,730.01	\$100,730
\$189.00	\$98,770.01	\$100,770	\$190.00	\$100,730.01	\$102,730
\$195.00	\$100,770.01	\$102,770	\$195.00	\$102,730.01	\$104,730
\$201.00	\$102,770.01	\$104,770	\$200.00	\$104,730.01	\$106,730
\$207.00	\$104,770.01	\$106,770	\$206.00	\$106,730.01	\$108,730
\$213.00	\$106,770.01	\$108,770	\$212.00	\$108,730.01	\$110,730
\$219.00	\$108,770.01	\$110,770	\$218.00	\$110,730.01	\$112,730
\$225.00	\$110,770.01	\$112,770	\$224.00	\$112,730.01	\$114,730
\$231.00	\$112,770.01	\$114,770	\$230.00	\$114,730.01	\$116,730
\$237.00	\$114,770.01	\$116,770	\$236.00	\$116,730.01	\$118,730
\$243.00	\$116,770.01	\$118,770	\$242.00	\$118,730.01	\$120,730
\$249.00	\$118,770.01	\$119,310	\$248.00	\$120,730.01	\$122,730
			\$254.00	\$122,730.01	\$124,730
			\$260.00	\$124,730.01	\$126,730
			\$266.00	\$126,730.01	\$128,616
	200% FPIG	\$101,540		200% FPIG	\$109,460

Weekly Co-pay	Family Size: 13		Weekly Co-pay	Family Size: 14	
	Annual Income			Annual Income	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$22,530	\$10.00	\$8,660.01	\$23,400
\$26.00	\$22,530.01	\$34,690	\$27.00	\$23,400.01	\$36,650
\$42.00	\$34,690.01	\$36,690	\$44.00	\$36,650.01	\$38,650
\$45.00	\$36,690.01	\$38,690	\$47.00	\$38,650.01	\$40,650
\$49.00	\$38,690.01	\$40,690	\$51.00	\$40,650.01	\$42,650
\$53.00	\$40,690.01	\$42,690	\$55.00	\$42,650.01	\$44,650

Weekly Co-pay	Family Size: 13		Weekly Co-pay	Family Size: 14	
	Annual Income			Annual Income	
\$57.00	\$42,690.01	\$44,690	\$59.00	\$44,650.01	\$46,650
\$61.00	\$44,690.01	\$46,690	\$63.00	\$46,650.01	\$48,650
\$65.00	\$46,690.01	\$48,690	\$67.00	\$48,650.01	\$50,650
\$69.00	\$48,690.01	\$50,690	\$71.00	\$50,650.01	\$52,650
\$73.00	\$50,690.01	\$52,690	\$75.00	\$52,650.01	\$54,650
\$77.00	\$52,690.01	\$54,690	\$79.00	\$54,650.01	\$56,650
\$81.00	\$54,690.01	\$56,690	\$83.00	\$56,650.01	\$58,650
\$86.00	\$56,690.01	\$58,690	\$87.00	\$58,650.01	\$60,650
\$90.00	\$58,690.01	\$60,690	\$92.00	\$60,650.01	\$62,650
\$94.00	\$60,690.01	\$62,690	\$96.00	\$62,650.01	\$64,650
\$98.00	\$62,690.01	\$64,690	\$100.00	\$64,650.01	\$66,650
\$102.00	\$64,690.01	\$66,690	\$104.00	\$66,650.01	\$68,650
\$106.00	\$66,690.01	\$68,690	\$108.00	\$68,650.01	\$70,650
\$110.00	\$68,690.01	\$70,690	\$112.00	\$70,650.01	\$72,650
\$114.00	\$70,690.01	\$72,690	\$116.00	\$72,650.01	\$74,650
\$118.00	\$72,690.01	\$74,690	\$120.00	\$74,650.01	\$76,650
\$122.00	\$74,690.01	\$76,690	\$124.00	\$76,650.01	\$78,650
\$126.00	\$76,690.01	\$78,690	\$128.00	\$78,650.01	\$80,650
\$130.00	\$78,690.01	\$80,690	\$132.00	\$80,650.01	\$82,650
\$135.00	\$80,690.01	\$82,690	\$136.00	\$82,650.01	\$84,650
\$140.00	\$82,690.01	\$84,690	\$140.00	\$84,650.01	\$86,650
\$145.00	\$84,690.01	\$86,690	\$145.00	\$86,650.01	\$88,650
\$150.00	\$86,690.01	\$88,690	\$150.00	\$88,650.01	\$90,650
\$155.00	\$88,690.01	\$90,690	\$155.00	\$90,650.01	\$92,650
\$160.00	\$90,690.01	\$92,690	\$160.00	\$92,650.01	\$94,650
\$165.00	\$92,690.01	\$94,690	\$165.00	\$94,650.01	\$96,650
\$170.00	\$94,690.01	\$96,690	\$170.00	\$96,650.01	\$98,650
\$175.00	\$96,690.01	\$98,690	\$175.00	\$98,650.01	\$100,650
\$180.00	\$98,690.01	\$100,690	\$180.00	\$100,650.01	\$102,650
\$185.00	\$100,690.01	\$102,690	\$185.00	\$102,650.01	\$104,650
\$190.00	\$102,690.01	\$104,690	\$190.00	\$104,650.01	\$106,650
\$195.00	\$104,690.01	\$106,690	\$195.00	\$106,650.01	\$108,650
\$200.00	\$106,690.01	\$108,690	\$200.00	\$108,650.01	\$110,650
\$205.00	\$108,690.01	\$110,690	\$205.00	\$110,650.01	\$112,650
\$210.00	\$110,690.01	\$112,690	\$210.00	\$112,650.01	\$114,650
\$215.00	\$112,690.01	\$114,690	\$215.00	\$114,650.01	\$116,650
\$221.00	\$114,690.01	\$116,690	\$220.00	\$116,650.01	\$118,650
\$227.00	\$116,690.01	\$118,690	\$225.00	\$118,650.01	\$120,650
\$233.00	\$118,690.01	\$120,690	\$230.00	\$120,650.01	\$122,650
\$239.00	\$120,690.01	\$122,690	\$236.00	\$122,650.01	\$124,650
\$245.00	\$122,690.01	\$124,690	\$242.00	\$124,650.01	\$126,650
\$251.00	\$124,690.01	\$126,690	\$248.00	\$126,650.01	\$128,650
\$257.00	\$126,690.01	\$128,690	\$254.00	\$128,650.01	\$130,650
\$263.00	\$128,690.01	\$130,690	\$260.00	\$130,650.01	\$132,650
\$269.00	\$130,690.01	\$132,690	\$266.00	\$132,650.01	\$134,650
\$275.00	\$132,690.01	\$134,690	\$272.00	\$134,650.01	\$136,650
\$281.00	\$134,690.01	\$136,690	\$278.00	\$136,650.01	\$138,650

NOTICES

Weekly Co-pay	Family Size: 13		Weekly Co-pay	Family Size: 14	
	Annual Income			Annual Income	
\$287.00	\$136,690.01	\$137,922	\$284.00	\$138,650.01	\$140,650
			\$290.00	\$140,650.01	\$142,650
			\$296.00	\$142,650.01	\$144,650
			\$302.00	\$144,650.01	\$146,650
			\$307.00	\$146,650.01	\$147,228
	200% FPIG	\$117,380		200% FPIG	\$125,300

Weekly Co-pay	Family Size: 15		Weekly Co-pay	Family Size: 16	
	Annual Income			Annual Income	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$25,130	\$10.00	\$8,660.01	\$26,870
\$29.00	\$25,130.01	\$38,610	\$31.00	\$26,870.01	\$42,570
\$47.00	\$38,610.01	\$40,610	\$51.00	\$42,570.01	\$44,570
\$50.00	\$40,610.01	\$42,610	\$54.00	\$44,570.01	\$46,570
\$53.00	\$42,610.01	\$44,610	\$58.00	\$46,570.01	\$48,570
\$57.00	\$44,610.01	\$46,610	\$62.00	\$48,570.01	\$50,570
\$61.00	\$46,610.01	\$48,610	\$66.00	\$50,570.01	\$52,570
\$65.00	\$48,610.01	\$50,610	\$70.00	\$52,570.01	\$54,570
\$69.00	\$50,610.01	\$52,610	\$74.00	\$54,570.01	\$56,570
\$73.00	\$52,610.01	\$54,610	\$78.00	\$56,570.01	\$58,570
\$77.00	\$54,610.01	\$56,610	\$82.00	\$58,570.01	\$60,570
\$81.00	\$56,610.01	\$58,610	\$86.00	\$60,570.01	\$62,570
\$85.00	\$58,610.01	\$60,610	\$90.00	\$62,570.01	\$64,570
\$89.00	\$60,610.01	\$62,610	\$94.00	\$64,570.01	\$66,570
\$93.00	\$62,610.01	\$64,610	\$99.00	\$66,570.01	\$68,570
\$98.00	\$64,610.01	\$66,610	\$104.00	\$68,570.01	\$70,570
\$102.00	\$66,610.01	\$68,610	\$108.00	\$70,570.01	\$72,570
\$106.00	\$68,610.01	\$70,610	\$112.00	\$72,570.01	\$74,570
\$110.00	\$70,610.01	\$72,610	\$116.00	\$74,570.01	\$76,570
\$114.00	\$72,610.01	\$74,610	\$120.00	\$76,570.01	\$78,570
\$118.00	\$74,610.01	\$76,610	\$124.00	\$78,570.01	\$80,570
\$122.00	\$76,610.01	\$78,610	\$128.00	\$80,570.01	\$82,570
\$126.00	\$78,610.01	\$80,610	\$132.00	\$82,570.01	\$84,570
\$130.00	\$80,610.01	\$82,610	\$136.00	\$84,570.01	\$86,570
\$134.00	\$82,610.01	\$84,610	\$140.00	\$86,570.01	\$88,570
\$138.00	\$84,610.01	\$86,610	\$144.00	\$88,570.01	\$90,570
\$142.00	\$86,610.01	\$88,610	\$148.00	\$90,570.01	\$92,570
\$146.00	\$88,610.01	\$90,610	\$152.00	\$92,570.01	\$94,570
\$150.00	\$90,610.01	\$92,610	\$156.00	\$94,570.01	\$96,570
\$155.00	\$92,610.01	\$94,610	\$160.00	\$96,570.01	\$98,570
\$160.00	\$94,610.01	\$96,610	\$165.00	\$98,570.01	\$100,570
\$165.00	\$96,610.01	\$98,610	\$170.00	\$100,570.01	\$102,570
\$170.00	\$98,610.01	\$100,610	\$175.00	\$102,570.01	\$104,570
\$175.00	\$100,610.01	\$102,610	\$180.00	\$104,570.01	\$106,570
\$180.00	\$102,610.01	\$104,610	\$185.00	\$106,570.01	\$108,570
\$185.00	\$104,610.01	\$106,610	\$190.00	\$108,570.01	\$110,570

Weekly Co-pay	Family Size: 15		Weekly Co-pay	Family Size: 16	
	Annual Income			Annual Income	
\$190.00	\$106,610.01	\$108,610	\$195.00	\$110,570.01	\$112,570
\$195.00	\$108,610.01	\$110,610	\$200.00	\$112,570.01	\$114,570
\$200.00	\$110,610.01	\$112,610	\$205.00	\$114,570.01	\$116,570
\$205.00	\$112,610.01	\$114,610	\$210.00	\$116,570.01	\$118,570
\$210.00	\$114,610.01	\$116,610	\$215.00	\$118,570.01	\$120,570
\$215.00	\$116,610.01	\$118,610	\$220.00	\$120,570.01	\$122,570
\$220.00	\$118,610.01	\$120,610	\$225.00	\$122,570.01	\$124,570
\$225.00	\$120,610.01	\$122,610	\$230.00	\$124,570.01	\$126,570
\$230.00	\$122,610.01	\$124,610	\$235.00	\$126,570.01	\$128,570
\$235.00	\$124,610.01	\$126,610	\$240.00	\$128,570.01	\$130,570
\$240.00	\$126,610.01	\$128,610	\$245.00	\$130,570.01	\$132,570
\$245.00	\$128,610.01	\$130,610	\$250.00	\$132,570.01	\$134,570
\$251.00	\$130,610.01	\$132,610	\$255.00	\$134,570.01	\$136,570
\$257.00	\$132,610.01	\$134,610	\$260.00	\$136,570.01	\$138,570
\$263.00	\$134,610.01	\$136,610	\$266.00	\$138,570.01	\$140,570
\$269.00	\$136,610.01	\$138,610	\$272.00	\$140,570.01	\$142,570
\$275.00	\$138,610.01	\$140,610	\$278.00	\$142,570.01	\$144,570
\$281.00	\$140,610.01	\$142,610	\$284.00	\$144,570.01	\$146,570
\$287.00	\$142,610.01	\$144,610	\$290.00	\$146,570.01	\$148,570
\$293.00	\$144,610.01	\$146,610	\$296.00	\$148,570.01	\$150,570
\$299.00	\$146,610.01	\$148,610	\$302.00	\$150,570.01	\$152,570
\$305.00	\$148,610.01	\$150,610	\$308.00	\$152,570.01	\$154,570
\$311.00	\$150,610.01	\$152,610	\$314.00	\$154,570.01	\$156,570
\$317.00	\$152,610.01	\$154,610	\$320.00	\$156,570.01	\$158,570
\$324.00	\$154,610.01	\$156,534	\$326.00	\$158,570.01	\$160,570
			\$332.00	\$160,570.01	\$162,570
			\$338.00	\$162,570.01	\$164,570
			\$345.00	\$164,570.01	\$165,840
	200% FPIG	\$133,220		200% FPIG	\$141,140

Weekly Co-pay	Family Size: 17		Weekly Co-pay	Family Size: 18	
	Annual Income			Annual Income	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$27,730	\$10.00	\$8,660.01	\$28,600
\$32.00	\$27,730.01	\$44,530	\$33.00	\$28,600.01	\$46,490
\$53.00	\$44,530.01	\$46,530	\$56.00	\$46,490.01	\$48,490
\$56.00	\$46,530.01	\$48,530	\$59.00	\$48,490.01	\$50,490
\$60.00	\$48,530.01	\$50,530	\$62.00	\$50,490.01	\$52,490
\$64.00	\$50,530.01	\$52,530	\$66.00	\$52,490.01	\$54,490
\$68.00	\$52,530.01	\$54,530	\$70.00	\$54,490.01	\$56,490
\$72.00	\$54,530.01	\$56,530	\$74.00	\$56,490.01	\$58,490
\$76.00	\$56,530.01	\$58,530	\$78.00	\$58,490.01	\$60,490
\$80.00	\$58,530.01	\$60,530	\$82.00	\$60,490.01	\$62,490
\$84.00	\$60,530.01	\$62,530	\$86.00	\$62,490.01	\$64,490
\$88.00	\$62,530.01	\$64,530	\$90.00	\$64,490.01	\$66,490
\$92.00	\$64,530.01	\$66,530	\$94.00	\$66,490.01	\$68,490



Weekly Co-pay	Family Size: 17		Weekly Co-pay	Family Size: 18	
	Annual Income			Annual Income	
\$96.00	\$66,530.01	\$68,530	\$98.00	\$68,490.01	\$70,490
\$100.00	\$68,530.01	\$70,530	\$102.00	\$70,490.01	\$72,490
\$105.00	\$70,530.01	\$72,530	\$106.00	\$72,490.01	\$74,490
\$110.00	\$72,530.01	\$74,530	\$111.00	\$74,490.01	\$76,490
\$114.00	\$74,530.01	\$76,530	\$116.00	\$76,490.01	\$78,490
\$118.00	\$76,530.01	\$78,530	\$120.00	\$78,490.01	\$80,490
\$122.00	\$78,530.01	\$80,530	\$124.00	\$80,490.01	\$82,490
\$126.00	\$80,530.01	\$82,530	\$128.00	\$82,490.01	\$84,490
\$130.00	\$82,530.01	\$84,530	\$132.00	\$84,490.01	\$86,490
\$134.00	\$84,530.01	\$86,530	\$136.00	\$86,490.01	\$88,490
\$138.00	\$86,530.01	\$88,530	\$140.00	\$88,490.01	\$90,490
\$142.00	\$88,530.01	\$90,530	\$144.00	\$90,490.01	\$92,490
\$146.00	\$90,530.01	\$92,530	\$148.00	\$92,490.01	\$94,490
\$150.00	\$92,530.01	\$94,530	\$152.00	\$94,490.01	\$96,490
\$154.00	\$94,530.01	\$96,530	\$156.00	\$96,490.01	\$98,490
\$158.00	\$96,530.01	\$98,530	\$160.00	\$98,490.01	\$100,490
\$162.00	\$98,530.01	\$100,530	\$164.00	\$100,490.01	\$102,490
\$166.00	\$100,530.01	\$102,530	\$168.00	\$102,490.01	\$104,490
\$171.00	\$102,530.01	\$104,530	\$172.00	\$104,490.01	\$106,490
\$176.00	\$104,530.01	\$106,530	\$176.00	\$106,490.01	\$108,490
\$181.00	\$106,530.01	\$108,530	\$181.00	\$108,490.01	\$110,490
\$186.00	\$108,530.01	\$110,530	\$186.00	\$110,490.01	\$112,490
\$191.00	\$110,530.01	\$112,530	\$191.00	\$112,490.01	\$114,490
\$196.00	\$112,530.01	\$114,530	\$196.00	\$114,490.01	\$116,490
\$201.00	\$114,530.01	\$116,530	\$201.00	\$116,490.01	\$118,490
\$206.00	\$116,530.01	\$118,530	\$206.00	\$118,490.01	\$120,490
\$211.00	\$118,530.01	\$120,530	\$211.00	\$120,490.01	\$122,490
\$216.00	\$120,530.01	\$122,530	\$216.00	\$122,490.01	\$124,490
\$221.00	\$122,530.01	\$124,530	\$221.00	\$124,490.01	\$126,490
\$226.00	\$124,530.01	\$126,530	\$226.00	\$126,490.01	\$128,490
\$231.00	\$126,530.01	\$128,530	\$231.00	\$128,490.01	\$130,490
\$236.00	\$128,530.01	\$130,530	\$236.00	\$130,490.01	\$132,490
\$241.00	\$130,530.01	\$132,530	\$241.00	\$132,490.01	\$134,490
\$246.00	\$132,530.01	\$134,530	\$246.00	\$134,490.01	\$136,490
\$251.00	\$134,530.01	\$136,530	\$251.00	\$136,490.01	\$138,490
\$256.00	\$136,530.01	\$138,530	\$256.00	\$138,490.01	\$140,490
\$261.00	\$138,530.01	\$140,530	\$261.00	\$140,490.01	\$142,490
\$266.00	\$140,530.01	\$142,530	\$266.00	\$142,490.01	\$144,490
\$271.00	\$142,530.01	\$144,530	\$271.00	\$144,490.01	\$146,490
\$276.00	\$144,530.01	\$146,530	\$276.00	\$146,490.01	\$148,490
\$282.00	\$146,530.01	\$148,530	\$281.00	\$148,490.01	\$150,490
\$288.00	\$148,530.01	\$150,530	\$286.00	\$150,490.01	\$152,490
\$294.00	\$150,530.01	\$152,530	\$292.00	\$152,490.01	\$154,490
\$300.00	\$152,530.01	\$154,530	\$298.00	\$154,490.01	\$156,490
\$306.00	\$154,530.01	\$156,530	\$304.00	\$156,490.01	\$158,490
\$312.00	\$156,530.01	\$158,530	\$310.00	\$158,490.01	\$160,490
\$318.00	\$158,530.01	\$160,530	\$316.00	\$160,490.01	\$162,490

Weekly Co-pay	Family Size: 17		Weekly Co-pay	Family Size: 18	
	Annual Income			Annual Income	
\$324.00	\$160,530.01	\$162,530	\$322.00	\$162,490.01	\$164,490
\$330.00	\$162,530.01	\$164,530	\$328.00	\$164,490.01	\$166,490
\$336.00	\$164,530.01	\$166,530	\$334.00	\$166,490.01	\$168,490
\$342.00	\$166,530.01	\$168,530	\$340.00	\$168,490.01	\$170,490
\$348.00	\$168,530.01	\$170,530	\$346.00	\$170,490.01	\$172,490
\$354.00	\$170,530.01	\$172,530	\$352.00	\$172,490.01	\$174,490
\$360.00	\$172,530.01	\$174,530	\$358.00	\$174,490.01	\$176,490
\$366.00	\$174,530.01	\$175,146	\$364.00	\$176,490.01	\$178,490
			\$370.00	\$178,490.01	\$180,490
			\$376.00	\$180,490.01	\$182,490
			\$383.00	\$182,490.01	\$184,452
	200% FPIG	\$149,060		200% FPIG	\$156,980

Weekly Co-pay	Family Size: 19		Weekly Co-pay	Family Size: 20	
	Annual Income			Annual Income	
\$5.00	Less than:	\$8,660	\$5.00	Less than:	\$8,660
\$10.00	\$8,660.01	\$29,470	\$10.00	\$8,660.01	\$30,330
\$34.00	\$29,470.01	\$48,450	\$35.00	\$30,330.01	\$50,410
\$58.00	\$48,450.01	\$50,450	\$60.00	\$50,410.01	\$52,410
\$61.00	\$50,450.01	\$52,450	\$63.00	\$52,410.01	\$54,410
\$64.00	\$52,450.01	\$54,450	\$66.00	\$54,410.01	\$56,410
\$68.00	\$54,450.01	\$56,450	\$70.00	\$56,410.01	\$58,410
\$72.00	\$56,450.01	\$58,450	\$74.00	\$58,410.01	\$60,410
\$76.00	\$58,450.01	\$60,450	\$78.00	\$60,410.01	\$62,410
\$80.00	\$60,450.01	\$62,450	\$82.00	\$62,410.01	\$64,410
\$84.00	\$62,450.01	\$64,450	\$86.00	\$64,410.01	\$66,410
\$88.00	\$64,450.01	\$66,450	\$90.00	\$66,410.01	\$68,410
\$92.00	\$66,450.01	\$68,450	\$94.00	\$68,410.01	\$70,410
\$96.00	\$68,450.01	\$70,450	\$98.00	\$70,410.01	\$72,410
\$100.00	\$70,450.01	\$72,450	\$102.00	\$72,410.01	\$74,410
\$104.00	\$72,450.01	\$74,450	\$106.00	\$74,410.01	\$76,410
\$108.00	\$74,450.01	\$76,450	\$110.00	\$76,410.01	\$78,410
\$112.00	\$76,450.01	\$78,450	\$114.00	\$78,410.01	\$80,410
\$117.00	\$78,450.01	\$80,450	\$118.00	\$80,410.01	\$82,410
\$122.00	\$80,450.01	\$82,450	\$123.00	\$82,410.01	\$84,410
\$126.00	\$82,450.01	\$84,450	\$128.00	\$84,410.01	\$86,410
\$130.00	\$84,450.01	\$86,450	\$132.00	\$86,410.01	\$88,410
\$134.00	\$86,450.01	\$88,450	\$136.00	\$88,410.01	\$90,410
\$138.00	\$88,450.01	\$90,450	\$140.00	\$90,410.01	\$92,410
\$142.00	\$90,450.01	\$92,450	\$144.00	\$92,410.01	\$94,410
\$146.00	\$92,450.01	\$94,450	\$148.00	\$94,410.01	\$96,410
\$150.00	\$94,450.01	\$96,450	\$152.00	\$96,410.01	\$98,410
\$154.00	\$96,450.01	\$98,450	\$156.00	\$98,410.01	\$100,410
\$158.00	\$98,450.01	\$100,450	\$160.00	\$100,410.01	\$102,410
\$162.00	\$100,450.01	\$102,450	\$164.00	\$102,410.01	\$104,410
\$166.00	\$102,450.01	\$104,450	\$168.00	\$104,410.01	\$106,410

NOTICES

Weekly Co-pay	Family Size: 19		Weekly Co-pay	Family Size: 20	
	Annual Income			Annual Income	
\$170.00	\$104,450.01	\$106,450	\$172.00	\$106,410.01	\$108,410
\$174.00	\$106,450.01	\$108,450	\$176.00	\$108,410.01	\$110,410
\$178.00	\$108,450.01	\$110,450	\$180.00	\$110,410.01	\$112,410
\$182.00	\$110,450.01	\$112,450	\$184.00	\$112,410.01	\$114,410
\$186.00	\$112,450.01	\$114,450	\$188.00	\$114,410.01	\$116,410
\$191.00	\$114,450.01	\$116,450	\$192.00	\$116,410.01	\$118,410
\$196.00	\$116,450.01	\$118,450	\$196.00	\$118,410.01	\$120,410
\$201.00	\$118,450.01	\$120,450	\$201.00	\$120,410.01	\$122,410
\$206.00	\$120,450.01	\$122,450	\$206.00	\$122,410.01	\$124,410
\$211.00	\$122,450.01	\$124,450	\$211.00	\$124,410.01	\$126,410
\$216.00	\$124,450.01	\$126,450	\$216.00	\$126,410.01	\$128,410
\$221.00	\$126,450.01	\$128,450	\$221.00	\$128,410.01	\$130,410
\$226.00	\$128,450.01	\$130,450	\$226.00	\$130,410.01	\$132,410
\$231.00	\$130,450.01	\$132,450	\$231.00	\$132,410.01	\$134,410
\$236.00	\$132,450.01	\$134,450	\$236.00	\$134,410.01	\$136,410
\$241.00	\$134,450.01	\$136,450	\$241.00	\$136,410.01	\$138,410
\$246.00	\$136,450.01	\$138,450	\$246.00	\$138,410.01	\$140,410
\$251.00	\$138,450.01	\$140,450	\$251.00	\$140,410.01	\$142,410
\$256.00	\$140,450.01	\$142,450	\$256.00	\$142,410.01	\$144,410
\$261.00	\$142,450.01	\$144,450	\$261.00	\$144,410.01	\$146,410
\$266.00	\$144,450.01	\$146,450	\$266.00	\$146,410.01	\$148,410
\$271.00	\$146,450.01	\$148,450	\$271.00	\$148,410.01	\$150,410
\$276.00	\$148,450.01	\$150,450	\$276.00	\$150,410.01	\$152,410
\$281.00	\$150,450.01	\$152,450	\$281.00	\$152,410.01	\$154,410
\$286.00	\$152,450.01	\$154,450	\$286.00	\$154,410.01	\$156,410
\$291.00	\$154,450.01	\$156,450	\$291.00	\$156,410.01	\$158,410
\$296.00	\$156,450.01	\$158,450	\$296.00	\$158,410.01	\$160,410
\$301.00	\$158,450.01	\$160,450	\$301.00	\$160,410.01	\$162,410
\$307.00	\$160,450.01	\$162,450	\$306.00	\$162,410.01	\$164,410
\$313.00	\$162,450.01	\$164,450	\$311.00	\$164,410.01	\$166,410
\$319.00	\$164,450.01	\$166,450	\$316.00	\$166,410.01	\$168,410
\$325.00	\$166,450.01	\$168,450	\$321.00	\$168,410.01	\$170,410
\$331.00	\$168,450.01	\$170,450	\$327.00	\$170,410.01	\$172,410
\$337.00	\$170,450.01	\$172,450	\$333.00	\$172,410.01	\$174,410
\$343.00	\$172,450.01	\$174,450	\$339.00	\$174,410.01	\$176,410
\$349.00	\$174,450.01	\$176,450	\$345.00	\$176,410.01	\$178,410
\$355.00	\$176,450.01	\$178,450	\$351.00	\$178,410.01	\$180,410
\$361.00	\$178,450.01	\$180,450	\$357.00	\$180,410.01	\$182,410
\$367.00	\$180,450.01	\$182,450	\$363.00	\$182,410.01	\$184,410
\$373.00	\$182,450.01	\$184,450	\$369.00	\$184,410.01	\$186,410
\$379.00	\$184,450.01	\$186,450	\$375.00	\$186,410.01	\$188,410
\$385.00	\$186,450.01	\$188,450	\$381.00	\$188,410.01	\$190,410
\$391.00	\$188,450.01	\$190,450	\$387.00	\$190,410.01	\$192,410
\$397.00	\$190,450.01	\$192,450	\$393.00	\$192,410.01	\$194,410
\$403.00	\$192,450.01	\$193,758	\$399.00	\$194,410.01	\$196,410
			\$405.00	\$196,410.01	\$198,410
			\$411.00	\$198,410.01	\$200,410

NOTICES

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Weekly Co-pay	Family Size: 19		Weekly Co-pay	Family Size: 20	
	Annual Income			Annual Income	
			\$417.00	\$200,410.01	\$202,410
			\$424.00	\$202,410.01	\$203,064
	200% FPIG	\$164,900		200% FPIG	\$172,820

Weekly Co-pay	Family Size: 21		Weekly Co-pay	Family Size: 21	
	Annual Income			Annual Income	
\$5.00	Less than:	\$8,660	\$222.00	\$130,370.01	\$132,370
\$10.00	\$8,660.01	\$32,070	\$227.00	\$132,370.01	\$134,370
\$37.00	\$32,070.01	\$52,370	\$232.00	\$134,370.01	\$136,370
\$63.00	\$52,370.01	\$54,370	\$237.00	\$136,370.01	\$138,370
\$66.00	\$54,370.01	\$56,370	\$242.00	\$138,370.01	\$140,370
\$69.00	\$56,370.01	\$58,370	\$247.00	\$140,370.01	\$142,370
\$72.00	\$58,370.01	\$60,370	\$252.00	\$142,370.01	\$144,370
\$76.00	\$60,370.01	\$62,370	\$257.00	\$144,370.01	\$146,370
\$80.00	\$62,370.01	\$64,370	\$262.00	\$146,370.01	\$148,370
\$84.00	\$64,370.01	\$66,370	\$267.00	\$148,370.01	\$150,370
\$88.00	\$66,370.01	\$68,370	\$272.00	\$150,370.01	\$152,370
\$92.00	\$68,370.01	\$70,370	\$277.00	\$152,370.01	\$154,370
\$96.00	\$70,370.01	\$72,370	\$282.00	\$154,370.01	\$156,370
\$100.00	\$72,370.01	\$74,370	\$287.00	\$156,370.01	\$158,370
\$104.00	\$74,370.01	\$76,370	\$292.00	\$158,370.01	\$160,370
\$108.00	\$76,370.01	\$78,370	\$297.00	\$160,370.01	\$162,370
\$112.00	\$78,370.01	\$80,370	\$302.00	\$162,370.01	\$164,370
\$116.00	\$80,370.01	\$82,370	\$307.00	\$164,370.01	\$166,370
\$120.00	\$82,370.01	\$84,370	\$312.00	\$166,370.01	\$168,370
\$124.00	\$84,370.01	\$86,370	\$317.00	\$168,370.01	\$170,370
\$129.00	\$86,370.01	\$88,370	\$322.00	\$170,370.01	\$172,370
\$134.00	\$88,370.01	\$90,370	\$327.00	\$172,370.01	\$174,370
\$138.00	\$90,370.01	\$92,370	\$332.00	\$174,370.01	\$176,370
\$142.00	\$92,370.01	\$94,370	\$338.00	\$176,370.01	\$178,370
\$146.00	\$94,370.01	\$96,370	\$344.00	\$178,370.01	\$180,370
\$150.00	\$96,370.01	\$98,370	\$350.00	\$180,370.01	\$182,370
\$154.00	\$98,370.01	\$100,370	\$356.00	\$182,370.01	\$184,370
\$158.00	\$100,370.01	\$102,370	\$362.00	\$184,370.01	\$186,370
\$162.00	\$102,370.01	\$104,370	\$368.00	\$186,370.01	\$188,370
\$166.00	\$104,370.01	\$106,370	\$374.00	\$188,370.01	\$190,370
\$170.00	\$106,370.01	\$108,370	\$380.00	\$190,370.01	\$192,370
\$174.00	\$108,370.01	\$110,370	\$386.00	\$192,370.01	\$194,370
\$178.00	\$110,370.01	\$112,370	\$392.00	\$194,370.01	\$196,370
\$182.00	\$112,370.01	\$114,370	\$398.00	\$196,370.01	\$198,370
\$186.00	\$114,370.01	\$116,370	\$404.00	\$198,370.01	\$200,370
\$190.00	\$116,370.01	\$118,370	\$410.00	\$200,370.01	\$202,370
\$194.00	\$118,370.01	\$120,370	\$416.00	\$202,370.01	\$204,370
\$198.00	\$120,370.01	\$122,370	\$422.00	\$204,370.01	\$206,370
\$202.00	\$122,370.01	\$124,370	\$428.00	\$206,370.01	\$208,370
\$207.00	\$124,370.01	\$126,370	\$434.00	\$208,370.01	\$210,370



Weekly Co-pay	Family Size: 21		Weekly Co-pay	Family Size: 21	
	Annual Income			Annual Income	
\$212.00	\$126,370.01	\$128,370	\$441.00	\$210,370.01	\$212,370
\$217.00	\$128,370.01	\$130,370			
				200% FPIG	\$180,740

[Pa.B. Doc. No. 12-946. Filed for public inspection May 18, 2012, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Realty Transfer Tax; Revised 2010 Common Level Ratio; Real Estate Valuation Factor

The following real estate valuation factor is based on sales data compiled by the State Tax Equalization Board in 2010. This factor is the mathematical reciprocal of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, this factor is applicable for documents accepted from July 1, 2011, to June 30, 2012. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102).

County	Revised Common Level Ratio Factor
*Philadelphia	3.97

\* Adjusted by the Department of Revenue based on a State Tax Equalization Board decision effective April 21, 2012, retroactive to July 1, 2011.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-947. Filed for public inspection May 18, 2012, 9:00 a.m.]

## DEPARTMENT OF STATE

### Bureau of Commissions, Elections and Legislation v. Elizabeth DeJesus; Doc. No. 0001-99-12

On February 23, 2012, Elizabeth DeJesus, notary public of Philadelphia, Philadelphia County, had her commission revoked. The action was based on Elizabeth DeJesus' lack of good character, integrity and ability and her conviction of a crime which is incompatible with the duties of a notary public, in violation of sections 3 and 5 of The Notary Public Law (57 P. S. §§ 149 and 151).

Individuals may obtain a copy of the order by writing to Martha H. Brown, Counsel, Bureau of Commissions, Elections and Legislation, 301 North Office Building, Harrisburg, PA 17120.

CAROL AICHELE,  
Secretary

[Pa.B. Doc. No. 12-948. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Bureau of Commissions, Elections and Legislation v. Sandra E. Owens; Doc. No. 0031-99-11

On February 23, 2012, Sandra E. Owens, notary public of Philadelphia, Philadelphia County, had her commission revoked. The action was based on Sandra E. Owens' lack of good character, integrity and ability, failure to know through personal knowledge or have satisfactory evidence that the person appearing before her was the person described in and who was executing the instrument, and failure to keep and maintain custody of an accurate chronological register of all official acts by that notary done by virtue of her office, in violation of sections 3, 12.1(a) and 15(a) of The Notary Public Law (57 P. S. §§ 149, 158.1(a) and 161(a)).

Individuals may obtain a copy of the order by writing to Martha H. Brown, Counsel, Bureau of Commissions, Elections and Legislation, 301 North Office Building, Harrisburg, PA 17120.

CAROL AICHELE,  
Secretary

[Pa.B. Doc. No. 12-949. Filed for public inspection May 18, 2012, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Invitation to Submit Applications under the Automated Red Light Enforcement Transportation Enhancement Grants Program

Under 67 Pa. Code Chapter 233 (relating to transportation enhancement grants from automated red light enforcement system revenues), the Department of Transportation (Department) is inviting city, county and municipal governments, and other local boards or bodies with authority to enact laws relating to traffic in this Commonwealth, to submit applications, in accordance with the parameters delineated in 67 Pa. Code Chapter 233. Applications will be accepted from June 1, 2012, to June 30, 2012.

Applications can be obtained at <ftp://ftp.dot.state.pa.us/public/Bureaus/HighwaySafety/ARLE%20Grant%20Application.doc>.

Additional guidance information can be found on the Department's Traffic Signal Resource Portal located at <http://www.dot.state.pa.us/Portal%20Information/Traffic%20Signal%20Portal/arle.html>.

Completed applications should be submitted electronically to ARLE\_Grants@pa.gov and followed by the submission of a hard copy. Any questions should be directed to Larry Shifflet, Director, Bureau of Program Development and Management, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 787-2862, ARLE\_Grants@pa.gov.

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

[Pa.B. Doc. No. 12-950. Filed for public inspection May 18, 2012, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Anthony Colombo v. DEP and Zaremba Group, Permittee; EHB Doc. No. 2012-092-L**

Anthony Colombo has appealed the issuance by the Department of Environmental Protection of NPDES General Permit No. PAG-02-0066-11-009 to Zaremba Group for a facility in Wyoming County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's

rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 12-951. Filed for public inspection May 18, 2012, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Boat and Marine Forfeiture; Maximum Amount

Chapter 53, Subchapter C of 30 Pa.C.S. (relating to boat and marine forfeiture) applies only to boats and related equipment with a resale value based upon established industry standards equal to or less than the maximum amount set forth in 30 Pa.C.S. § 5331(c) (relating to scope of subchapter). This subsection provides that for the year 2006, the maximum amount will be \$5,000 and for each year thereafter, the maximum amount will be fixed annually by the Fish and Boat Commission (Commission) based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The subsection further provides that the maximum amount as adjusted will be rounded to the nearest multiple of \$5 and that the Commission will give notice of the new maximum amount by publication in the *Pennsylvania Bulletin*. The Commission previously fixed the maximum amount for 2011 at \$5,565.00.

Under section 5331(c), the Commission has fixed the maximum amount for 2012 as \$5,730.00.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 12-952. Filed for public inspection May 18, 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 regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
15-454	Department of Revenue Board of Appeals; Small Games of Chance 42 Pa.B. 1222 (March 10, 2012)	4/9/12	5/9/12

**Department of Revenue Regulation #15-454  
(IRRC #2933)  
Board of Appeals; Small Games of Chance  
May 9, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the March 10, 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 Department of Revenue (Department) to respond to all comments received from us or any other source.

**1. Regulatory Analysis Form and Preamble.—  
Statutory authority; Clarity.**

The Department's response to question number eight of the Regulatory Analysis Form (RAF) cites to Section 6 of the Fiscal Code and Section 206 of the Administrative Code of 1929 as the statutory authority for this rulemaking. However, in the preamble, the Department cites to Section 6 of the Fiscal Code and the entire Local Option Small Games of Chance Act as the authority. The RAF and the preamble accompanying the final-form regulation should more specifically and consistently identify the Department's statutory authority, as required by the Regulatory Review Act. 71 P. S. § 745.5(a)(1.1).

**2. References to "statute."—Clarity.**

This rulemaking includes several references to the term "statute" and phrases such as "prescribed by statute" or "required by statute." The sections of the rulemaking that include these terms or phrases are:

- § 7.14(b)(1)
- § 7.14(c)(3)
- § 7.14 (e)
- § 7.14(f)(1)
- § 7.15(a)(4)(vi)(G)
- § 7.15(a)(8)(iii)
- § 7.15(a)(9)(i)
- § 7.15(b)(5)(ii)

The use of such terms and phrases lacks clarity. We believe the regulated community would be better served if the final-form rulemaking included references to the specific statutes in question.

**3. Need for the regulation.**

Question 10 of the RAF asks a promulgating agency to explain the compelling public interest that justifies the regulation, describe who will benefit from the regulation and quantify the benefits as completely as possible, including the number of people that will benefit. The response provided by the Department to this question does not provide this Commission with the required responses. When the final-form regulation is submitted, we request that the Department describe how many people will benefit from the changes and quantify those benefits.

**4. Section 7.14. Petitions.—Clarity; Reasonableness and feasibility; Implementation procedures.**

*Subsection (b) Time*

This subsection provides that petitions must be filed "within the time limits prescribed by statute, this title or

other regulation" or no later than 90 days after the Department's decision or action. As written, this provision does not clearly notify taxpayers of the filing deadlines. We also note that Department Form REV-1799 BA currently lists the time limitations for filing appeal petitions for numerous taxes. We believe including these requirements in the final-form regulation would assist the regulated community in understanding the time-frames associated with filing appeals. We ask the Department to consider including this information in the final-form regulation.

Subsection (b)(3) provides that for purposes of filing a petition, the date of the underlying Department decision or action will be the date of the notice of the decision or action. Where there is not a notice, "then the date is when the petitioner became aware of the Department's decision or action." How will the Department know or determine when the petitioner becomes aware? The final-form regulation should specify how the Department will implement this provision. We have a similar concern with language found in § 901.164, pertaining to petitions.

*Subsection (c) Receipt*

This subsection provides, that as a general rule, a petition is filed on the date the Board receives it. We have two concerns with this subsection. First, Subsection (c)(1) includes the term "electronic means." We note that other sections of the rulemaking use the term "electronic" or "electronically" as it pertains to the filing of a petition. To add clarity to the rulemaking, we ask the Board to include a definition of the term "electronic" in the final-form rulemaking.

Second, Subsection (2) includes references to sections of two statutes that address the receipt of appeals transmitted to the Department by mail. The statutes provide that the postmark of the United States Postal Service is considered the date received of petitions. To improve the clarity of the rulemaking, we suggest that the statutory language be included in the final-form rulemaking.

*Subsection (d) Manner and form*

The last sentence of subsection (d) provides that the Department "will prescribe the form for a petition." The final-form regulation should specify how that form can be obtained or located.

The last sentence of subsection (e)(2)(i) ("... any document relating shall...") is ambiguous and should be revised to clearly identify the necessary documentation.

**5. Section 901.165. Board practice and procedure.—  
Clarity; Need.**

The existing language of this section is being deleted and replaced with new language that provides that "[t]his section and Chapter 7... govern practice and procedure before the Board." What is the need for this provision since the existing language is being removed and the new language no longer contains any procedural requirements?

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-953. Filed for public inspection May 18, 2012, 9:00 a.m.]

# INSURANCE DEPARTMENT

## Pennsylvania National Mutual Casualty Insurance Company; Homeowners; Rate Revision

On May 2, 2012, the Insurance Department (Department) received from Pennsylvania National Mutual Casualty Insurance Company a filing for rate level change for homeowners insurance.

The company requests an overall 11.3% increase amounting to \$3,293,000 to be effective on August 1, 2012, for new business and November 1, 2012, for renewal business. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to June 1, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance 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 Bojan Zorkic, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [bzorkic@pa.gov](mailto:bzorkic@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-954. Filed for public inspection May 18, 2012, 9:00 a.m.]

## Request to Surrender a Certificate of Authority to Provide a Continuing Care Retirement Community by Colonial Senior Living of Western PA, LLC

Colonial Senior Living of Western PA, LLC has submitted a request to surrender their Certificate of Authority to operate a Continuing Care Retirement Community at Village at Pennwood in Pittsburgh, PA. The request was received on May 7, 2012, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the surrender of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [syenger@pa.gov](mailto:syenger@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-955. Filed for public inspection May 18, 2012, 9:00 a.m.]

## Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Kenneth A. Hrabovecky; file no. 12-188-117250; Hartford Insurance Company of Midwest; Doc. No. P12-04-016; June 13, 2012, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

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 at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-956. Filed for public inspection May 18, 2012, 9:00 a.m.]

## Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.



The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of State Farm Fire and Casualty Insurance Company; file no. 12-114-117456; Gerald and Dawn Pflanz; Doc. No. P12-05-002; June 7, 2012, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

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 at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-957. Filed for public inspection May 18, 2012, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution No. CB-12-002, Dated April 16, 2012. Side Agreement with AFSCME establishing a system of pay differentials for AFSCME employees assigned to the IOCMS project.

Resolution No. CD-12-003, Dated March 26, 2012. Side Letter with AFSCME for the Assignment of Forensic Scientist 2 to the Clandestine Laboratory Response Teams (CLRT) of the PSP.

#### *Governor's Office*

Management Directive No. 240.11—Commonwealth Wireless Communications Device Policy, Amended April 11, 2012.

Management Directive No. 305.11—Depositing Checks, Money Orders and Cash, Amended April 23, 2012.

Management Directive No. 505.15—Employee Mobility Information Program, Amended April 12, 2012.

Management Directive No. 580.15—Selective Certification of Classified Service Eligibles, Amended April 11, 2012.

Administrative Circular No. 12-04—Closing Instruction No. 2, Fiscal Year 2011-12; Pre-closing at May 14, 2012, Dated April 5, 2012.

Administrative Circular No. 12-05—Closing Instruction No. 3, Fiscal Year 2011-12; Prior Fiscal Year Appropriations Subject to Act 146 Waivers and Encumbrances Carried Forward From Prior Fiscal Years (Including Contracted Repairs), Dated April 5, 2012.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 12-958. Filed for public inspection May 18, 2012, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Default Service Plan

**P-2012-2301664. Duquesne Light Company.** Petition of Duquesne Light Company for approval of a default service plan for the period June 1, 2013, through May 31, 2015.

Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the petitioner and a copy provided to the Administrative Law Judge on or before June 4, 2012. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the petitioner's business address.

*Applicant:* Duquesne Light Company

*Through and By Counsel:* Michael W. Gang, Anthony D. Kanagy, Post & Schell, P.C., 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

David T. Fisfis, Krysia Kubiak, Duquesne Light Company, 411 Seventh Avenue, Pittsburgh, PA 15219

#### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Friday, June 8, 2012

*Time:* 10 a.m.

*Location:* 2nd Floor Hearing Room—Pittsburgh

Parties  
Piatt Place  
Suite 220  
301 Fifth Avenue  
Pittsburgh, PA 15222



*Location:* Hearing Room 3—Harrisburg Parties  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA

*Presiding:* Administrative Law Judge Katrina L.  
Dunderdale  
Piatt Place  
Suite 220  
301 5th Avenue  
Pittsburgh, PA 15222  
(412) 565-3550  
Fax: (412) 565-5692

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
  - Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988
- ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-959. Filed for public inspection May 18, 2012, 9:00 a.m.]

*Date:* Wednesday, June 6, 2012

*Time:* 10 a.m.

*Location:* Hearing Room 2  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judge Susan D.  
Colwell  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
  - Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988
- ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-960. Filed for public inspection May 18, 2012, 9:00 a.m.]

## Default Service Program and Procurement Plan

**P-2012-2302074. PPL Electric Utilities Corporation.** Petition of PPL Electric Utilities Corporation for approval of a default service program and procurement plan for the period of June 1, 2013, through May 31, 2015.

Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the petitioner and a copy provided to the Administrative Law Judge, on or before June 4, 2012. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the petitioner's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Michael W. Hassell, Post & Schell, P.C., 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

David B. MacGregor, Post & Schell, P.C., Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808

Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18101

### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

## 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 June 4, 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-2012-2285262. Robert L. Shelly** (6621 Elizabethtown Road, Manheim, Lancaster County, PA 17545)—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 Lancaster County, to points in Pennsylvania, and return.

**A-2012-2285271. Ralph Nelson Waltman, Jr.** (3942 Marietta Avenue, Columbia, Lancaster County, PA

17512)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Lancaster County, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2012-2290580. Alstar Medical Transportation, Inc.** (5509 Hiland Avenue, Lanham, MD 20706)—persons, in paratransit service, between points in the Counties of Philadelphia, Delaware, Montgomery, Chester, Bucks, Lehigh, Lancaster, Lebanon, Carbon and Northumberland.

**A-2012-2290588. (Corrected) Nationwide Medical Transport, Inc.** (2735 Terwood Road, Willow Grove, Montgomery County, PA 19090)—persons in paratransit service, from points in Counties of Montgomery, Bucks, Delaware, Chester and the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-2012-2290603. PHN Charitable Foundation** (100 Shenango Avenue, Sharon, Mercer County, PA 16146)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Mercer, Lawrence, Crawford and Butler, to points in Pennsylvania, and return. *Attorney:* William A. Gray, Esquire, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

**A-2012-2293983. Betty M. Hamilton** (3380 Gap Road, Allenwood, PA 17810), 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 the Counties of Clinton, Lycoming and Union, to points in Pennsylvania, and return.

**A-2012-2294199. Frederick W. Kocher** (41 Clearfield Street, Elizabethville, PA 17023), 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 the Counties of Dauphin and Northumberland to points in Pennsylvania, and return.

**A-2012-2294938. Samuel S. Stohzfus** (3031 Old Philadelphia Pike, Ronks, Lancaster County, PA 17572)—to transport, persons, in paratransit service, whose personal convictions prevent them from owning and operating a vehicle, from points in the County of Lancaster to points in Lancaster, Lebanon, Perry, York, Dauphin and Berks Counties, and return.

**A-2012-2295215. Robert Eugene Duffy, Sr.** (49 Summer Street, Salunga, Lancaster County, PA 17538)—to transport, persons, in paratransit service, whose personal convictions prevent them from owning and operating a vehicle, from points in the County of Lancaster to points in Pennsylvania, and return.

**A-2012-2295250. Donald K. Wilson and Marlene A. Wilson** (8 North Greenhouse Lane, Valley View, Schuylkill County, PA 17983)—to transport, person, in paratransit service, whose personal convictions prevent them from owning and operating a vehicle, from points in the Counties of Dauphin, Northumberland and Schuylkill to points in Pennsylvania, and return.

**Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.**

**A-2012-2285459. Healthcare Transportation Service, LLC** (3062 Meadowbridge Road, Richmond, VA

23228)—a corporation of the Commonwealth of Virginia, for the right to begin to transport, as a contract carrier, by motor vehicle, persons in paratransit service for Logisticare Solutions, LLC, under their contract to provide services under the Medical Assistance Transportation Program, from the City and County of Philadelphia, to points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, and return. *Attorney:* Mark Feinman, Esquire, 8171 Castor Avenue, Philadelphia, PA 19152.

**Application of the following for amendment to the contract carrier permit approving the operation of motor vehicles as contract carriers for transportation of persons as described under the application.**

**A-2012-2282621. Path Trans Care, Inc.** (2201 Tremont Street, Apt. C418, Philadelphia, Philadelphia County, PA 19115)—a corporation of the Commonwealth of Pennsylvania, for the amended right to transport, as a contract carrier, by motor vehicle, persons in paratransit service for Logisticare Solutions, LLC, under their contract to provide services under the Medical Assistance Transportation Program, from the City and County of Philadelphia, to points in the Counties of Bucks, Chester, Delaware and Montgomery, and return. *Attorney:* Mark Feinman, Esquire, 8171 Castor Avenue, Philadelphia, PA 19152.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-961. Filed for public inspection May 18, 2012, 9:00 a.m.]

## Telecommunications

**A-2012-2302432. Consolidated Communications of Pennsylvania Company and TCG Pittsburgh.** Joint petition of Consolidated Communications of Pennsylvania Company and TCG Pittsburgh for approval of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Consolidated Communications of Pennsylvania Company and TCG Pittsburgh by its counsel, filed on May 4, 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 Consolidated Communications of Pennsylvania Company and TCG Pittsburgh 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. 12-962. Filed for public inspection May 18, 2012, 9:00 a.m.]

### Telecommunications Services

**A-2012-2303280, A-2012-2303281, A-2012-2303284, A-2012-2303285, A-2012-2303289, A-2012-2303290, A-2012-2303291, A-2012-2303292. Comcast Phone of Pennsylvania, LLC, d/b/a Comcast Digital Phone.** Application of Comcast Phone of Pennsylvania, LLC, d/b/a Comcast Digital Phone for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink, Windstream Pennsylvania, LLC, Windstream Conestoga, Inc., Windstream D&E, Inc., Consolidated Communications of Pennsylvania Company, Commonwealth Telephone Company, LLC, d/b/a Frontier Communications Commonwealth Telephone Company, Frontier Communications of Breezewood, LLC and Frontier Communications of Pennsylvania, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 4, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us) and at the applicant's business address.

*Applicant:* Comcast Phone of Pennsylvania, LLC, d/b/a Comcast Digital Phone

*Through and By Counsel:* Michelle M. Skjoldal, Pepper Hamilton, LLP, 100 Market Street, Suite 200, P. O. Box 1181, Harrisburg, PA 17108, (717) 255-1169, fax (717) 238-1575

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-963. Filed for public inspection May 18, 2012, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project No. 12-035.P, Request for Proposal—Condition Assessment of Finger Pier Timber Piles and Hardware, until 2 p.m. on Monday, June 18, 2012. Information (including mandatory prebid information) concerning this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement, or call the Engineering Department at (215) 426-2600.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-964. Filed for public inspection May 18, 2012, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

June 15, 2012      Ann H. Lokuta      1 p.m.  
Pension Forfeiture

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

DAVID E. DURBIN,  
*Acting Secretary*

[Pa.B. Doc. No. 12-965. Filed for public inspection May 18, 2012, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Commission Meeting

The Susquehanna River Basin Commission (Commission) will hold its regular business meeting on June 7, 2012, at 9 a.m. at the Binghamton State Office Building, Warren Anderson Community Room (18th Floor), 44 Hawley Street, Binghamton, NY 13901. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436.

### *Opportunity to Appear and Comment*

Interested parties are invited to attend the business meeting and encouraged to review the Commission's Public Meeting Rules of Conduct, which are posted on the Commission's web site at [www.srbc.net](http://www.srbc.net). As identified in the public hearing notice referenced as follows, written comments on the Regulatory Program projects, amendment to its Regulatory Program Fee Schedule, amendment to its Records Processing Fee Schedule, and amendment to the Comprehensive Plan for the Water Resources of the Susquehanna River Basin that were the subject of the public hearing, and are listed for action at the business meeting, are subject to a comment deadline of May 21, 2012. Written comments pertaining to any other matters listed for action at the business meeting may be

mailed to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391 or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Comments mailed or electronically submitted must be received by the Commission on or before June 1, 2012, to be considered.

*Supplementary Information*

The business meeting will include actions on the following items: (1) election of officers for Fiscal Year (FY) 2013; (2) update on the Low Flow Protection Policy; (3) the proposed Water Resources Program; (4) amendment to its Records Processing Fee Schedule; (5) amendments to its Regulatory Program Fee Schedule; (6) authorization to refinance the Curwensville Water Storage Project; (7) adoption of an FY 2014 budget; (8) amendment of the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; (9) a request for administrative appeal from Anadarko E&P Company, LP—Well PW-11 (Council Run)—Pending No. 2011-021; and (10) Regulatory Program projects. Projects, proposed fee schedules and amendment to the comprehensive plan listed for Commission action are those that were the subject of a public hearing conducted by the Commission on May 10, 2012, and identified in the notice for the hearing, which was published at 77 FR 23319 (April 18, 2012).

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: May 3, 2012.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 12-966. Filed for public inspection May 18, 2012, 9:00 a.m.]

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## TURNPIKE COMMISSION

### Request for Proposals

The Turnpike Commission (Commission) will accept proposals for RFP No. 12-10260-3609, Insurance Brokerage Services until 12 p.m. on Thursday, June 14, 2012. Information concerning this request for proposals can be obtained from the Commission web site at [www.paturnpike.com](http://www.paturnpike.com) under “Doing Business with the PTC,” “Requests for Proposals,” “All Other Types,” RFP No. 12-10260-3609—Insurance Brokerage Services.

WILLIAM K. LIEBERMAN,  
*Chairperson*

[Pa.B. Doc. No. 12-967. Filed for public inspection May 18, 2012, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 531, 533, 567,  
617a, 619a AND 651a ]

#### Table Game Rules for Roulette, Big Six Wheel and Casino War

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 531, 533 and 567 and adds Chapters 617a, 619a and 651a (relating to Roulette; Big Six Wheel; and Casino War) 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 531, 533 and 567. With this final-form rulemaking, the Board is replacing the temporary regulations in Chapter 531 with the permanent regulations in Chapter 617a, the temporary regulations in Chapter 533 with the permanent regulations in Chapter 619a and the temporary regulations in Chapter 567 with the permanent regulations in Chapter 651a.

##### *Explanation of Chapter 617a*

Chapter 617a contains the rules governing the game of Roulette. Section 617a.1 (relating to Roulette ball; Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel) contains the requirements for the Roulette ball, wheel and table layouts.

Section 617a.2 (relating to inspection and security procedures) lists the procedures that shall be followed prior to the opening of a Roulette table to ensure that the table game equipment is present and in proper working condition and that there is no evidence of tampering.

Sections 617a.3 and 617a.4 (relating to placement of wagers; and payout odds) list the permissible wagers for the game of Roulette, specify how the wagers are to be placed on the Roulette table and the minimum odds that the certificate holder must pay on winning wagers.

Sections 617a.5 and 617a.6 (relating to rotation of wheel and ball; and irregularities) address the proper techniques for spinning the Roulette wheel and the Roulette ball, marking the winning number and the collecting and paying of wagers as well as how improper spins and other irregularities that may occur during the course of play are to be handled.

##### *Explanation of Chapter 619a*

Chapter 619a contains the rules governing the Big Six Wheel. Section 619a.1 (relating to Big Six Wheel layout; physical characteristics) contains the physical characteristics of the wheel and the table layout requirements. Operators have the option to use the dollar amounts in this section or to submit to the Bureau of Gaming Operations (BGO) a wheel layout with other symbols or logos.

Section 619a.2 (relating to wagers and rotation of the wheel) addresses the placement of wagers on the table

layout, the spin of the wheel, the collection of losing wagers and the payment of winning wagers. Lastly, § 619a.3 (relating to payout odds) addresses the minimum payout odds certificate holders are required to pay on winning wagers.

##### *Explanation of Chapter 651a*

Chapter 651a establishes the rules of play for Casino War. Section 651a.1 (relating to definitions) contains the definitions for terms used in this chapter. Section 651a.2 (relating to Casino War table; physical characteristics) contains the requirements pertaining to Casino War tables and other equipment used in the play of the game.

Section 651a.3 (relating to cards; number of decks; dealing shoe) addresses the number of decks that are used in Casino War and the use of automated card shuffling devices. Sections 651a.4 and 651a.5 (relating to opening of the table for gaming; and shuffle and cut of the cards) set forth the procedures for the inspection of the cards and the procedures for shuffling and cutting of the cards before they are dealt. The procedure for removal of the cards from the dealing shoe and discard rack when there is no gaming activity was changed from the temporary regulations. At their request, operators may now leave the cards face down instead of face up on the table until a player arrives at the table at which time the cards shall be reshuffled for the next round of play.

Sections 651a.6 and 651a.7 (relating to Casino War card rankings; and wagers) set forth the rank of the cards for the purpose of determining the winning hand and specify the permissible wagers. The restriction on the number of adjacent boxes on which a player may place a wager was changed from the temporary regulations so that operators may specify in their Rules Submissions the number of adjacent boxes on which a player may wager.

Sections 651a.8 and 651a.9 (relating to procedure for dealing the cards; and procedures for completion of each round of play; collection and payment of wagers) specify the procedures for the initial deal of the cards to each patron, the procedure for going to war, the procedure for collecting cards, collecting losing wagers and paying out winning wagers.

Section 651a.10 (relating to payout odds) sets forth the payout odds for winning Initial, Tie and War Wagers. Section 651.11 (relating to irregularities) provides the rules to address unusual circumstances that might arise during the play of the game.

##### *Comment and Response Summary*

Notice of proposed rulemaking was published at 41 Pa.B. 3000 (June 11, 2011). During the comment period, the Board received public comments from Greenwood Gaming & Entertainment, Inc. d/b/a Parx and Chester Downs and Marina, LLC d/b/a Harrah's. Additionally, on August 10, 2011, the Board received comments from the Independent Regulatory Review Commission (IRRC) on the proposed rulemaking.

##### *General Comments*

In §§ 617a.1, 619a.1, 651a.2 and 651a.5, IRRC requested that the final-form rulemaking contain the procedures the certificate holder shall follow to obtain approval from the BGO or the Bureau of Casino Compliance (BCC) for table game layouts, signage and the location of equipment on the table. Section 601a.10 (relating to

approval of table game layouts, signage and equipment) will be added to Chapter 601a (relating to general table games provisions).

Currently, submissions to BGO, including internal controls, table games Rules Submissions, layouts, signage, gaming guides, equipment approvals, dealer training and minimum staffing plans are submitted through the Internal Control and Table Game Submission Form that is available on the Board's web site ([www.pgcb.pa.gov](http://www.pgcb.pa.gov)). Each facility was 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 BGO and are approved by the Board's Executive Director. The approval letters are then sent to the facility. Section 601a.10 reflects this current practice.

Regarding the provisions that require BCC approval, a casino compliance supervisor at the licensed facility may approve locations on the gaming table for drop and tip boxes, bad beat boxes in Poker and the location of other table game equipment at the time the new table is installed on the gaming floor but prior to the opening of the table for gaming. Section 601a.10 reflects this current practice.

#### *Chapter 617a*

In § 617a.5(d), Parx requested that the Board allow the licensee the option to pay winning Five Adjacent Number Wagers directly from the Roulette wheel replica instead of breaking down the wager and bringing the wager to the table layout to collect the losing wagers and pay the winning wagers.

The Board believes that the Five Adjacent Number Wager has to be broken down into five separate Straight Wagers and placed on the Roulette layout for the following reasons: 1) to assure that surveillance can adequately record the collection and payout of the wagers in the event of a patron dispute or suspected cheating, which is difficult to detect if the wager is settled from the Roulette wheel replica, is not broken down into the five separate wagers, placed on the Roulette layout and paid or collected from the layout, particularly as more patrons opt to place the Five Adjacent Number Wager; and 2) there is a greater risk that the dealer will payout, at 35 to 1, the Five Adjacent Number Wager instead of collecting 4/5 of the wager and paying out only 1/5 of the wager on the single number that was the winner.

#### *Chapter 619a*

In § 619a.1(d), Parx and IRRC requested that the Board delete the requirement that the payout odds be displayed on each section of the Big Six wheel or, if the requirement is not deleted, IRRC requested that the Board provide an explanation as to why it is required.

The Board appreciates the suggestion and therefore added clarifying language to the regulation so the only portion of the payout odds that must be on the Big Six Wheel are the amounts that the certificate holder is required to pay if the clapper lands on that section of the box. Requiring the number to be above the dollar symbols, pictures of the flag or the name or logo of the certificate holder aids surveillance in verifying which box the clapper landed on which may be necessary in the event of a patron dispute or a review for suspected cheating.

Two licensed manufacturers in this Commonwealth have supplied the six certificate holders that currently offer the game, including Mohegan Sun, Harrah's, Rivers,

Sands, Hollywood and Washington Trotting, with the Big Six Wheel. The replicas previously submitted by four of the certificate holders contain the payout odds as now described in subsection (d) and were approved for use.

Proposed § 619a.2 required that if the clapper comes to rest between two numbers, the spin will be declared void and dealer shall respin the wheel. Harrah's stated that if the clapper falls between two numbers, the certificate holder should have the option to declare the number previously passed as the winning number. IRRC asked what other jurisdictions have in place and if the Board has considered the alternative offered by Harrah's.

Although New Jersey does allow for a declared win if a sign is posted, the Board believes that in fairness to patrons wagering at the Big Six Wheel, not just the patron who wagered on the number previously passed, if the clapper comes to rest precisely between two numbers, neither number can be declared the winner and a respin is required. Additionally, the practice of declaring a winner when the clapper comes to rest on the peg between two numbers is inconsistent with the objective of the game (that a patron's wager is settled in accordance with its position on the layout when the clapper comes to rest in a section of the wheel).

#### *Chapter 651a*

In § 651a.2, Parx requested to allow up to ten players at each Casino War table. IRRC asked if the increase would jeopardize the integrity of gaming in any way or provide an advantage to the casino.

Only one facility, Sands, currently offers Casino War. Other than the comment from Parx, the Board has not received requests to increase the number of players who may wager at the game. The Board, however, will allow for up to nine players at any Casino War table, which is consistent with the maximum players allowed at Minibaccarat and Midibaccarat tables. The Board is limiting the table to nine instead of ten because there is limited space on the table layout to inscribe the required information at each player position and there is only one dealer who is responsible for observing the whole table while dealing which is more challenging with a greater number of players participating in the game.

Parx and IRRC also requested to allow certificate holders the option of using continuous shufflers. The Board agrees that several of the requirements for the number of decks and the shuffling and cutting of cards when an automated card shuffling device is used are not applicable when a continuous shuffler is in use.

Continuous shufflers are permitted for use with several other games but had not been included in the rules of play for Casino War. Therefore, §§ 651a.3(e) and 651a.5(h) are added to allow for the use of a dealing shoe that automatically reshuffles and counts the cards (continuous shuffler) if the device has been submitted to the Bureau of Gaming Laboratory Operations and approved for use in the licensed facility. If the certificate holder utilizes the approved device, other subsections in §§ 651a.3 and 651a.5 are not applicable.

Parx also requested that the Board amend the rules for the payment and collection of wagers when a patron declares War against the dealer. Although the process as proposed is consistent with another gaming jurisdiction, the Board agrees with the revisions Parx suggested. Instead of collecting the Initial Wager, as proposed in § 651a.9(c), the dealer shall leave the Initial Wager on the table and the player shall match it with a War Wager. If the player wins War against the dealer, the dealer shall

pay out the War Wager at lower odds (1 to 1 instead of 2 to 1) and return the Initial Wager to the player. The amount collect by the dealer and returned to the player is equal whether the dealer pays at 1 to 1 and returns the Initial Wager or collects the Initial Wager and pays out at odds of 2 to 1. This updated procedure should also aid the facility in assuring that a patron going to War against the dealer places a War Wager equal to and not greater than the Initial Wager made by the player.

The certificate holder that currently offers Casino War will be required to update its table layouts to reflect the change to the payout odds on the War Wager. The Board has reached out to that facility to ensure that updating table layouts when this final-form rulemaking is adopted will not be burdensome to the facility.

*Affected Parties*

Certificate holders that elect to offer Roulette, Big Six Wheel or Casino War will be required to comply with these chapters. The requirements in this final-form rulemaking are consistent with 4 Pa.C.S. Part II (relating to gaming), necessary for the protection of the gaming public and ensure the accurate reporting of 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 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 Roulette, Big Six Wheel and Casino War. 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 proposed rulemaking will not have fiscal impact on the general public.

*Paperwork Requirements*

This final-form rulemaking requires 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 are available on the Board web site.

*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 May 12, 2011, the Board submitted a copy of the proposed rulemaking, published at 41 Pa.B. 3000, 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 §§ 531.1—531.7, 533.1—533.3 and 567.1—567.11 and by adding §§ 617a.1—617a.6, 619a.1—619a.3 and 651a.1—651a.11 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 125-148 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 531. (Reserved)**

Sec.  
531.1—531.7. (Reserved).

**CHAPTER 533. (Reserved)**

Sec.  
533.1—533.3. (Reserved).



**CHAPTER 567. (Reserved)**

Sec.  
567.1—567.11 (Reserved).

**CHAPTER 617a. ROULETTE**

Sec.  
617a.1. Roulette ball; Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel.  
617a.2. Inspection and security procedures.  
617a.3. Placement of wagers.  
617a.4. Payout odds.  
617a.5. Rotation of wheel and ball.  
617a.6. Irregularities.

**§ 617a.1. Roulette ball; Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel.**

(a) A ball used in Roulette must be made completely of a nonmetallic substance and not less than 12/16 inch nor more than 14/16 inch in diameter.

(b) Roulette shall be played on a table having a Roulette wheel of at least 30 inches in diameter at one end of the table and a Roulette layout imprinted on the opposite end of the table.

(c) A single zero Roulette wheel must have 37 equally spaced compartments around the wheel where the Roulette ball may come to rest. The Roulette wheel must also have a ring of 37 equally spaced areas to correspond to the position of the compartments with a compartment marked zero (0) and colored green and the others marked 1 to 36 and colored alternately red and black. The numbers must be arranged clockwise around the wheel in the following order: 0, 32, 15, 19, 4, 21, 2, 25, 17, 34, 6, 27, 13, 36, 11, 30, 8, 23, 10, 5, 24, 16, 33, 1, 20, 14, 31, 9, 22, 18, 29, 7, 28, 12, 35, 3 and 26. The color of each compartment must either be a corresponding color to those depicted on the ring or a neutral color as approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment).

(d) A double zero Roulette wheel must have 38 equally spaced compartments around the wheel where the Roulette ball may come to rest. The Roulette wheel must also have a ring of 38 equally spaced areas to correspond to the position of the compartments with a compartment marked zero (0) and colored green, a compartment marked double zero (00) and colored green, and the others marked 1 to 36 and colored alternately red and black. The numbers must be arranged clockwise around the wheel in the following order: 0, 28, 9, 26, 30, 11, 7, 20, 32, 17, 5, 22, 34, 15, 3, 24, 36, 13, 1, 00, 27, 10, 25, 29, 12, 8, 19, 31, 18, 6, 21, 33, 16, 4, 23, 35, 14 and 2. The color of each compartment must either be a corresponding color to those depicted on the ring or a neutral color as approved in accordance with § 601a.10(a).

(e) A double zero Roulette wheel and double zero table layout may be used as a single zero Roulette wheel and single zero table layout if:

(1) The 00 wager area on the layout is obscured with a cover or other device approved in accordance with § 601a.10(g), which clearly indicates that the 00 wager is not available.

(2) Signage is posted at the Roulette table to notify players of the following:

(i) The double zero Roulette wheel is being used as a single zero Roulette wheel and that double zero (00) is not an available wager.

(ii) If the Roulette ball comes to rest in the compartment marked double zero (00), the spin will be declared void and the wheel will be respun.

(iii) Wagers on red, black, odd, even, 1 to 18 and 19 to 36 shall be lost if the Roulette ball comes to rest in a compartment marked zero (0).

(f) The layout for a Roulette table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) and contain, at a minimum:

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

(2) Specific betting areas for the placement of the wagers authorized under § 617a.3 (relating to placement of wagers).

(3) Signage indicating the minimum and maximum wagers permitted at that table.

(4) If the certificate holder offers the Five Adjacent Number Wager authorized under § 617a.3, a replica of the Roulette wheel.

(g) Each Roulette table must have a drop box and tip box attached in locations as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g).

**§ 617a.2. Inspection and security procedures.**

(a) Prior to opening a Roulette table for gaming activity, a floorperson or member of the certificate holder's security department shall:

(1) Inspect the Roulette ball by passing it over a magnet or compass to assure its nonmagnetic quality.

(2) Inspect the Roulette table and Roulette wheel for any magnet or contrivance that would affect the fair operation of the Roulette wheel.

(3) Inspect the Roulette wheel to assure that the wheel is level and rotating freely and evenly.

(4) Inspect the Roulette wheel to assure that all parts are secure and free from movement.

(5) Confirm that the layout and signage comply with § 617a.1(e) (relating to Roulette ball; Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel) if a double zero Roulette wheel is being used as a single zero Roulette wheel.

(b) If a certificate holder uses a Roulette wheel that has external movable parts, any adjustments to the movable parts shall be made by a floorperson or a member of the certificate holder's table game maintenance department in the presence of a security department member.

(c) All adjustments shall be completed prior to the required inspections in subsection (a).

(d) The certificate holder may replace any of the movable parts at any time, provided that an inspection as required under subsection (a) shall be completed prior to reopening the Roulette wheel and table for play.

(e) An inspection log shall be maintained by the certificate holder which must include the date, the time, the Roulette table number, whether an adjustment or replacement was completed, a description of the adjustment or replacement, a certification that an inspection, if required, was completed and the signature and Board-issued credential number of the individual making the adjustment or replacement.



(f) When a Roulette table is not open for play, the Roulette wheel shall be secured by placing a cover over the entire wheel and securely locking the cover.

**§ 617a.3. Placement of wagers.**

(a) All wagers at Roulette shall be made by placing Roulette chips on the appropriate areas of the Roulette layout. Verbal wagers accompanied by cash may not be accepted.

(b) A player at a Roulette table may not play with Roulette chips that are identical in color and design to value chips or to Roulette chips being used by another player at that same table. Roulette chips shall be cashed in for value chips or plaques before a player leaves a Roulette table.

(c) Each player shall be responsible for the correct positioning of his wager on the Roulette layout, regardless of whether he is assisted by the dealer. The player shall be responsible for ensuring that the instructions he gives to the dealer regarding the placement of a wager are correctly carried out.

(d) A wager shall be settled in accordance with its position on the layout when the ball falls into a compartment of the wheel.

(e) The wagers in the game of Roulette include:

(1) A Straight Wager that the Roulette ball will come to rest in the compartment of the Roulette wheel that corresponds to a single number selected by the player. The player shall make a Straight Wager by placing a wager within the box on the Roulette layout that contains the selected number.

(i) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer the option to make five simultaneous Straight Wagers by selecting five adjacent numbers on the Roulette wheel.

(ii) A player shall make a Five Adjacent Number Wager by placing Roulette chips on the number indicated on the Roulette wheel replica that is the center number of the five adjacent numbers being selected.

(iii) A player making a Five Adjacent Number Wager shall be deemed to have made a separate Straight Wager of equal value on each of the five numbers selected.

(2) A Split Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to either of two numbers selected by the player. The player shall select the numbers by placing a wager on the line between the two boxes on the Roulette layout that contain the two selected numbers. A Split Wager on 0 and 00 may also be placed on the line between the 0 and 00 or on the line between the 2nd 12 box and the 3rd 12 box.

(3) A Three Numbers Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of three numbers in a single row on the Roulette layout selected by the player. The player shall select a row of numbers by placing a wager on the outside line of the box on the Roulette layout that contains the first number in the selected row.

(i) A Three Numbers Wager may also include a wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of the three numbers in one of the following groups of numbers: 0, 1 and 2; 0, 2 and 00; or 00, 2 and 3.

(ii) The player shall select one of the Three Numbers Wagers in subparagraph (i) by placing a wager on the common corner of the three boxes containing the selected numbers.

(4) A Four Numbers Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of four numbers in contiguous boxes on the Roulette layout selected by the player. The player shall select the four numbers by placing a wager on the common corner of the four boxes containing the selected numbers.

(5) A First Five Numbers Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of the numbers 0, 00, 1, 2 or 3. The player shall make a First Five Numbers Wager by placing a wager on the common corner of the boxes on the Roulette layout that contain the label 1st 12 and the numbers 0 and 1.

(6) A Six Numbers Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to one of six consecutive numbers contained in two contiguous rows of numbers on the Roulette layout selected by the player. The player shall select the two rows of numbers by placing a wager on the outside common corner of the boxes on the Roulette layout that contains the first number in each of the rows being selected.

(7) A Column Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any 1 of 12 numbers contained in a single column on the Roulette layout selected by the player. The player shall select a column of 12 numbers by placing a wager in the box on the Roulette layout that is at the bottom of the column being selected.

(8) A Dozen Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any 1 of 12 consecutive numbers from 1—12, 13—24 or 25—36, selected by the player. The player shall select the 12 numbers by placing a wager in the box on the Roulette layout labeled 1st 12, 2nd 12 or 3rd 12.

(9) A Red Wager that the Roulette ball will come to rest in any compartment of the Roulette wheel that corresponds to a number with a red background on the Roulette wheel. The player shall make a Red Wager by placing a wager within the red box on the Roulette layout.

(10) A Black Wager that the Roulette ball will come to rest in any compartment of the Roulette wheel that corresponds to a number with a black background on the Roulette wheel. The player shall make a Black Wager by placing a wager within the black box on the Roulette layout.

(11) An Odd Wager that the Roulette ball will come to rest in any compartment of the Roulette wheel that corresponds to an odd number. The player shall make an Odd Wager by placing a wager within the box on the Roulette layout that is labeled Odd.

(12) An Even Wager that the Roulette ball will come to rest in any compartment of the Roulette wheel that corresponds to an even number. The player shall make an Even Wager by placing a wager within the box on the Roulette layout that is labeled Even.

(13) A 1—18 Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any 1 of 18 consecutive numbers from 1—18.

The player shall make a 1—18 Wager by placing a wager within the box on the Roulette layout that is labeled 1—18.

(14) A 19—36 Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any 1 of 18 consecutive numbers from 19—36. The player shall make a 19—36 Wager by placing a wager within the box on the Roulette layout that is labeled 19—36.

**§ 617a.4. Payout odds.**

(a) A certificate holder shall pay out winning Roulette wagers at no less than the odds in the following payable:

<i>Wager</i>	<i>Payout Odds</i>
Straight	35 to 1
Split	17 to 1
Three Numbers	11 to 1
Four Numbers	8 to 1
First Five Numbers	6 to 1
Six Numbers	5 to 1
Column	2 to 1
Dozen	2 to 1
Red	1 to 1
Black	1 to 1
Odd	1 to 1
Even	1 to 1
1—18	1 to 1
19—36	1 to 1

(b) When Roulette is played on a single zero wheel or double zero wheel and the Roulette ball comes to rest in a compartment marked zero (0) or double zero (00), wagers on red, black, odd, even, 1—18 and 19—36 will be lost.

(c) When Roulette is played on a double zero wheel being used as a single zero wheel, as provided in § 617a.1 (relating to Roulette ball; Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel), the following apply:

(1) Notice shall be provided that the double zero wheel is being used as a single zero wheel.

(2) If the Roulette ball comes to rest in a compartment marked double zero (00), the dealer shall announce “no spin,” declare the spin void and respin the wheel.

(3) Wagers on red, black, odd, even, 1—18 and 19—36 will be lost if the Roulette ball comes to rest in a compartment marked zero (0).

**§ 617a.5. Rotation of wheel and ball.**

(a) The Roulette ball shall be spun by the dealer in a direction opposite to the rotation of the wheel and complete at least four revolutions around the track of the wheel to constitute a valid spin.

(b) While the ball is still rotating in the track around the wheel, the dealer shall announce “no more bets,” in a manner sufficient to be heard by all players at the table. Once “no more bets” has been announced by the dealer, players may not touch any chips that have been placed on the Roulette layout until the dealer has collected all losing wagers and paid off all winning wagers in accordance with subsection (e).

(c) When the ball comes to rest in a compartment, the dealer shall announce the number of the compartment and shall place a point marker on that number on the Roulette layout.

(d) If a certificate holder offers the Five Adjacent Number Wager, the dealer shall then move 1/5 of each winning Five Adjacent Number Wager from the Roulette

wheel replica to the box on the main Roulette layout that contains the single number corresponding to the compartment in which the Roulette ball came to rest.

(e) After placing the point marker on the layout and, if applicable, complying with subsection (d), the dealer shall first collect all losing wagers and then pay off all winning wagers in accordance with § 617a.4 (relating to payout odds).

**§ 617a.6. Irregularities.**

(a) If the ball is spun in the same direction as the wheel, the dealer shall announce “no spin” and attempt to remove the Roulette ball prior to it coming to rest in one of the compartments.

(b) If the Roulette ball does not complete four revolutions around the track of the wheel, the dealer shall announce “no spin.” The dealer shall inspect the ball for any signs of damage and if the ball is damaged, ask the floorperson or above for a new Roulette ball with which to continue gaming at the table.

(c) If the Roulette ball leaves the wheel during the spin, the dealer shall announce “no spin.” The dealer shall inspect the ball for any signs of damage and if the ball is damaged, ask the floorperson or above for a new Roulette ball with which to continue gaming at the table.

(d) If a foreign object enters the wheel prior to the ball coming to rest, the dealer shall announce “no spin” and attempt to remove the Roulette ball from the wheel prior to it coming to rest in one of the compartments.

**CHAPTER 619a. BIG SIX WHEEL**

Sec.

619a.1. Big Six Wheel layout; physical characteristics.

619a.2. Wagers and rotation of the wheel.

619a.3. Payout odds.

**§ 619a.1. Big Six Wheel layout; physical characteristics.**

(a) Big Six Wheel gaming shall be conducted at a circular wheel at least 5 feet in diameter. Except as provided in subsection (c), the rim of the wheel must be divided into 54 equally spaced sections with 23 sections containing a \$1 symbol, 15 sections containing a \$2 symbol, 8 sections containing a \$5 symbol, 4 sections containing a \$10 symbol, 2 sections containing a \$20 symbol, 1 section containing a picture of a flag, the name or logo of the certificate holder or other unique symbol, and 1 section containing a picture of a joker or other unique symbol. The sections must be covered with glass.

(b) Except as provided in subsection (c), the sections required under subsection (a) must be arranged clockwise around the rim of the wheel in the following order: joker, \$1, \$2, \$1, \$5, \$2, \$1, \$10, \$1, \$5, \$1, \$2, \$1, \$20, \$1, \$2, \$1, \$5, \$2, \$1, \$10, \$1, \$2, \$5, \$1, \$2, \$1, flag or logo, \$2, \$5, \$2, \$1, \$2, \$1, \$10, \$1, \$5, \$1, \$2, \$1, \$20, \$1, \$2, \$1, \$5, \$2, \$1, \$10, \$1, \$2, \$5, \$1, \$2 and \$1.

(c) With prior approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), a certificate holder may use symbols that depict fruit or other themed symbols in lieu of the dollar symbols specified in subsections (a) and (b).

(d) Each section of the wheel must also display the payout odds in § 619a.3 (relating to payout odds) for the wager. For example, the payout odds for the \$2 or other approved symbol are 2 to 1. That section of the wheel must therefore display a 2.

(e) The wheel must contain a clapper capable of selecting a particular section of the wheel upon the conclusion of the spin.

(f) Each Big Six Wheel 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).

(g) The layout for a Big Six Wheel table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Specific betting areas for the placement of wagers including:
  - (i) Symbols for \$1, \$2, \$5, \$10 and \$20 or other approved symbols in accordance with subsection (c).
  - (ii) A flag, the name or logo of the certificate holder or other unique symbol as it appears on the wheel.
  - (iii) A joker or other unique symbol as it appears on the wheel.
- (3) The payout odds for each of the permissible wagers.

**§ 619a.2. Wagers and rotation of the wheel.**

- (a) Prior to the spin of the wheel, the dealer shall announce “no more bets.”
- (b) The wheel shall be spun by the dealer in either direction and must complete at least three revolutions to constitute a valid spin.
- (c) A wager shall be settled in accordance with the wager’s position on the layout when the clapper comes to rest in a section of the wheel.

(d) If the clapper comes to rest between two numbers or symbols upon completion of the spin of the wheel, the spin shall be void and the dealer shall respin the wheel.

(e) Upon completion of the spin, the dealer shall first collect all losing wagers and then pay off all winning wagers in accordance with § 619a.3 (relating to payout odds).

**§ 619a.3. Payout odds.**

A certificate holder shall pay out winning Big Six Wheel wagers at no less than the odds in the following payable:

<i>Wager</i>	<i>Payout Odds</i>
\$1 symbol or other approved alternate symbol	1 to 1
\$2 symbol or other approved alternate symbol	2 to 1
\$5 symbol or other approved alternate symbol	5 to 1
\$10 symbol or other approved alternate symbol	10 to 1
\$20 symbol or other approved alternate symbol	20 to 1
Joker, flag, name, logo or other unique symbol	45 to 1

**CHAPTER 651a. CASINO WAR**

- Sec. 651a.1. Definitions.
- 651a.2. Casino War table; physical characteristics.
- 651a.3. Cards; number of decks; dealing shoe.
- 651a.4. Opening of the table for gaming.
- 651a.5. Shuffle and cut of the cards.
- 651a.6. Casino War card rankings.

- 651a.7. Wagers.
- 651a.8. Procedure for dealing the cards.
- 651a.9. Procedures for completion of each round of play; collection and payment of wagers.
- 651a.10. Payout odds.
- 651a.11. Irregularities.

**§ 651a.1. Definitions.**

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

*Initial Wager*—The wager that shall be made by a player prior to any cards being dealt to participate in the round of play.

*Original deal*—The first card that is dealt to each player and the dealer to determine the result for the Initial Wager in a round of play.

*Tie hand*—A hand in the original deal or War deal when the rank of a player’s card and the rank of the dealer’s card are equal.

*War*—The decision of a player, in accordance with the option offered under § 651a.9(c)(2) (relating to procedures for completion of each round of play; collection and payment of wagers), to place a War Wager when there is a tie hand on the original deal.

*War deal*—The deal of the cards that follows the placement of a War Wager.

*War Wager*—A wager, equal to the player’s Initial Wager, that is required to be made if the player elects to go to War with the dealer.

**§ 651a.2. Casino War table; physical characteristics.**

(a) Casino War shall be played at a table having betting positions for no more than nine 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 Casino War 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 Initial and War Wagers for each player.
- (3) A separate betting area designated for the placement of Tie Wagers for each player.

(4) The payout odds for permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Casino War table.

(c) Each Casino War 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 Casino War table must have a discard rack securely attached to the top of the dealer’s side of the table, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g).



**§ 651a.3. Cards; number of decks; dealing shoe.**

(a) Casino War shall be played with six or eight decks of cards that are identical in appearance and two cover cards.

(b) All cards used in Casino War shall be dealt from a manual dealing shoe. 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).

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

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

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

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

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

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

(d) The decks of cards opened for use at a Casino War table shall be changed at least once every 24 hours.

(e) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards, provided that the device is approved by the Bureau of Gaming Laboratory Operations, 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) and (c) do not apply.

**§ 651a.4. Opening of the table for gaming.**

(a) After receiving six 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 is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked.

(d) If an automated shuffling device is utilized and two batches of cards are received at the table, all the decks in one batch of cards shall be spread for inspection on the table separate from the decks in the other batch of cards. After the first player is afforded an opportunity to visually inspect the cards, each batch of cards shall separately be turned face down on the table and stacked.

(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) and (d) do not apply.

**§ 651a.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 dealing 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 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 the dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to the player as 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 to 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 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.

(4) If the reshuffle was initiated at the discretion of a floorperson or above, 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 a cover card in the stack at least ten cards in 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 the cover card and place them on the bottom of the stack. The dealer shall then insert the second 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 or above determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut either by the player who last cut the cards, or by the next player entitled to cut the cards, as determined under subsection (c)(4). 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 required under § 651a.8(d) (relating to procedure for dealing the cards) 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 the Casino War table which is open for play, 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 cards shall be:

(1) Mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section, if there is not an automated shuffling device in use.

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

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

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures submitted to the Bureau of Gaming Operations and approved in accordance with § 465a.2 (relating to internal control systems and audit protocols).

(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 by the Bureau of Gaming Laboratory Operations, 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.

**§ 651a.6. Casino War card rankings.**

The rank of the cards used in Casino War, for the purpose of determining a winning hand, shall be, in order from the highest to lowest rank: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. The suit of a card does not have an effect on its rank.

**§ 651a.7. Wagers.**

(a) Wagers at Casino War shall be made by placing value chips or plaques on the appropriate betting area of the Casino War layout. Verbal wagers accompanied by cash may not be accepted.

(b) To participate in a round of play, a player shall place an Initial Wager.

(c) At the same time as an Initial Wager or a War Wager is placed, each player shall have the option of placing a Tie Wager which shall win if the deal results in a tie hand.

(d) Except as provided in § 651a.9(e) (relating to procedures for completion of each round of play; collection and payment of wagers), all wagers at Casino War shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedures in § 651a.8 (relating to procedure for dealing the cards). Once a wager has been placed, a player may not handle, remove or alter any wagers until a decision has been rendered and implemented with respect to that wager.

(e) A certificate holder shall specify in its Rules Submission, required under § 601a.2 (relating to table games Rules Submissions), the number of adjacent boxes on which a player may place a wager in one round of play.

**§ 651a.8. Procedure for dealing the cards.**

(a) All cards used to play Casino War shall be dealt from a dealing shoe. The dealer shall remove cards from the dealing shoe with the hand of the dealer that is

closest to the dealing shoe and place the cards on the appropriate area of the layout with the opposite hand. The dealer may deal cards to the two betting positions closest to the dealing shoe with the same hand.

(b) After the cards have been cut and placed in the dealing shoe as required under § 651a.5 (relating to shuffle and cut of the cards), the dealer shall remove the first card from the dealing shoe face down and, without revealing its rank to anyone, place it in the discard rack. Each new dealer who comes to the table shall also remove the first card from the dealing shoe face down and, without revealing its rank to anyone, place it in the discard rack.

(c) Prior to dealing any cards, the dealer shall announce “no more bets.” The dealer shall, starting with the player farthest to the dealer’s left and continuing in a clockwise manner, deal the cards in the following order:

(1) One card face up to each player who has placed an Initial Wager in accordance with § 651a.7 (relating to wagers).

(2) One card face up to the dealer.

(d) When the cover card is the first card in the dealing shoe at the beginning of a round of play or is reached during the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed after which the cards shall be collected and reshuffled.

(e) Players and spectators may not handle, remove or alter any cards used to play Casino War.

**§ 651a.9. Procedures for completion of each round of play; collection and payment of wagers.**

(a) After the dealing procedures required under § 651a.8 (relating to procedure for dealing the cards) have been completed, the dealer shall, starting from his right and continuing around the table in a counterclockwise direction, compare the rank of each player’s card with that of the dealer’s card and settle all Initial and Tie Wagers as follows:

(1) If a player’s card is lower in rank than the dealer’s card, the dealer shall immediately collect the Initial Wager and Tie Wager, if applicable.

(2) If a player’s card is higher in rank than the dealer’s card, the player shall win his Initial Wager and lose his Tie Wager, if applicable.

(3) If the player’s card and the dealer’s card are of equal rank (a tie hand), the player shall select one of the options in subsection (c) as to his Initial Wager and win his Tie Wager, if applicable.

(b) Losing Initial and Tie Wagers made on the original deal shall be collected by the dealer and placed in the table inventory container. Winning Initial and Tie Wagers made on the original deal shall be paid by the dealer in accordance with the payout odds provided in § 651a.10(a)(1) and (2) (relating to payout odds).

(c) If a player has a tie hand, the player shall select one of the following options:

(1) The player may surrender 1/2 of his Initial Wager and end his participation in that round of play. If a player selects this option, the dealer shall collect 1/2 of the player’s Initial Wager and place it in the table inventory container. The dealer shall then return the remaining 1/2 of the Initial Wager to the player. The dealer shall then proceed around the table in a clockwise direction, repeating the process for each player with a tie hand who selects this option.

(2) The player may place a War Wager in an amount equal to the player's Initial Wager, in accordance with subsection (e).

(d) After settling Initial Wagers and Tie Wagers on the original deal, the dealer shall collect the cards of all players except for the cards of those players with a tie hand who have elected to go to War. The collected cards shall be placed in the discard rack in a manner that permits the reconstruction of each hand of the original deal in the event of a question or dispute.

(e) If any player elects to place a War Wager upon the occurrence of a tie hand, the dealer shall confirm the placement of the War Wager prior to dealing additional cards. The player's card and the dealer's card from the original deal shall remain exposed during the War deal. The dealer shall offer any player who has elected to go to War the opportunity to also place a Tie Wager on the War deal.

(f) The War deal shall begin with the dealer removing three cards from the shoe face down and, without revealing the rank of the three cards to anyone, placing them in the discard rack and then dealing the next card face up to the player farthest to the dealer's left who has placed a War Wager. The dealer shall place the player's War card on the table adjacent to the player's card from the original deal. The dealer shall then proceed around the table in a clockwise direction, repeating the process for each player who has placed a War Wager and the dealer.

(g) After the dealing procedures required under subsection (f) have been completed, the dealer shall, beginning from the dealer's right and proceeding around the table in a counterclockwise direction, compare the rank of each player's War card to the dealer's War card and settle all War and Tie Wagers as follows:

(1) If the player's War card is lower in rank than the dealer's War card, the dealer shall immediately collect the Initial Wager, War Wager and Tie Wager, if applicable.

(2) If the player's War card is higher in rank than the dealer's War card, the Initial Wager shall be returned to the player, the player shall win his War Wager and lose his Tie Wager, if applicable.

(3) If the player's War card and the dealer's War card are of equal rank, the Initial Wager shall be returned to the player and the player shall win his War Wager and his Tie Wager, if applicable.

(h) Losing Initial, War and Tie Wagers shall be collected by the dealer and placed in the table inventory container. Winning War and Tie Wagers shall then be paid in accordance with the payout odds in § 651a.10(a)(2) and (3). After the collection of all losing wagers and the payment of all winning wagers from the War deal, 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 of the War deal in the event of a question or dispute.

#### § 651a.10. Payout odds.

The certificate holder shall pay out winning Casino War wagers as follows:

- (1) An Initial Wager shall be paid at odds of 1 to 1.
- (2) A Tie Wager shall be paid at odds of 10 to 1.
- (3) A War Wager shall be paid at odds of 1 to 1, unless the War deal results in a tie hand, in which case a War Wager shall be paid at odds of 2 to 1.

#### § 651a.11. 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.

(b) A card drawn in error without being exposed shall be used as though it were the next card from the dealing shoe.

(c) If a card is not dealt to a player's Initial Wager or Tie Wager in the original deal, the wager shall be void and returned to the player. The player shall be included in the next round of play.

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

(e) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must 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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### PENNSYLVANIA GAMING CONTROL BOARD [ 58 PA. CODE CHS. 535, 537, 539, 621a, 623a AND 625a ]

#### Table Game Rules for Pai Gow, Craps and Mini-Craps and Sic Bo

The Pennsylvania Gaming Control Board (Board), under the general authority 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), rescind Chapters 535, 537 and 539 and adds Chapters 621a, 623a and 625a (relating to Pai Gow; Craps and Mini-Craps; and Sic Bo) 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 535, 537 and 539. With this final-form rulemaking, the Board is replacing the temporary regulations in Chapter 535 with the permanent regulations in Chapter 621a, the temporary regulations in Chapter 537 with the permanent regulations in Chapter 623a and the temporary regulations in Chapter 539 with the permanent regulations in Chapter 625a.

#### *Explanation of Chapter 621a*

Chapter 621a contains the rules governing the play of Pai Gow, which is a game that uses dice and tiles instead of cards. Section 621a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 621a.2 (relating to Pai Gow table; Pai Gow shaker; physical characteristics), the physical characteristics of the table and Pai Gow shaker are specified. The use of a random number generator is added as a permissible way to determine the starting position for dealing the Pai Gow tiles.

The remaining sections address the following: the physical characteristics of the Pai Gow tiles and related

equipment used to play the game; the ranking of the Pai Gow tiles and the procedures for comparing high and low Pai Gow hands; the number and use of dice and the Pai Gow shaker; the opening of Pai Gow tables; the procedures for mixing and dealing tiles; wagers; procedures for completion of each round of play; payment and collection of wagers and vigorish; the rules regarding when a player is acting as the bank instead of the dealer; and how irregularities in play are to be handled.

#### *Explanation of Chapter 623a*

Chapter 623a contains the regulatory requirements for the game of Craps. Section 623a.1 (relating to definitions) contains definitions for terms used in this chapter. Section 623a.2 (relating to Craps and Mini-Craps tables; physical characteristics) contains the requirements for tables that are used for Craps. In § 623a.3 (relating to wagers), the wagers that will be allowed have been listed; however, certificate holders are not required to offer all wagers that are authorized. Instead, it will be up to the individual certificate holders to determine which wagers they wish to offer.

Sections 623a.4 and 623a.5 (relating to making and removal of wagers; and payout odds) establish the rules for the placement of wagers and minimum payout odds that shall be used by the certificate holders. Section 623a.6 (relating to supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds)) provides the rules for the placement and payout of supplemental wagers that may be made in conjunction with a Pass Bet, a Don't Pass Bet, a Come Bet and a Don't Come Bet.

Sections 623a.7 and 623a.8 (relating to dice retention and selection; and throw of the dice; invalid roll of the dice) establish the rules governing how the dice used for the play of the game are selected, how the dice shall be thrown and detail the circumstances in which a throw of the dice will be declared invalid. Section 623a.9 (relating to point throw; settlement of wagers) sets forth the procedures for calling the throw of the dice and settling wagers. Section 623.10 (relating to continuation of shooter; selection of new shooter) specifies the options available to the shooter, when the shooter shall pass the dice and who the next shooter may be. Section 623a.11 (relating to additional procedures and rules for the Fire Bet) governs the placement of Fire Bets, the handling of Fire Bets by the dealer, the minimum and maximum amounts that can be wagered as a Fire Bet and how a number of unique point totals are to be determined.

#### *Explanation of Chapter 625a*

Chapter 625a contains the rules governing the play of Sic Bo, a game that uses three dice and an electronic layout to illuminate the winning combinations that can occur when the dice are rolled.

Section 625a.1 (relating to Sic Bo table; Sic Bo shaker; physical characteristics) addresses the physical characteristics of Sic Bo tables, dice, Sic Bo shakers and other associated equipment. Operators may now post payout odds either on the table layout or on a sign at the table. In § 625a.2 (relating to dice; number of dice), language was added allowing operators that use dice that are specifically designed for the automated Sic Bo shakers. If the operator uses the specifically designed dice and the dice are locked in the automated Sic Bo shaker, the operator may replace those dice once every month instead of every day.

The remaining provisions in this chapter address the following: the permissible wagers; the opening of Sic Bo

tables and procedures for the completion of each round of play; payment and collection of wagers; and how irregularities in play are to be handled.

#### *Notice and Response Summary*

Notice of proposed rulemaking was published at 41 Pa.B 2981 (June 11, 2011). During the comment period, the Board received public comments from Greenwood Gaming & Entertainment d/b/a Parx and Mountainview Thoroughbred Racing Association d/b/a Hollywood. Additionally, on August 10, 2011, the Board received comments from the Independent Regulatory Review Commission (IRRC) on the proposed rulemaking.

#### *General Comments*

In §§ 621a.2, 623a.2 and 625a.1, IRRC requested that the final-form rulemaking contain the procedures certificate holders shall follow to obtain approval from the Bureau of Gaming Operations (BGO), the Bureau of Casino Compliance (BCC) or the Bureau of Gaming Laboratory Operations (BGLO) for table layouts, signage, equipment or electronic devices. Section 601a.10 (relating to approval of table game layouts, signage and equipment) addresses approvals from the BGO or the BCC.

Currently, submissions to the BGO, including internal controls, table games Rules Submissions, layouts, signage, gaming guides, equipment approvals, dealer training and minimum staffing plans are submitted through the Internal Control and Table Game Submission Form that is available on the Board's website 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 BGO and are approved by the Board's Executive Director. The approval letters are then sent to the facility. Section 601a.10 reflects this current practice.

Regarding the provisions that require BCC approval, a casino compliance supervisor at the licensed facility may approve locations on the gaming table for drop and tip boxes, bad beat boxes in Poker and the location of other table game equipment at the time the new table is installed on the gaming floor but prior to the opening of the table for gaming. Section 601a.10 reflects this current practice.

With respect to approvals from the BGLO, the cross reference to the provisions for testing and approval in § 461a.4 (relating to submission for testing and approval) was added in this final-form rulemaking and is the same process currently used for the testing and approval of slot machines and associated equipment. Although the statutory definition of associated equipment does include table game devices, the Board updated § 461a.4 to specifically add associated table game equipment, which would encompass the electronic devices used in the Sic Bo table.

#### *Chapter 621a. Pai Gow*

Proposed § 621a.3(e) (final-form § 621a.3(b)) (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand) required that tiles used in the play of the game be changed out at least every 12 hours. Parx requested to increase the amount of time that the tiles may be used in play to 24 hours and asserts that changing out tiles once a day would not adversely affect the integrity of gaming and would save operators as many as six sets of tiles each day at a cost of approximately \$720 per day. IRRC requested that the Board explain the need for this requirement and to quantify the costs for each certificate holder that offers Pai Gow.



The Board believes that the costs associated with replacing sets of tiles is a separate issue from the amount of time tiles may be left in play. Temporary § 523.18 required operators to inspect sets removed from the gaming table to determine if the tiles are free from tampering, markings or alterations. If the set passes the inspection, the tiles may be reused in play. The temporary regulation also mandated that operators destroy the entire set of 32 tiles if any 1 tile in the set showed signs of tampering, markings or alterations. The requirement to destroy sets of tiles correlates with the costs asserted by Parx.

Since Parx submitted its comment letter on July 8, 2011, the Board amended the temporary regulations so that operators are no longer required to destroy entire sets when one tile is damaged during play but may now create reconstructed sets of tiles. This provision was also added to Chapter 603a (relating to table game equipment). Allowing operators to create reconstructed and replacement sets with the suitable tiles from several different sets should negate the \$20,000 a month costs asserted by Parx associated with purchasing new sets of tiles.

Tiles are required to be removed from play to protect the integrity of gaming. Since patrons are continuously touching tiles, tiles do need to come off the table to be inspected for chips and scratches, which make the tiles easier to distinguish, and for indications of cheating (patrons marking the high value tiles for instance). The requirement to remove and inspect is similar to other types of table game equipment that are handled by patrons such as the cards used in Poker, which are removed from use every 6 hours, inspected, cleaned, if necessary, and reused. The costs to inspect and clean tiles, or replace a single tile that is marked, scratched or chipped, should be very minimal.

Since the Board has now allowed for the use of reconstructed and replacement sets of tiles, at a cost savings to the facilities, the Board does not believe removing tiles for inspection every 12 hours, which can then be reused once inspected, is burdensome or cost prohibitive and is necessary to protect the integrity of gaming.

Currently six certificate holders offer Pai Gow.

#### *Chapter 623a. Craps and Mini-Craps*

In § 623a.3(a), Hollywood asserts that the industry standard for the Lay Bet is to be active, rather than inactive, on the come out roll. IRRRC requested that the Board explain why the Lay Bets are inactive.

The Board agrees with Hollywood and has amended § 623a.3(a)(42) in the final-form rulemaking to reflect this change.

#### *Additional Revisions*

Throughout this final-form rulemaking, several revisions were made for clarity or for consistency with other table game chapters.

#### *Chapter 621a. Pai Gow*

In § 621a.1, the requirement that a marker be approved by the BGO was deleted as unnecessary.

Proposed § 621a.3 was deleted from the final-form rulemaking. The physical characteristics of all other table game equipment are specified in Chapter 603a. Therefore, most of the language in proposed § 621a.3(a)—(d) was moved to § 603a.18 (relating to Pai Gow tiles; physical

characteristics). The remaining language in proposed § 621a.3 was moved to final-form § 621a.3(a) and (b).

Proposed § 621a.5 was also deleted. The language in this section was redundant with the language in § 621a.2(d). The remaining sections and the cross references throughout the chapter were therefore renumbered to reflect the deletion of §§ 621a.3 and 621a.5.

For consistency with other table game chapters that address the rules of play, proposed § 621a.13 was deleted from the final-form rulemaking and the language was added to § 621a.5(d) (relating to wagers).

Section 621a.8(i) (relating to procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish), addressing the return of a wager if the player and the dealer tie, was deleted and moved into subsection (h). Additionally, language in renumbered subsection (i) was deleted and moved into new subsection (j) which addresses the order for the settling of wagers and the collection of the tiles.

In § 621a.9(i) (relating to player bank; co-banking; selection of bank; procedures for dealing), the language that required the dealer to indicate which delivery style the bank or co-bank selected was deleted. The Board believes it is no longer necessary to require the dealer to take other action to identify which delivery style is going to be utilized when a player is banking or co-banking the game. The alternative delivery styles authorized under § 621a.7 (relating to alternative dealing procedures) are standard throughout the gaming industry and using an alternative delivery style without taking action to identify that delivery style should not adversely affect the integrity of gaming.

#### *Chapter 623a. Craps and Mini-Craps*

In § 623a.7, the requirement that dice used at a Craps or Mini-Craps table be changed out at least every 24 hours was added in new subsection (d) which is consistent with the dice retention periods for other types of table games including Sic Bo in Chapter 625a and is consistent with industry standards.

#### *Affected Parties*

Certificate holders that elect to offer the games of Pai Gow, Craps, Mini-Craps and Sic Bo will be required to comply with these chapters. The requirements for the games are standard throughout the industry, consistent with the objectives of 4 Pa.C.S. Part II (relating to gaming), necessary for the protection of the gaming public and to ensure the accurate reporting of 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 the regulatory requirements in this final-form rulemaking. These reviews will be conducted by existing BGO and the BCC 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 in 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 Pai Gow, Craps, Mini-Craps and Sic Bo. Certificate holders shall 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 requires certificate holders to do the following: post signs at gaming tables; have complete sets of rules for all the games they offer available for public inspection; produce a gaming guide summarizing the rules of the games they offer; 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 web site.

*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 May 19, 2011, the Board submitted a copy of the proposed rulemaking, published at 41 Pa.B. 2981, 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 §§ 535.1—535.13, 537.1—537.5, 537.5a, 537.6—537.12 and 539.1—539.7 and by adding

§§ 621a.1—621a.10, 623a.1—623a.11 and 625a.1—625a.7 to read as set forth in Annex A.

(*Editor's Note:* Proposed §§ 621a.3, 621a.5 and 621a.13 have been withdrawn by the Board.)

(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 125-149 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 535. (Reserved)**

Sec.  
535.1—535.13. (Reserved).

**CHAPTER 537. (Reserved)**

Sec.  
537.1—537.5. (Reserved)  
537.5a. (Reserved)  
537.6—537.12. (Reserved)

**CHAPTER 539. (Reserved)**

Sec.  
539.1—539.7. (Reserved)

**CHAPTER 621a. PAI GOW**

Sec.  
621a.1. Definitions.  
621a.2. Pai Gow table; Pai Gow shaker; physical characteristics.  
621a.3. Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand.  
621a.4. Opening of the table for gaming; mixing procedures.  
621a.5. Wagers.  
621a.6. Procedures for dealing the tiles.  
621a.7. Alternative dealing procedures.  
621a.8. Procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish.  
621a.9. Player bank; co-banking; selection of bank; procedures for dealing.  
621a.10. Irregularities; invalid roll of the dice.

**§ 621a.1. Definitions.**

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

*Bank*—A player who elects to have the other players and the dealer play against him and accepts the responsibility of paying all winning Pai Gow wagers.

*Co-banking*—When the bank and the dealer each cover 50% of all winning Pai Gow wagers.

*Copy hand*—A high hand or low hand of a player which is identical in pair rank or point value as the corresponding high hand or low hand of the dealer or bank.

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

*Low hand*—The two-tile hand formed with two of the four tiles dealt that ranks lower than the high hand formed from the remaining two tiles.

*Marker*—An object used to designate the bank and the co-bank.

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

*Supreme Pair*—The Six (2-4) tile and the Three (1-2) tile that forms the highest ranking hand.

*Value*—The numerical point value assigned to a pair of tiles in accordance with § 621a.3 (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand).

**§ 621a.2. Pai Gow table; Pai Gow shaker; physical characteristics.**

(a) Pai Gow shall be played at a table having betting positions for 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 Pai Gow 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 Pai Gow wager for each player.

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

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

(d) Pai Gow shall be played with a Pai Gow shaker, approved in accordance with § 601a.10(a), used to shake three dice before each hand of Pai Gow is dealt to determine the starting position for the dealing of the Pai Gow tiles. The Pai Gow shaker shall be the responsibility of the dealer and may not be left unattended at the table. The Pai Gow shaker must be designed and constructed to maintain the integrity of the game and:

(1) Be capable of housing three dice that when not being shaken must be maintained within the Pai Gow shaker. Dice that have been placed in a Pai Gow shaker for use in gaming may not remain on a table for more than 24 hours.

(2) Be designed to prevent the dice from being seen while being shaken.

(3) Have the name or logo of the certificate holder imprinted or impressed thereon.

(e) If a certificate holder elects to use a computerized random number generator as permitted under § 621a.6 (relating to procedures for dealing the tiles), the random number generator shall be approved by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use.

**§ 621a.3. Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand.**

(a) Each tile used in the game of Pai Gow must comply with the requirements in § 603a.18 (relating to Pai Gow tiles; physical characteristics) and contain the identifying spots listed in subsection (h).

(b) Tiles used in Pai Gow shall be changed at least every 12 hours.

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

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

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

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

(1) A hand composed of a Two (1-1) and a Six (3-3) has a value of 8.

(2) A hand composed of an Eleven (5-6) and a Seven (1-6) has a numeric total of 18 but a value of 8 since the left digit in the number 18 is discarded.

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

(g) When comparing high hands or low hands which are of identical value, the hand with the highest ranking individual tile shall be considered the higher ranking hand. If, however, the numeric value of the tiles results in a zero-zero tie, both hands, regardless of the highest ranking tile, are equally bad and the dealer or, if applicable, the bank shall be considered the higher ranking hand.

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

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

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

**§ 621a.4. Opening of the table for gaming; mixing procedures.**

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

(1) Each set of tiles shall be sorted into pairs to assure that the Supreme Pair and all 15 matched and unmatched pairs, as identified in § 621a.3 (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand), are in the set.

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

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

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

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

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

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

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

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

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

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

**§ 621a.5. Wagers.**

(a) Wagers at Pai Gow shall be made by placing value chips or plaques on the appropriate areas of the Pai Gow layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Pai Gow table may place a wager. Once a player has placed a wager and received tiles, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and treated as losing wagers.

(c) All wagers at Pai Gow shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedures in § 621a.6 (relating to procedures for dealing the tiles). A wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

(d) Except as provided in § 621a.9(f) (relating to player bank; co-banking; selection of bank; procedures for dealing), a certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), permit a player to wager on two adjacent betting areas at a Pai Gow table. If a certificate holder permits a player to wager on adjacent betting areas, the tiles dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set



before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

**§ 621a.6. Procedures for dealing the tiles.**

(a) After the dealer has completed mixing and stacking the tiles, the dealer shall either:

(1) Announce “no more bets” and use a computerized random number generator that automatically selects and displays a number.

(2) Announce “no more bets” and shake the Pai Gow shaker at least three times to cause a random mixture of the dice. The dealer shall then remove the lid covering the Pai Gow shaker and place the uncovered Pai Gow shaker on the designated area of the table layout. After removing the lid covering the Pai Gow shaker, the dealer shall total the dice.

(b) The dealer shall then announce the total of the dice or the number displayed by the computerized random number generator. The total or number shall determine which player receives the first stack of tiles.

(c) To determine the starting position for dealing the tiles, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, and the Dead Hand, beginning with the dealer as number one and continuing around the table in a counterclockwise manner, until the count matches the total of the three dice or the number displayed by the computerized random number generator. Examples are as follows:

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

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

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

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

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

**§ 621a.7. Alternative dealing procedures.**

As an alternative to the procedure in § 621a.6 (relating to procedures for dealing the tiles), the dealer or the player acting as the bank or co-bank may, if specified in the certificate holder’s Rules Submission under § 601a.2 (relating to table games Rules Submissions), choose any of the following dealing styles:

(1) *House Way From the Left.* The dealer shall indicate the use of House Way From the Left by pushing forward the first stack of tiles on the dealer’s left. The dealer shall

deliver the stack pushed forward to the starting position. The remaining stacks of tiles shall be delivered from the dealer’s left to right.

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

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

(4) *Jung Quat (take the heart).* The dealer shall indicate the use of Jung Quat by pushing forward the fourth stack of tiles from the dealer’s right and the fourth stack of tiles from the dealer’s left (the two center stacks of the eight). The dealer shall deliver the top two tiles from each of the two stacks pushed forward to the starting position. The four remaining tiles pushed forward shall be delivered to the next position. The remaining stacks shall be pushed together and the two new center stacks shall be pushed forward and delivered in the same manner as the first two stacks. This procedure shall be repeated until all eight stacks of tiles have been delivered.

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

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

(7) *Pin Say (slice four) From the Left.* The dealer shall indicate the use of Pin Say From the Left by removing the top tile of the first stack of tiles on the dealer’s left and placing it diagonally across the top of the second,



third and fourth stacks of tiles from the dealer's left. The dealer shall deliver the top tile from each of the first four stacks on the dealer's left to the starting position (the diagonal tile plus the three tiles it covers). The top tile from each of the first four stacks on the dealer's right shall be delivered to the next position. The top tile remaining on each of the first four stacks on the dealer's left shall be delivered to the third position and the top tile remaining on each of the first four stacks on the dealer's right shall be delivered to the fourth position. This procedure shall be repeated until four tiles have been delivered to all eight positions.

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

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

**§ 621a.8. Procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish.**

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

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

(c) After all players have set their hands and placed the tiles on the table, the four tiles of the dealer shall be turned over and the dealer shall set his hands by

arranging the tiles into a high and low hand. The high hand shall be placed on the layout face up in a vertical position and the low hand shall be placed on the layout face up perpendicular to the high hand.

(d) The dealer shall set his hands as follows:

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

(2) If possible, the dealer shall always play a pair, Wong or Gong as set forth in § 621a.3 (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand).

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

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

(e) A player may surrender his wager after the hands of the dealer have been set. The player shall announce his intention to surrender prior to the dealer exposing either of the two hands of that player as provided in subsection (g). Once the player has announced his intention to surrender, the dealer shall immediately collect the wager from that player and collect the four tiles dealt to that player and stack them face down on the right side of the table in front of the table inventory container without exposing the tiles to any other player at the table.

(f) After the dealer has set a high and low hand and collected the wagers and tiles that are surrendered under subsection (e), the dealer shall reveal both hands of each player, beginning with the player farthest to the right of the dealer and continuing around the table in a counter-clockwise direction. The dealer shall compare the high hand of the player to the high hand of the dealer and the low hand of the player to the low hand of the dealer and shall announce if the wager of that player wins, loses or is a tie.

(g) A wager shall lose and be immediately collected if the high hand of the player is identical in rank or lower in rank than the high hand of the dealer, and the low hand of the player is identical in rank or lower in rank than the low hand of the dealer, or has a value of zero.

(h) A wager shall tie and be returned to the player if:

(1) The high hand of the player is higher in rank than the high hand of the dealer, but the low hand of the player is identical in rank to the low hand of the dealer, lower in rank than the low hand of the dealer or has a value of zero.

(2) The high hand of the player is identical in rank to the high hand of the dealer or lower in rank than the high hand of the dealer, but the low hand of the player is higher in rank than the low hand of the dealer.

(i) A wager shall win if the high hand of the player is higher in rank than the high hand of the dealer and the low hand of the player is higher in rank than the low hand of the dealer.

(j) After settling the player's wager, the dealer shall immediately collect the tiles of that player and place the tiles face up to the right of the dealer in front of the table inventory container.

(k) A certificate holder shall pay each winning Pai Gow wager at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won. When collecting

the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢. A certificate holder shall collect the vigorish from a player at the time the winning payout is made.

(l) Tiles collected by the dealer shall be picked up in order and in a way so that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

**§ 621a.9. Player bank; co-banking; selection of bank; procedures for dealing.**

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to all players at a Pai Gow table the opportunity to bank the game. If the certificate holder elects this option, the provisions of this section control for any round of play in which a player is the bank. The other provisions of this chapter apply to the extent that they do not conflict with the provisions of this section.

(b) A player may not be the bank at the start of the game. For the purposes of this section, the start of the game means the first round of play after the dealer is required to restack and mix the tiles in accordance with § 621a.4 (relating to opening of the table for gaming; mixing procedures).

(c) After the first round of play, each player at the table shall have the option to either be the bank or pass the bank to the next player. The dealer shall offer the bank to each player, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, until a player accepts the bank. The dealer shall place a marker designating the bank in front of the player who accepts the bank. If the first player offered the bank accepts, the player seated to the right of the bank shall be offered the bank first on the next round of play. A player may not bank two consecutive rounds of play. If no player accepts the bank, the round of play shall proceed in accordance with the rules of play provided in this chapter.

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

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

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

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer the bank the option of co-banking the round of play. If the certificate holder offers this option, it shall be made available to all players at the table. If the bank wishes to use this option and co-bank 50% of the winning Pai Gow wagers, the bank must specifically request to co-bank with the dealer. The dealer shall place a marker designating the player co-banking that round of play. When the dealer is co-banking, the dealer shall be responsible for setting the hand of the bank in the manner as specified in the certificate holder's Rules Submission under § 601a.2. When co-banking is in effect, the dealer may not place a wager against the bank.

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

(g) Once the tiles have been mixed and formed into stacks as required under § 621a.4, the bank shall have the option to cut the tiles one time. If the bank does not

wish to cut the tiles, there may not be a cut. Upon direction from the bank, the dealer may move the tiles in one of the following ways:

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

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

(h) Once the dealer has determined that a player may be the bank, as required under subsection (d), and the tiles have been mixed, stacked and, if applicable, cut, the dealer shall, unless co-banking is in effect, remove value chips from the table inventory container in an amount equal to the banker's last wager made against the dealer or in an amount as specified in the certificate holder's Rules Submission. This amount shall be the amount the dealer wagers against the bank. The bank may direct that the sum wagered by the dealer be a lesser amount or that the dealer place no wager during that round of play. Any amount wagered by the dealer shall be placed in front of the table inventory container. Immediately upon receipt of the four tiles dealt to the dealer under subsection (k), the dealer shall place his wager on top of these tiles, instead of the marker otherwise required under § 621a.6 (relating to procedures for dealing the tiles), before dealing the remaining tiles. If co-banking is in effect, the dealer may not remove any value chips from the table inventory container under this subsection.

(i) Once the dealer has announced "no more bets," the bank may, by issuing a verbal instruction to the dealer, choose to have the dealer deliver the stacks using any one of the styles of delivery described in § 621a.7 (relating to alternative dealing procedures). If the bank does not choose a style of delivery, the dealer shall use the procedure in § 621a.6(d) to deliver the stacks. The bank shall then shake the Pai Gow shaker at least three times to cause a random mixture of the dice. Once the bank has completed shaking the Pai Gow shaker, the dealer shall remove the lid covering the Pai Gow shaker and place the uncovered Pai Gow shaker on the designated area of the table layout. The dealer shall then total the dice and announce the total. If the bank inadvertently removes the lid, the Pai Gow shaker shall be covered and reshaken by the bank.

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

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

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

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

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

(o) If a player is banking the round of play, once the dealer has determined the outcome of the wager of the dealer against the bank, if any, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, expose the hands of each player. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and announce if the wager shall win, lose or tie. Losing wagers shall be immediately collected and placed in the center of the table. All winning wagers, including the dealer's wager, shall be paid by the dealer with the value chips located in the center of the table. If this amount becomes exhausted before all winning wagers have been paid, the dealer shall collect from the bank an amount equal to the remaining winning wagers and place that amount in the center of the layout. The remaining winning wagers shall be paid from the amount in the center of the layout. If, after collecting all losing wagers and paying all winning wagers, there is a surplus in the center of the table, this amount shall be charged a 5% vigorish in accordance with § 621a.8 (relating to procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish). Once the vigorish has been paid, the remaining amount shall be given to the bank.

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

(q) Each player who has a winning wager against the bank shall pay a 5% vigorish on the amount won, in accordance with § 621a.8.

(r) If a player and the dealer are co-banking the round of play, once the dealer has set the co-bank hand under subsection (e), the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, expose the hands of each player. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and announce if the wager shall win, lose or tie. Losing wagers shall be immediately collected and placed in the center of the table. All winning wagers shall be paid by the dealer with the value chips located in the center of the table. If this amount becomes exhausted before all winning wagers have been paid, the dealer shall collect from the co-bank an amount equal to 1/2 of the remaining winning wagers and place that amount in the center of

the layout. The dealer shall remove an amount equal to 1/2 of the remaining winning wagers from the table inventory container and place that amount in the center of the layout. The remaining winning wagers shall be paid from the total amount in the center of the layout. If, after collecting all losing wagers and paying all winning wagers, there is a surplus in the center of the table, this amount will be counted and the dealer shall place 1/2 of this amount into the table inventory container. The dealer shall collect a 5% vigorish, in accordance with § 621a.8 on the remaining amount. Once the vigorish has been paid, the remaining amount shall then be given to the co-bank.

**§ 621a.10. Irregularities; invalid roll of the dice.**

(a) If the dealer uncovers the Pai Gow shaker and all three dice have not landed flat on the bottom of the shaker, the dealer shall call a "no roll" and reshake the dice.

(b) If the dealer uncovers the Pai Gow shaker and a die or dice fall out of the shaker, the dealer shall call a "no roll" and reshake the dice.

(c) If the dealer incorrectly totals the dice and deals the tiles to the wrong positions, all hands shall be void, all wagers shall be returned to the players and the dealer shall reshuffle the tiles.

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

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

(f) If the dealer or the bank, if applicable, does not set his hands in the manner as specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), the hands shall be reset in accordance with the certificate holder's Rules Submission and the round of play shall be completed.

**CHAPTER 623a. CRAPS AND MINI-CRAPS**

- Sec.
- 623a.1. Definitions.
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- 623a.7. Dice retention and selection.
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- 623a.10. Continuation of shooter; selection of new shooter.
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**§ 623a.1. Definitions.**

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

*Boxperson*—An employee of a certificate holder whose primary function is to participate in and supervise the conduct of gaming at a single Craps table.

*Buy Bet*—A Place Bet to Win which offers a payout of true odds.



*Call Bet*—A wager made without cash or chips for a known customer.

*Come out point*—A total of 4, 5, 6, 8, 9 or 10 thrown by the shooter on the come out roll.

*Come out roll*—The first roll of the dice at the opening of the game and the first roll of the dice after a decision with respect to a Pass Bet and Don't Pass Bet has been effected.

*Come point*—A total of 4, 5, 6, 8, 9 or 10 thrown by the shooter on the next roll following placement of a Come Bet or Don't Come Bet.

*Lay Bet*—A Place Bet to Lose which offers a payout of true odds.

*Stickperson*—An employee of a certificate holder whose primary function is to control the selection and use of the dice at a Craps table.

**§ 623a.2. Craps and Mini-Craps tables; physical characteristics.**

(a) Craps and Mini-Craps shall be played on an oblong table with rounded corners and high walled sides.

(b) A Craps table may not be larger than 14 feet in length.

(c) A Mini-Craps table may not be longer than 9 1/2 feet in length and have seating locations for a maximum of nine players.

(d) The layout for a Craps or Mini-Craps 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) Specific areas designated for the placement of wagers authorized under § 623a.3 (relating to wagers).
- (3) The words "no call bets."
- (4) If the certificate holder offers the Fire Bet in accordance with § 623a.11 (relating to additional procedures and rules for the Fire Bet):

(i) No more than 16 areas designated for the placement of Fire Bets. The Fire Bet areas must be located around the perimeter of the layout, corresponding to player positions at the table, and sequentially numbered in a clockwise direction, with the area numbered 1 being located immediately to the left of the boxperson or dealer.

(ii) A designated area of the layout for the relocation and identification of all Fire Bets placed by players prior to the come out roll of a shooter. The designated area must be located in front of the boxperson and contain numbered areas which correspond to the location of the numbered areas described in subparagraph (i).

(iii) The following information, visible to all player positions, on the inside wall of the table:

(A) The payout odds for four, five and six different unique points made.

(B) Fire Bets shall be accepted only prior to a shooter's initial come out roll.

(C) The wager limitations applicable to the Fire Bet.

(e) Each Craps and Mini-Craps table must have a drop box and tip box attached to the table in locations approved by the Bureau of Casino Compliance in accordance with § 601a.10(g).

**§ 623a.3. Wagers.**

(a) The following wagers are authorized in the games of Craps and Mini-Craps:

(1) A Pass Bet placed on the Pass Line of the layout immediately prior to the come out roll. A winning or losing Pass Bet shall be determined as follows:

(i) A Pass Bet shall win if, on the come out roll, either:

(A) A total of 7 or 11 is thrown.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown and that total is thrown again before a 7 is thrown.

(ii) A Pass Bet shall lose if, on the come out roll, either:

(A) A total of 2, 3, or 12 is thrown.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown and a 7 is subsequently thrown before that total is thrown again.

(2) A Don't Pass Bet placed on the Don't Pass Line of the layout immediately prior to the come out roll. A winning or losing Don't Pass Bet shall be determined as follows:

(i) A Don't Pass Bet shall win if, on the come out roll, either:

(A) A total of 2 or 3 is thrown.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown and a 7 is subsequently thrown before that total is thrown again.

(ii) A Don't Pass Bet shall lose if, on the come out roll, either:

(A) A total of 7 or 11 is thrown.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown and that total is thrown again before a 7 is thrown.

(iii) If a total of 12 is thrown on the come out roll, a Don't Pass Bet shall be void and any Don't Pass Bets shall be returned to the players.

(3) A Come Bet placed on the Come Line of the layout at any time after the come out roll. If a 4, 5, 6, 8, 9 or 10 is thrown after the placement of a Come Bet, the dealer shall move the Come Bet into the numbered box corresponding to the number that was thrown. A winning or losing Come Bet shall be determined as follows:

(i) A Come Bet shall win if either:

(A) A total of 7 or 11 is thrown on the roll immediately following placement of the Come Bet.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Come Bet and that total is thrown again before a 7 is thrown.

(ii) A Come Bet shall lose if either:

(A) A total of 2, 3 or 12 is thrown on the roll immediately following placement of the Come Bet.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Come Bet and a 7 is subsequently thrown before that total is thrown again.

(4) A Don't Come Bet placed on the Don't Come Line of the layout at any time after the come out roll. If a 4, 5, 6, 8, 9 or 10 is thrown after the placement of a Don't Come Bet, the dealer shall move the Don't Come Bet into a box adjacent to the numbered box corresponding to the number that was thrown. A winning or losing Don't Come Bet shall be determined as follows:

(i) A Don't Come Bet shall win if either:

(A) A total of 2 or 3 is thrown on the roll immediately following placement of the Don't Come Bet.



(B) A total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Don't Come Bet and a 7 is subsequently thrown before that total is thrown again.

(ii) A Don't Come Bet shall lose if either:

(A) A total of 7 or 11 is thrown on the roll immediately following placement of the Don't Come Bet.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Don't Come Bet and that total is thrown again before a 7 is thrown.

(iii) If a total of 12 is thrown on the roll immediately following placement of a Don't Come Bet, the Don't Come Bet shall be void and any Don't Come Bets shall be returned to the players.

(5) A Place Bet to Win on any of the numbers 4, 5, 6, 8, 9 or 10 that may be made at any time. A Place Bet to Win shall be inactive on a come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager. A winning or losing Place Bet to Win shall be determined as follows:

(i) A Place Bet to Win shall win if the number on which the wager was placed is thrown before a 7 is thrown.

(ii) A Place Bet to Win shall lose if a 7 is thrown before the number on which the wager was placed is thrown.

(6) A Place Bet to Lose placed in a box adjacent to any of the numbers 4, 5, 6, 8, 9 or 10 that may be made at any time. A Place Bet to Lose shall be inactive on a come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager. A winning or losing Place Bet to Lose shall be determined as follows:

(i) A Place Bet to Lose shall win if a 7 is thrown before the particular number against which the wager is placed is thrown.

(ii) A Place Bet to Lose shall lose if the particular number against which the wager is placed is thrown before a 7 is thrown.

(7) A Four the Hardway Bet placed in a box which shows two dice, each of which displays a value of 2, that may be made at any time. A Four the Hardway Bet shall be inactive on the come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager. A winning or losing Four the Hardway Bet shall be determined as follows:

(i) A Four the Hardway Bet shall win if a total of 4 is thrown with a 2 appearing on each die before a 4 is thrown in any other way or before a 7 is thrown.

(ii) A Four the Hardway Bet shall lose if a total of 4 is thrown without a 2 appearing on each die or a 7 is thrown before a total of 4 is thrown with a 2 appearing on each die.

(8) A Six the Hardway Bet placed in a box which shows two dice, each of which displays a value of 3, that may be made at any time. A Six the Hardway Bet shall be inactive on the come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager. A winning or losing Six the Hardway Bet shall be determined as follows:

(i) A Six the Hardway Bet shall win if a total of 6 is thrown with a 3 appearing on each die before a 6 is thrown in any other way or before a 7 is thrown.

(ii) A Six the Hardway Bet shall lose if a total of 6 is thrown without a 3 appearing on each die or a 7 is thrown before a total of 6 is thrown with a 3 appearing on each die.

(9) An Eight the Hardway Bet placed in a box which shows two dice, each of which displays a value of 4, that may be made at any time. An Eight the Hardway Bet shall be inactive on the come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager. A winning or losing Eight the Hardway Bet shall be determined as follows:

(i) An Eight the Hardway Bet shall win if a total of 8 is thrown with a 4 appearing on each die before an 8 is thrown in any other way or before a 7 is thrown.

(ii) An Eight the Hardway Bet shall lose if a total of 8 is thrown without a 4 appearing on each die or a 7 is thrown before a total of 8 is thrown with a 4 appearing on each die.

(10) A Ten the Hardway Bet placed in a box which shows two dice, each of which displays a value of 5, that may be made at any time. A Ten the Hardway Bet shall be inactive on the come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager. A winning or losing Ten the Hardway Bet shall be determined as follows:

(i) A Ten the Hardway Bet shall win if a total of 10 is thrown with a 5 appearing on each die before a 10 is thrown in any other way or before a 7 is thrown.

(ii) A Ten the Hardway Bet shall lose if a total of 10 is thrown without a 5 appearing on each die or a 7 is thrown before a total of 10 is thrown with a 5 appearing on each die.

(11) A Field Bet placed in a box which shows the numbers 2, 3, 4, 9, 10, 11 and 12 that may be made at any time. A winning or losing Field Bet shall be determined as follows:

(i) A Field Bet shall win if a 2, 3, 4, 9, 10, 11 or 12 is thrown on the roll immediately following placement of the Field Bet.

(ii) A Field Bet shall lose if a 5, 6, 7 or 8 is thrown on the roll immediately following placement of the Field Bet.

(12) An Any Seven Bet placed in a box which contains the phrase "Any Seven" that may be made at any time. A winning or losing Any Seven Bet shall be determined as follows:

(i) An Any Seven Bet shall win if a 7 is thrown on the roll immediately following placement of the Any Seven Bet.

(ii) An Any Seven Bet shall lose if any total other than a 7 is thrown on the roll immediately following placement of the Any Seven Bet.

(13) An Any Craps Bet placed in a box which contains the phrase "Any Craps" that may be made at any time. A winning or losing Any Craps Bet shall be determined as follows:

(i) An Any Craps Bet shall win if a 2, 3 or 12 is thrown on the roll immediately following placement of the Any Craps Bet.

(ii) An Any Craps Bet shall lose if any total other than a 2, 3 or 12 is thrown on the roll immediately following placement of the Any Craps Bet.

(14) A Craps Two Bet placed in a box which shows two dice, each of which displays a value of 1, that may be made at any time. A winning or losing Craps Two Bet shall be determined as follows:

(i) A Craps Two Bet shall win if a 2 is thrown on the roll immediately following placement of the Craps Two Bet.

(ii) A Craps Two Bet shall lose if any total other than a 2 is thrown on the roll immediately following placement of the Craps Two Bet.

(15) A Craps Three Bet placed in a box which shows two dice, one of which displays a value of 1 and the other of which displays a value of 2, that may be made at any time. A winning or losing Craps Three Bet shall be determined as follows:

(i) A Craps Three Bet shall win if a 3 is thrown on the roll immediately following placement of the Craps Three Bet.

(ii) A Craps Three Bet shall lose if any total other than a 3 is thrown on the roll immediately following placement of the Craps Three Bet.

(16) A Craps Twelve Bet placed in a box which shows two dice, each of which displays a value of 6, that may be made at any time. A winning or losing Craps Twelve Bet shall be determined as follows:

(i) A Craps Twelve Bet shall win if a 12 is thrown on the roll immediately following placement of the Craps Twelve Bet.

(ii) A Craps Twelve Bet shall lose if any total other than a 12 is thrown on the roll immediately following placement of the Craps Twelve Bet.

(17) An 11 in One Roll Bet placed in a box which shows two dice, one of which displays a value of 5 and the other of which displays a value of 6, that may be made at any time. A winning or losing 11 in One Roll Bet shall be determined as follows:

(i) An 11 in One Roll Bet shall win if an 11 is thrown on the roll immediately following placement of the 11 in One Roll Bet.

(ii) An 11 in One Roll Bet shall lose if any total other than an 11 is thrown on the roll immediately following placement of the 11 in One Roll Bet.

(18) A Craps-Eleven or C and E Bet placed in an area on the table layout that contains the letters "C" and "E" that may be made at any time. A winning or losing Craps-Eleven or C and E Bet shall be determined as follows:

(i) A Craps-Eleven or C and E Bet shall win if a 2, 3, 11 or 12 is rolled immediately following placement of the Craps-Eleven or C and E Bet.

(ii) A Craps-Eleven or C and E Bet shall lose if any total other than a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Craps-Eleven or C and E Bet.

(19) A Horn Bet placed in a box which contains the words "Horn Bet" that may be made at any time. A Horn Bet shall be placed in units of four. A winning or losing Horn Bet shall be determined as follows:

(i) A Horn Bet shall win if a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Horn Bet.

(ii) A Horn Bet shall lose if any total other than a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Horn Bet.

(20) A Horn High Bet placed in a box which contains the words "Horn High Bet" and two dice with a total value of 2, 3, 11 or 12 that may be made at any time. A Horn High Bet shall be placed in units of five. A certificate holder that does not have a designated area on its layout for the acceptance of a Horn High Bet shall break down a Horn High Bet into two separate wagers of four units on the Horn Bet and one unit on one of the boxes which contain two dice with a total value of 2, 3, 11 or 12. A winning or losing Horn High Bet shall be determined as follows:

(i) A Horn High Bet shall win if a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Horn High Bet.

(ii) A Horn High Bet shall lose if any total other than a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Horn High Bet.

(21) A Whirl Bet placed in a box which contains the words "Whirl Bet" that may be made at any time. A Whirl Bet shall be placed in units of five. A certificate holder that does not have a designated area on its layout for the acceptance of a Whirl Bet shall break down a Whirl Bet into two separate wagers of four units on the Horn Bet and one unit on the Any Seven Bet. A winning or losing Whirl Bet shall be determined as follows:

(i) A Whirl Bet shall win if a 2, 3, 7, 11 or 12 is thrown on the roll immediately following placement of the Whirl Bet.

(ii) A Whirl Bet shall lose if any total other than a 2, 3, 7, 11 or 12 is thrown on the roll immediately following placement of the Horn High Bet.

(22) A Four the Hardway on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Four the Hardway on the Hop Bet shall be determined as follows:

(i) A Four the Hardway on the Hop Bet shall win if a total of 4 is thrown with a 2 appearing on each die on the roll immediately following placement of the Four the Hardway on the Hop Bet.

(ii) A Four the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Four the Hardway on The Hop Bet.

(23) A Six the Hardway on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Six the Hardway on the Hop Bet shall be determined as follows:

(i) A Six the Hardway on the Hop Bet shall win if a total of 6 is thrown with a 3 appearing on each die on the roll immediately following placement of the Six the Hardway on the Hop Bet.

(ii) A Six the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Six the Hardway on the Hop Bet.

(24) An Eight the Hardway on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Eight the Hardway on the Hop Bet shall be determined as follows:

(i) An Eight the Hardway on the Hop Bet shall win if a total of 8 is thrown with a 4 appearing on each die on the roll immediately following placement of the Eight the Hardway on the Hop Bet.

(ii) An Eight the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Eight the Hardway on the Hop Bet.

(25) A Ten the Hardway on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Ten the Hardway on the Hop Bet shall be determined as follows:

(i) A Ten the Hardway on the Hop Bet shall win if a total of 10 is thrown with a 5 appearing on each die on the roll immediately following placement of the Ten the Hardway on the Hop Bet.

(ii) A Ten the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Ten the Hardway on the Hop Bet.

(26) A One-Three or Ace-Trey on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing One-Three or Ace-Trey on the Hop Bet shall be determined as follows:

(i) A One-Three or Ace-Trey on the Hop Bet shall win if a total of 4 is thrown with a 1 appearing on one die and a 3 appearing on the other die on the roll immediately following placement of the One-Three or Ace-Trey on the Hop Bet.

(ii) A One-Three or Ace-Trey on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Three or Ace-Trey on the Hop Bet.

(27) A One-Four or Ace-Four on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing One-Four or Ace-Four on the Hop Bet shall be determined as follows:

(i) A One-Four or Ace-Four on the Hop Bet shall win if a total of 5 is thrown with a 1 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of the One-Four or Ace-Four on the Hop Bet.

(ii) A One-Four or Ace-Four on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Four or Ace-Four on the Hop Bet.

(28) A Two-Three or Deuce-Trey on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Two-Three or Deuce-Trey on the Hop Bet shall be determined as follows:

(i) A Two-Three or Deuce-Trey on the Hop Bet shall win if a total of 5 is thrown with a 2 appearing on one die and a 3 appearing on the other die on the roll immediately following placement of the Two-Three or Deuce-Trey on the Hop Bet.

(ii) A Two-Three or Deuce-Trey on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Two-Three or Deuce-Trey on the Hop Bet.

(29) A One-Five or Ace-Five on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing One-Five or Ace-Five on the Hop Bet shall be determined as follows:

(i) A One-Five or Ace-Five on the Hop Bet shall win if a total of 6 is thrown with a 1 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the One-Five or Ace-Five on the Hop Bet.

(ii) A One-Five or Ace-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Five or Ace-Five on the Hop Bet.

(30) A Two-Four or Deuce-Four on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Two-Four or Deuce-Four on the Hop Bet shall be determined as follows:

(i) A Two-Four or Deuce-Four on the Hop Bet shall win if a total of 6 is thrown with a 2 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of the Two-Four or Deuce-Four on the Hop Bet.

(ii) A Two-Four or Deuce-Four on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Five or Ace-Five on the Hop Bet.

(31) A One-Six or Ace-Six on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing One-Six or Ace-Six on the Hop Bet shall be determined as follows:

(i) A One-Six or Ace-Six on the Hop Bet shall win if a total of 7 is thrown with a 1 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the One-Six or Ace-Six on the Hop Bet.

(ii) A One-Six or Ace-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Six or Ace-Six on the Hop Bet.

(32) A Two-Five or Deuce-Five on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Two-Five or Deuce-Five on the Hop Bet shall be determined as follows:

(i) A Two-Five or Deuce-Five on the Hop Bet shall win if a total of 7 is thrown with a 2 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the Two-Five or Deuce-Five on the Hop Bet.

(ii) A Two-Five or Deuce-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Two-Five or Deuce-Five on the Hop Bet.

(33) A Three-Four or Trey-Four on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Three-Four or Trey-Four on the Hop Bet shall be determined as follows:

(i) A Three-Four or Trey-Four on the Hop Bet shall win if a total of 7 is thrown with a 3 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of the Three-Four or Trey-Four on the Hop Bet.

(ii) A Three-Four or Trey-Four on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Three-Four or Trey-Four on the Hop Bet.

(34) A Two-Six or Deuce-Six on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Two-Six or Deuce-Six on the Hop Bet shall be determined as follows:

(i) A Two-Six or Deuce-Six on the Hop Bet shall win if a total of 8 is thrown with a 2 appearing on one die and a



6 appearing on the other die on the roll immediately following placement of the Two-Six or Deuce-Six on the Hop Bet.

(ii) A Two-Six or Deuce-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Two-Six or Deuce-Six on the Hop Bet.

(35) A Three-Five or Trey-Five on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Three-Five or Trey-Five on the Hop Bet shall be determined as follows:

(i) A Three-Five or Trey-Five on the Hop Bet shall win if a total of 8 is thrown with a 3 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the Three-Five or Trey-Five on the Hop Bet.

(ii) A Three-Five or Trey-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Three-Five or Trey-Five on the Hop Bet.

(36) A Three-Six or Trey-Six on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Bet shall be determined as follows:

(i) A Three-Six or Trey-Six on the Hop Bet shall win if a total of 9 is thrown with a 3 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the Three-Six or Trey-Six on the Hop Bet.

(ii) A Three-Six or Trey-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Three-Six or Trey-Six on the Hop Bet.

(37) A Four-Five on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Four-Five on the Hop Bet shall be determined as follows:

(i) A Four-Five on the Hop Bet shall win if a total of 9 is thrown with a 4 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the Four-Five on the Hop Bet.

(ii) A Four-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Four-Five on the Hop Bet.

(38) A Four-Six on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Bet shall be determined as follows:

(i) A Four-Six on the Hop Bet shall win if a total of 10 is thrown with a 4 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the Four-Six on the Hop Bet.

(ii) A Four-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Four-Six on the Hop Bet.

(39) A 6-7-8 Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing 6-7-8 Bet shall be determined as follows:

(i) A 6-7-8 Bet shall win if a total of 6, 7 or 8 is thrown on the roll immediately following placement of the 6-7-8 Bet.

(ii) A 6-7-8 Bet shall lose if a 2, 3, 4, 5, 9, 10, 11 or 12 is thrown on the roll immediately following placement of the 6-7-8 Bet.

(40) A Fire Bet that may only be made prior to the come out roll of a new shooter.

(i) A Fire Bet shall win if at least four different unique point totals of either 4, 5, 6, 8, 9 or 10 are made by the shooter before a 7 is thrown.

(ii) A Fire Bet shall lose if less than four different unique point totals of either 4, 5, 6, 8, 9 or 10 are made by the shooter before a 7 is thrown.

(41) In addition to Place Bets to Win on 4, 5, 6, 8, 9 and 10, a certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer players the option of placing a Buy Bet to receive true odds on the Place Bet to Win. A Buy Bet shall be inactive on a come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager. A winning or losing Buy Bet shall be determined as follows:

(i) A Buy Bet shall win if the number on which the wager was placed is thrown before a 7 is thrown.

(ii) A Buy Bet shall lose if a 7 is thrown before the number on which the wager was placed is thrown.

(42) In addition to or in lieu of the Place Bets to Lose on 4, 5, 6, 8, 9 and 10, a certificate holder may, if specified in its Rules Submission under § 601a.2, offer players the option of placing a Lay Bet to receive true odds on the Place Bet to Lose. A Lay Bet shall be active on a come out roll unless called "off" by the player and confirmed by the dealer through placement of an "off" marker button on top of the player's wager. A winning or losing Lay Bets shall be determined as follows:

(i) A Lay Bet shall win if a 7 is thrown before the particular number against which the wager is placed is thrown.

(ii) A Lay Bet shall lose if the particular number against which the wager is placed is thrown before a 7 is thrown.

(b) Except as permitted under § 623a.6(e) (relating to supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds)), the amount of a Craps or Mini-Craps wager:

(1) May not be less than the minimum wager.

(2) May not be more than the maximum wager.

(c) The minimum and maximum wagers shall be posted at each Craps or Mini-Craps table.

#### § 623a.4. Making and removal of wagers.

(a) Wagers shall be made before the dice are thrown.

(b) Wagers shall be made by placing value chips or plaques on the appropriate areas of the 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.

(c) A wager made on any bet may be removed or reduced at any time prior to a roll that decides the outcome of the wager except that:



(1) A Pass Bet may not be removed or reduced after a come out point is established with respect to the Pass Bet.

(2) A Come Bet may not be removed or reduced after a come point is established with respect to the Come Bet.

(3) A Fire Bet may not be reduced or increased at any time, and may not be removed prior to the throwing of a loser 7.

(d) A Don't Come Bet and a Don't Pass Bet may be removed or reduced at any time but may not be replaced or increased after the bet has been removed or reduced.

(e) Only players who are seated at a Mini-Craps table may place a wager at the game. Once a player has placed a wager, that player shall remain seated until the completion of the round of play.

**§ 623a.5. Payout odds.**

(a) The certificate holder shall pay out winning Craps and Mini-Craps wagers as follows:

<i>Wager</i>	<i>Payout Odds</i>
Pass Bet	1 to 1
Don't Pass Bet	1 to 1
Come Bet	1 to 1
Don't Come Bet	1 to 1
Place Bet to Win on 4	9 to 5
Place Bet to Win on 5	7 to 5
Place Bet to Win on 6	7 to 6
Place Bet to Win on 8	7 to 6
Place Bet to Win on 9	7 to 5
Place Bet to Win on 10	9 to 5
Place Bet to Lose on 4	5 to 11
Place Bet to Lose on 5	5 to 8
Place Bet to Lose on 6	4 to 5
Place Bet to Lose on 8	4 to 5
Place Bet to Lose on 9	5 to 8
Place Bet to Lose on 10	5 to 11
Four the Hardway Bet	7 to 1
Six the Hardway Bet	9 to 1
Eight the Hardway Bet	9 to 1
Ten the Hardway Bet	7 to 1
<i>Field Bet:</i>	
On a 3, 4, 9, 10 or 11	1 to 1
On a 2 or 12	2 to 1
Any Seven Bet	4 to 1
Any Craps Bet	7 to 1
Craps 2 Bet	30 to 1
Craps 3 Bet	15 to 1
Craps 12 Bet	30 to 1
11 in One Roll	15 to 1
Four the Hardway on the Hop Bet	30 to 1
Six the Hardway on the Hop Bet	30 to 1
Eight the Hardway on the Hop Bet	30 to 1
Ten the Hardway on the Hop Bet	30 to 1
One-Three or Ace-Trey on the Hop Bet	15 to 1
One-Four or Ace-Four on the Hop Bet	15 to 1
One-Five or Ace-Five on the Hop Bet	15 to 1
One-Six or Ace-Six on the Hop Bet	15 to 1
Two-Three or Deuce-Trey on the Hop Bet	15 to 1
Two-Four or Deuce-Four on the Hop Bet	15 to 1
Two-Five or Deuce-Five on the Hop Bet	15 to 1
Two-Six or Deuce-Six on the Hop Bet	15 to 1
Three-Four or Trey-Four on the Hop Bet	15 to 1
Three-Five or Trey-Five on the Hop Bet	15 to 1
Three-Six or Trey-Six on the Hop Bet	15 to 1
Four-Five on the Hop Bet	15 to 1
Four-Six on the Hop Bet	15 to 1

<i>Wager</i>	<i>Payout Odds</i>
<i>6-7-8 Bet:</i>	
On a 6 that is a One-Five or Two-Four, on any 7 or an 8 that is a Two-Six or Three-Five	1 to 1
On a 6 that is a Three-Three or an 8 that is a Four-Four	2 to 1

(b) A Craps-Eleven or C and E Bet shall be paid as if 1/2 of the Craps-Eleven or C and E Bet had been placed as an Any Craps Bet (7 to 1) and 1/2 as an 11 in One Roll (15 to 1), and shall be paid as if two separate wagers were made for the one roll.

(c) A Horn Bet shall be paid as if it were four separate wagers on the 2, 3, 11 and 12, each of which equaling 25% of the Horn Bet.

(d) A Horn High Bet shall be paid as if it were four separate wagers on the 2, 3, 11 and 12, each of which equaling 20% of the Horn High Bet and a fifth wager on the 2, 3, 11 or 12, equaling 20% of the Horn High Bet.

(e) A Whirl Bet shall be paid as if it were two separate wagers with four units wagered as a Horn Bet and one unit wagered as an Any Seven Bet.

(f) A winning Fire Bet shall be paid once for the highest number of different unique points made at the odds in one of the following pay tables selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions).

<i>Individual Unique Points Made</i>	<i>Payout A</i>	<i>Payout B</i>
Four Points	24 to 1	39 to 1
Five Points	249 to 1	199 to 1
Six or More Points	999 to 1	499 to 1

(g) A certificate holder that offers Buy Bets and Lay Bets:

(1) Shall pay winning Buy Bet wagers as follows:

<i>Wager</i>	<i>Payout Odds</i>
Buy Bet on the 4	2 to 1
Buy Bet on the 5	3 to 2
Buy Bet on the 6	6 to 5
Buy Bet on the 8	6 to 5
Buy Bet on the 9	3 to 2
Buy Bet on the 10	2 to 1

(2) Shall pay winning Lay Bet wagers as follows:

<i>Wager</i>	<i>Payout Odds</i>
Lay Bet against the 4	1 to 2
Lay Bet against the 5	2 to 3
Lay Bet against the 6	5 to 6
Lay Bet against the 8	5 to 6
Lay Bet against the 9	2 to 3
Lay Bet against the 10	1 to 2

(3) May collect, at time the player makes the wager, a vigorish of up to 5%, as specified in the certificate holder's Rules Submission, of the amount wagered on the Buy or Lay Bet or may collect the vigorish only on a winning Buy or Lay Bet. If collecting a vigorish, the certificate holder shall specify in its Rules Submission which vigorish procedure it will utilize.

(h) Except as permitted under subsection (g)(3), a certificate holder may not charge a percentage, fee or vigorish to a player in making any wager in the game of Craps or Mini-Craps.

(i) Except as permitted under § 623a.6(e) (relating to supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds)), a certificate holder may not accept any wager in excess of the maximum bet posted at the table.

**§ 623a.6. Supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds).**

(a) When a player makes a Pass Bet and a total of 4, 5, 6, 8, 9 or 10 is thrown on the come out roll, the player may make a supplemental wager in support of the Pass Bet which may be limited by the certificate holder to an amount that is equal to the amount of the original Pass Bet. If the Pass Bet wins after a supplemental wager is made:

(1) The original Pass Bet shall be paid at odds of 1 to 1.

(2) The supplemental wager shall be paid at odds of:

(i) 2 to 1 if the come out point was 4 or 10.

(ii) 3 to 2 if the come out point was 5 or 9.

(iii) 6 to 5 if the come out point was 6 or 8.

(b) When a player makes a Don't Pass Bet and a total of 4, 5, 6, 8, 9 or 10 is thrown on the come out roll, the player may make a supplemental wager in support of the Don't Pass Bet which may be limited by the certificate holder to an amount calculated as to provide winnings not in excess of the amount originally wagered on the Don't Pass Bet. If the Don't Pass Bet wins after a supplemental wager is made:

(1) The original Don't Pass Bet shall be paid at odds of 1 to 1.

(2) The supplemental wager shall be paid at odds of:

(i) 1 to 2 if the come out point was 4 or 10.

(ii) 2 to 3 if the come out point was 5 or 9.

(iii) 5 to 6 if the come out point was 6 or 8.

(c) When a player makes a Come Bet and a total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Come Bet, the player may make a supplemental wager in support of the Come Bet which may be limited by the certificate holder to an amount that is equal to the amount of the original Come Bet. If the Come Bet wins after a supplemental wager is made:

(1) The original Come Bet shall be paid at odds of 1 to 1.

(2) The supplemental wager shall be paid at odds of:

(i) 2 to 1 if the come point was 4 or 10.

(ii) 3 to 2 if the come point was 5 or 9.

(iii) 6 to 5 if the come point was 6 or 8.

(d) When a player makes a Don't Come Bet and a total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Don't Come Bet, the player may make a supplemental wager in support of the Don't Come Bet which may be limited by the certificate holder to an amount calculated as to provide winnings not in excess of the amount originally wagered on the Don't Come Bet. If the Don't Come Bet wins after a supplemental wager is made:

(1) The original Don't Come Bet shall be paid at odds of 1 to 1.

(2) The supplemental wager shall be paid at odds of:

(i) 1 to 2 if the come point was a 4 or 10.

(ii) 2 to 3 if the come point was 5 or 9.

(iii) 5 to 6 if the come point was 6 or 8.

(e) Except as permitted under subsection (f), a certificate holder may allow a supplemental wager in support of a Pass or Come Bet in an amount up to ten times the amount of the original Pass or Come Bet. A certificate holder may allow a supplemental wager in support of a Don't Pass or Don't Come Bet in an amount calculated as to provide a winning player with winnings not in excess of up to ten times the amount originally wagered on the Don't Pass or Don't Come Bet. The original Pass, Don't Pass, Come or Don't Come Bet and any supplemental wager allowed in accordance with this subsection shall be paid at the same odds as the original and supplemental wagers are paid under subsections (a)—(d).

(f) A certificate holder may accept a supplemental wager that exceeds an amount that is otherwise authorized by this section or posted as the maximum wager permitted if the excess amount of the supplemental wager is necessary to facilitate the payouts permitted by this section.

**§ 623a.7. Dice retention and selection.**

(a) A set of five dice shall be present at the Craps or Mini-Craps table during gaming. Control of the dice at a Craps table, or at a Mini-Craps table with an optional stickperson, shall be the responsibility of the stickperson at the table. Control of the dice at a Mini-Craps table without an optional stickperson shall be the responsibility of the dealer at the table. The stickperson or Mini-Craps dealer shall retain all dice, except those in active play, in a dice cup at the table.

(b) At the commencement of play:

(1) For Craps, the stickperson shall offer the set of dice to the player immediately to the left of the boxperson at the table. If that player rejects the dice, the stickperson shall offer the dice to each of the other players in turn clockwise around the table until one of the players accepts the dice.

(2) For Mini-Craps, the dealer or the optional Mini-Craps stickperson shall offer the set of dice to the player immediately to his left at the table. If that player rejects the dice, the dealer or stickperson shall offer the dice to each of the other players in turn clockwise around the table until one of the players accepts the dice.

(c) The first player to accept the dice when offered shall become the shooter who shall select and retain two of the dice offered. The remaining dice of the set shall be returned to the dice cup which shall:

(1) For Craps, be placed immediately in front of the Craps stickperson.

(2) For Mini-Craps, be placed immediately in front of the Mini-Craps dealer or stickperson.

(d) A set of five dice used at a Craps or Mini-Craps table shall be changed at least once every 24 hours. A new set of dice shall be used when a Craps or Mini-Craps table is reopened for gaming, if a die goes off the table during play and is lost or if the dice show signs of tampering or alteration or are otherwise marked, chipped, scratched or no longer suitable for play.

**§ 623a.8. Throw of the dice; invalid roll of the dice.**

(a) After selection of the dice, the shooter shall make a Pass Bet or Don't Pass Bet after which the shooter shall

throw the two selected dice so that they leave the shooter's hand simultaneously and in a manner which causes the dice to strike the end of the table farthest from the shooter.

(b) A roll of the dice shall be invalid when either or both of the dice go off the table or when one die comes to rest on top of the other.

(c) The individuals listed in subsection (d) shall have the authority to invalidate a roll of the dice by calling "no roll" for any of the following reasons:

(1) The dice do not leave the shooter's hand simultaneously.

(2) Either or both of the dice fail to strike the end of the table farthest from the shooter.

(3) Either or both of the dice come to rest on the chips constituting the Craps bank of chips located in front of the boxperson.

(4) Either or both of the dice come to rest in the dice cup in front of the Craps stickperson, in front of the Mini-Craps dealer or stickperson or on one of the rails surrounding the table.

(5) The use of a cheating, crooked or fixed device or technique in the roll of the dice.

(6) The Craps boxperson or stickperson, or the Mini-Craps dealer or stickperson, considers the throw to be improper.

(d) A throw of the dice which results in the dice coming into contact with any chips or plaques on the table, other than the Craps bank of chips located in front of the boxperson, will not be a cause for a call of "no roll."

(e) "No roll" may be called:

(1) In Craps, by a boxperson or stickperson.

(2) In Mini-Craps, by the dealer, stickperson or floorperson.

**§ 623a.9. Point throw; settlement of wagers.**

(a) When the dice come to rest from a valid throw, the Craps stickperson or the Mini-Craps dealer or stickperson shall at once call out the sum of the numbers on the uppermost or skyward sides of the two dice. Only one face on each die shall be considered uppermost or skyward.

(b) In the event either or both of the dice do not land flat on the table (for example, one edge of the die is resting cocked on a stack of chips), the side directly opposite the side that is resting on the chips or other object shall be considered uppermost or skyward. If more than one side of a die is resting on a stack of chips or other object, the roll shall be void and the dice shall be rethrown.

(c) In the event of a dispute as to which face is uppermost:

(1) In Craps, the boxperson shall have discretion to determine which face is uppermost or to order the throw be void and the dice be rethrown.

(2) In Mini-Craps, the floorperson shall have discretion to determine which face is uppermost or to order the throw be void and the dice be rethrown.

(d) In Craps, after calling the throw, the stickperson shall collect the dice and bring them to the center of the table between himself and the boxperson. All wagers decided by that throw shall then be settled, following which the stickperson shall pass the dice to the shooter

for the next throw. When collecting the dice and passing them to the shooter, the stickperson shall use a stick designed for that purpose.

(e) In Mini-Craps, after calling the throw, the dealer or stickperson shall collect the dice and bring them to the center of the table. All wagers decided by that throw shall then be settled, following which the dealer or stickperson shall pass the dice to the shooter for the next throw. When collecting the dice and passing them to the shooter, the dealer or stickperson shall use a stick designed for that purpose.

**§ 623a.10. Continuation of shooter; selection of new shooter.**

(a) It shall be the option of the shooter, after any roll, either to pass the dice or remain the shooter except that:

(1) The shooter shall pass the dice upon throwing a loser 7.

(2) The Craps boxperson or the Mini-Craps dealer may order the shooter to pass the dice if the shooter unreasonably delays the game, repeatedly makes invalid rolls or violates either the act or this part.

(b) If a shooter, after making the come out point, elects not to place another Pass Bet or Don't Pass Bet, and other Come Bets or Don't Come Bets remain on the table, the Craps stickperson or the Mini-Craps dealer or stickperson shall offer the dice to the player immediately to the left of the previous shooter, as provided for in subsection (c). If there are no other players at the table, or if no other players at the table elect to make a Pass Bet or Don't Pass Bet to shoot the dice and continue the game, the previous shooter shall be allowed to shoot the dice without making a Pass Bet or Don't Pass Bet only for the purpose of effecting a decision on the remaining Come Bets or Don't Come Bets. The on/off marker shall be placed on the Don't Pass Line in the off position in front of the shooter to indicate that the shooter is rolling the dice only to effectuate a decision for the Come Bets or Don't Come Bets remaining on the layout. Once the remaining Come Bets or Don't Come Bets have been decided or a player wishes to place a Pass Bet or Don't Pass Bet, the game shall proceed in accordance with § 623a.8 (relating to throw of the dice; invalid roll of the dice).

(c) When a voluntary or compulsory relinquishment of the dice occurs by the shooter, the Craps stickperson or the Mini-Craps dealer or stickperson shall offer the complete set of five or more dice to the player immediately to the left of the previous shooter and, if he does not accept, to each of the other players in turn clockwise around the table.

(d) The first player to accept the dice when offered shall become the new shooter who shall select and retain two of the dice offered. The remaining dice of the set shall be returned to the dice cup which shall be placed immediately in front of the Craps stickperson or the Mini-Craps dealer or stickperson.

**§ 623a.11. Additional procedures and rules for the Fire Bet.**

(a) If a certificate holder elects to offer the Fire Bet in the game of Craps as permitted under § 623a.3 (relating to wagers), the following additional procedures shall be observed:

(1) Each player shall, prior to a new shooter's initial come out roll, place his Fire Bet on the numbered



designated area for the placement of Fire Bets that is closest to his position at the Craps table.

(2) When there is a voluntary or compulsory surrender of the dice by a shooter under § 623a.10 (relating to continuation of shooter; selection of new shooter) prior to the throwing of a loser 7, any pending Fire Bet shall be settled upon the successor shooter throwing a loser 7.

(3) Once all Fire Bets are placed, the dealer shall bring in each Fire Bet in numerical order and place it on the corresponding number of the designated area in front of the boxperson, where the Fire Bets shall remain until they are either lost or paid.

(4) With each individual point made by a shooter, the dealer shall place a Fire Bet point marker inscribed with the total number of different unique points made by the shooter in the area of the table layout containing the number of the point (4, 5, 6, 8, 9 or 10) which was just made. Each Fire Bet point marker must be visually distinguishable from and have a diameter larger than any authorized value chip. Fire Bet point markers shall be maintained by the boxperson or dealers at the Craps table.

(5) Fire Bets shall be collected or paid, as applicable, upon a shooter throwing a loser 7.

(6) Once four different unique points are made, the surveillance department shall be notified for the purpose of confirming all Fire Bets and payouts.

(b) If a certificate holder elects to offer the Fire Bet in the game of Craps under § 623a.3, the following additional rules shall apply:

(1) The minimum wager shall be \$1 and the maximum wager shall be \$5 and all wagers shall be made in increments of \$1.

(2) When a shooter makes the same point total more than once, the total number of different unique points made for purposes of settling a Fire Bet do not increment.

(3) The four or more different unique points required to win a Fire Bet are not required to be made in any specific order or combination.

#### CHAPTER 625a. SIC BO

Sec.	
625a.1.	Sic Bo table; Sic Bo shaker; physical characteristics.
625a.2.	Dice; number of dice.
625a.3.	Wagers.
625a.4.	Placement of wagers.
625a.5.	Procedures for opening and dealing the game.
625a.6.	Payout odds.
625a.7.	Irregularities.

##### § 625a.1. Sic Bo table; Sic Bo shaker; physical characteristics.

(a) Each Sic Bo table must have a drop box and 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) (relating to approval of table game layouts, signage and equipment).

(b) Each Sic Bo table must have an area that depicts all wagers authorized under § 625a.3 (relating to wagers) and an electrical device, approved by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval), which illuminates the winning combinations on the Sic Bo table after the numeric value of each die has been entered by the dealer.

(c) The layout for a Sic Bo table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a), and contain, at a minimum:

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

(2) Specific areas designated for the placement of the wagers authorized under § 625a.3.

(3) The payout odds, in accordance with § 625a.6 (relating to payout odds), for all permissible wagers offered by the certificate holder. If the payout odds are not on the layout, a sign identifying the payout odds shall be posted at each Sic Bo table.

(d) Sic Bo shall be played with a Sic Bo shaker approved in accordance with § 601a.10(a), which shall be used to shake the dice to arrive at the winning combinations.

(1) A manual Sic Bo shaker shall be designed and constructed to maintain the integrity of the game and must, at a minimum, adhere to the following specifications:

(i) The Sic Bo shaker must have a compartment to secure the three dice and a separate cover which conceals the dice while the dealer is shaking the Sic Bo shaker. The compartment to secure the three dice must be transparent and the cover which conceals the dice must be opaque.

(ii) The Sic Bo shaker must have the capability of being sealed or locked to ensure the integrity of the dice contained inside the Sic Bo shaker.

(iii) The Sic Bo shaker must have the name or logo of the certificate holder thereon.

(2) An automated Sic Bo shaker, approved by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4, may be used in the game of Sic Bo, provided that:

(i) The shaker meets the requirements in paragraph (1)(i) and (ii).

(ii) The procedures for shaking the dice are submitted to the Bureau of Gaming Operations and approved in accordance with § 465a.2 (relating to internal control systems and audit protocols).

(iii) The shaker's location on the Sic Bo table is approved by the Bureau of Casino Compliance in accordance with § 601a.10(g).

(e) The manual Sic Bo shaker shall be the responsibility of the dealer and may not be left unattended while at the table.

##### § 625a.2. Dice; number of dice.

(a) Sic Bo shall be played with three dice, which shall be kept inside the Sic Bo shaker while at the Sic Bo table.

(b) The dice that have been placed in a manual Sic Bo shaker may not be used for the play of the game for more than 24 hours. Dice that have been locked in an automated Sic Bo shaker and comply with the requirements of § 603a.12(c) (relating to dice; physical characteristics) may not be used for the play of the game for more than 1 month.

##### § 625a.3. Wagers.

A player may place the following wagers in the game of Sic Bo:



(1) Three of a Kind which wins if the same number is showing on all three dice and the player selected that number to appear on all three dice.

(2) Two of a Kind which wins if the same number is showing on two of the three dice and the player selected that number to appear on two out of the three dice.

(3) Any Three of a Kind which wins if the numeric value on all three dice is the same and the player wagered that any of the numbers 1 through 6 would appear on all of the three dice.

(4) Total Value Bet which wins if the numeric total of all three dice equals the total of the number wagered.

(5) Two Dice Combination which wins when the player wagered that a combination of two specific but different numeric values would appear on at least two of the dice and the two numeric values chosen are showing.

(6) Small Bet which wins if the numeric total of all three dice equals any one of the following totals: 4, 5, 6, 7, 8, 9 or 10 and loses if any other numeric total is shown or if a Three of a Kind appears.

(7) Big Bet which wins if the numeric total of all three dice equals any one of the following totals: 11, 12, 13, 14, 15, 16 or 17 and loses if any other numeric total is shown or if a Three of a Kind appears.

(8) One of a Kind which wins if one or more of the three dice shows a numeric value equal to the number wagered.

**§ 625a.4. Placement of wagers.**

(a) Wagers at Sic Bo shall be made by placing value chips or plaques on the appropriate areas of the Sic Bo layout. Verbal wagers accompanied by cash may not be accepted at the game of Sic Bo.

(b) Each player shall be responsible for the correct positioning of his wagers on the Sic Bo layout regardless of whether the player is assisted by the dealer. Each player shall ensure that any instructions given to the dealer regarding the placement of wagers are correctly carried out.

(c) Each wager shall be settled in accordance with its position on the layout when the dice come to rest and the numeric value showing on each die has been entered into the electrical device and illuminated at the table.

**§ 625a.5. Procedures for opening and dealing the game.**

(a) Prior to opening the Sic Bo table for gaming activity, the floorperson assigned to the Sic Bo table shall inspect the following items to insure that each is in proper working order:

(1) The electrical device which causes the winning combinations on the Sic Bo table to be illuminated when the numeric value of each die has been entered by the dealer. At a minimum, the inspection shall be completed by entering three numeric values into the electrical device and verifying that all winning combinations are properly illuminated.

(2) The automated dice shaker, if one is in use. At a minimum, the inspection shall be completed by operating the device three times and verifying that the dice are being properly tossed.

(b) At the commencement of each round of play, the dealer shall either:

(1) Place the cover on the manual Sic Bo shaker and shake the Sic Bo shaker at least three times to cause a random mixture of the dice.

(2) Activate the automated dice shaker to cause a random mixture of the dice.

(c) Prior to revealing the dice in the Sic Bo shaker, the dealer shall announce "no more bets."

(d) The dealer shall then remove the cover from the Sic Bo shaker, announce the numeric value of each die and enter the numeric value of each die into the electrical device on the table. The electrical device must illuminate the winning combinations on the Sic Bo layout.

(e) After the winning combinations have been illuminated, the dealer shall first collect all losing wagers and then pay off all winning wagers at the odds in § 625a.6 (relating to payout odds). A manual Sic Bo shaker shall remain uncovered until all winning wagers have been paid.

(f) After all losing wagers have been collected and all winning wagers have been paid, the dealer shall clear the previously illuminated winning combinations from the table.

**§ 625a.6. Payout odds.**

(a) The certificate holder shall pay out winning Sic Bo wagers at the odds in the following payable:

<i>Wager</i>	<i>Payout Odds</i>
Three of a Kind	150 to 1
Two of a Kind	8 to 1
Any Three of a Kind	24 to 1
Total Value Bet of 4	50 to 1
Total Value Bet of 5	18 to 1
Total Value Bet of 6	14 to 1
Total Value Bet of 7	12 to 1
Total Value Bet of 8	8 to 1
Total Value Bet of 9	6 to 1
Total Value Bet of 10	6 to 1
Total Value Bet of 11	6 to 1
Total Value Bet of 12	6 to 1
Total Value of Bet 13	8 to 1
Total Value of Bet 14	12 to 1
Total Value of Bet 15	14 to 1
Total Value Bet of 16	18 to 1
Total Value Bet of 17	50 to 1
Any Two Dice Combination	5 to 1
Small Bet	1 to 1
Big Bet	1 to 1

(b) One of a Kind shall be paid at:

(1) 1 to 1, if only one of the dice show the numeric value upon which the wager was placed.

(2) 2 to 1, if two of the dice show the numeric value upon which the wager was placed.

(3) 3 to 1, if all three dice show the numeric value upon which the wager was placed.

**§ 625a.7. Irregularities.**

(a) If all three dice do not land flat on the bottom of the Sic Bo shaker after being tossed, the dealer shall call a "no roll" and all wagers placed shall be returned to the players.

(b) If the electrical device which causes the winning combinations to be illuminated when the numeric value of each die has been entered by the dealer or the area of the Sic Bo table which depicts all permissible wagers under § 625a.3 (relating to wagers) malfunctions after the

manual Sic Bo shaker has been uncovered or the automated Sic Bo dice shaker has tossed the dice, the dealer shall, in the presence of a floorperson or above, collect losing wagers and pay winning wagers. Once the wagers on the layout have been settled, all gaming at the Sic Bo table shall cease until the electrical device which causes the winning combinations on the Sic Bo table to be illuminated when the numeric value of each die has been entered by the dealer has been fixed.

(c) If the automated Sic Bo shaker fails to operate or malfunctions when activated, the round of play shall be void and wagers placed shall be returned to the players.

(d) If an automated Sic Bo shaker malfunctions or cannot be used, the dice must be removed and the automated Sic Bo shaker must be covered or have a sign placed on the device indicating that the automated Sic Bo shaker is out of order before a manual Sic Bo shaker may be utilized.

[Pa.B. Doc. No. 12-969. Filed for public inspection May 18, 2012, 9:00 a.m.]

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 541, 543, 545,  
627a, 629a AND 631a ]

### Table Game Rules for Minibaccarat, Midibaccarat and Baccarat

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 541, 543 and 545 and adds Chapters 627a, 629a and 631a (relating to Minibaccarat; Midibaccarat; and Baccarat) 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 541, 543 and 545. With this final-form rulemaking, the Board is replacing the temporary regulations in Chapter 541 with the permanent regulations in Chapter 627a, the temporary regulations in Chapter 543 with the permanent regulations in Chapter 629a and the temporary regulations in Chapter 545 with the permanent regulations in Chapter 631a.

#### *Explanation of Chapter 627a*

Chapter 627a contains the rules governing the play of Minibaccarat. Section 627a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 627a.2 (relating to Minibaccarat 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 Minibaccarat table for play; the shuffling of cards; the value of the cards and the Point Count of each hand; permissible wagers; dealing procedures; the payout odds for all permissible wagers and the amount of vigorish collected on winning wagers made on the Banker's Hand; and how irregularities in play are to be handled.

#### *Explanation of Chapter 629a*

Chapter 629a contains the rules governing the play of Midibaccarat. Section 629a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 629a.2 (relating to Midibaccarat 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 Midibaccarat table for play; the shuffling of cards; the value of the cards and the Point Count of each hand; permissible wagers; dealing procedures; the payout odds for all permissible wagers and the amount of vigorish collected on winning wagers made on the Banker's Hand; and how irregularities in play are to be handled.

#### *Explanation of Chapter 631a*

Chapter 631a contains the rules governing the play of Baccarat. Section 631a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 631a.2 (relating to Baccarat 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 Baccarat table for play; the shuffling of cards; the value of the cards and the Point Count of each hand; permissible wagers; dealing procedures; the payout odds for all permissible wagers and the amount of vigorish collected on winning wagers made on the Banker's Hand; the continuation of the player dealing the cards; and how irregularities in play are to be handled.

#### *Comment and Response Summary*

Notice of proposed rulemaking was published at 41 Pa.B. 3196 (June 25, 2011). On August 24, 2011, the Board received comments from the Independent Regulatory Review Commission (IRRC) on the proposed rulemaking which are addressed by subject matter as follows.

#### *General Comments*

Throughout Chapters 627a, 629a and 631a, IRRC requested that the final-form rulemaking contain the procedures the certificate holder shall follow to obtain approval from the Bureau of Gaming Operations (BGO) or the Bureau of Casino Compliance (BCC) for table game layouts, signage and the location of equipment on the table. Section 601a.10 (relating to approval of table game layouts, signage and equipment) addresses approvals from the BGO or the BCC.

Currently, submissions to the BGO, including internal controls, table games Rules Submissions, layouts, signage, gaming guides, equipment approvals, dealer training and minimum staffing plans are submitted through the Internal Control and Table Game Submission Form that is available on the Board's web site at [www.pgcb.pa.gov](http://www.pgcb.pa.gov). Each facility has been provided a user name and password unique to that property and submitting the required information through use of the online form. Once received, the submissions are reviewed by the BGO and approved by the Board's Executive Director. The approval letters are then sent to the facility. Section 601a.10 reflects this current practice.

Regarding the provisions that require BCC approval, a casino compliance supervisor at the licensed facility may approve locations on the gaming table for drop and tip boxes, bad beat boxes in Poker and the location of other

table game equipment at the time the new table is installed on the gaming floor but prior to the opening of the table for gaming. Again, § 601a.10 reflects this current practice.

*Definitions*

In §§ 627a.1, 629a.1 and 631a.1, IRRC suggested that the Board include the definitions of the permissible wagers Dragon Bonus Wager and Dragon 7 Insurance Wager. The Board appreciates the suggestion but believes that all permissible wagers for every authorized game are thoroughly described, including when the wager wins, loses or ties, in the section on wagers in each chapter. Additionally, this information would be redundant and too voluminous to place in the definition section of the regulations. The Board did, however, include in the payout odds sections the cross references to the descriptions of the wagers in §§ 627a.7, 629a.7 and 631a.8 (relating to wagers). Lastly, the Board has added a definition of “EZ Baccarat,” which is a variation of the game in which vigorish is not collected.

*Table characteristics*

Proposed §§ 627a.2(b) and 629a.2(b) required that certificate holders obtain approval for the Minibaccarat or Midibaccarat table dimensions. IRRC inquired as to why this type of approval was not needed in § 631a.2 for the Baccarat table.

After reviewing the requirements in other table game chapters, the Board does not believe it is necessary to obtain approval of the table dimensions, particularly since the table layouts for all games are already required to be submitted to the BGO for approval. Sections 627a.2(b) and 629a.2(b) have therefore been deleted and the remaining subsections renumbered.

*Replacement of cards*

Proposed § 627a.3 (relating to cards; number of decks) required that all cards used for play at a Minibaccarat table be changed every 24 hours. However, proposed §§ 629a.3 and 631a.3 (relating to cards; number of decks) stated that the decks of cards at the table are required to be changed after each dealing shoe for Midibaccarat and Baccarat. IRRC inquired about the reason for the difference between the sections, the need for the provisions, what happens to the cards that were in use at the table and if the cards can be reused.

The primary difference between the rules of play on Minibaccarat versus Midibaccarat and Baccarat is in Minibaccarat only the dealer touches the cards. The cards are suitable for repeated reuse and are therefore allowed to remain on the gaming table for up to 24 hours.

In Midibaccarat and Baccarat, the players touch the cards. However, unlike other card games that allow players to touch the cards, in Midibaccarat and Baccarat the players mangle, bend, roll, crease and fold the cards, which is traditionally how the game is played. The cards, after one use, are not suitable for subsequent play and are discarded into the bucket on the table. New cards are then used in the next dealing shoe, which is the standard recognized practice in the industry. The cards are then removed from the gaming table, inspected and canceled or destroyed in accordance with § 603a.16 (relating to cards; receipt, storage, inspection and removal from use).

*Inspection of cards*

Proposed §§ 627a.4(a), 629a.4(a) and 631a.4(a) (relating to opening of the table for gaming) required that after receiving six or more decks of cards at the table, the

dealer shall inspect the cards for defects. IRRC believes that any cards received at the table should be inspected and suggested that the Board add language to all three sections of the final-form rulemaking.

A dealer does not receive less than six decks of cards for play of the game since all three of these games are required to be played with no less than six decks of cards (see §§ 627a.3(a), 629a.3(a) and 631a.3(a)). The Board therefore believes that adding language stating that all cards received at the table be inspected is unnecessary.

*Vigorish*

Sections 627a.12(c) and (h), 629a.12(c) and (h) and 631a.13(c) and (h) (relating to payout odds; vigorish) address the vigorish collected when a wager on the Banker’s Hand wins or ties. Certificate holders were given the option of charging a 25% vigorish when a wager on the Banker’s Hand ties and a 4% or 5% vigorish when a wager on the Banker’s Hand wins, provided that the certificate holder specified in its Rules Submission which vigorish was going to be charged. IRRC commented that since the vigorish can vary, how will the players know if a vigorish is being charged and what that vigorish will be.

After discussing the percentage of vigorish collected with the operators, it was determined that industry standard is a 5% vigorish collected only on winning wagers, with no vigorish collected on ties. The following sections were therefore deleted or amended to reflect that the 25% vigorish for ties and the 4% vigorish on a winning wager was deleted in the final-form rulemaking: §§ 627a.7(a)(1)(iii) and (4)(iii), 627a.12(c), (h) and (i), 629a.7(a)(1)(iii) and (4)(iii), 629.12(c), (h) and (i), 631a.8(a)(1)(iii) and (4)(iii) and 631a.13(c), (h) and (i).

The property includes the amount of vigorish collected in the gaming guide which explains the rules of play at a particular property. The certificate holders that offer Minibaccarat or Midibaccarat will not be affected by deleting the options of 25% vigorish when a wager on the Banker’s Hand ties or the deletion of the 4% vigorish on winning wager made on a Banker’s Hand since none of the certificate holders that offer the games have selected these options in their Rules Submissions.

In addition to deleting the 25% and 4% vigorish on winning or tie hands, the sections on vigorish requirements have been reorganized. The requirements in subsections (f) and (g) have been moved into subsection (c) and new subsection (d) with the remaining subsections renumbered.

*Player handling cards*

Proposed §§ 629a.8(d) and 631a.9(e) (relating to hands of player and banker; procedure for dealing initial two cards to each hand) stated that if a player unreasonably delays the game or violates either the act or this part, the dealer or floorperson may require the player to relinquish the right to turn over the cards. IRRC stated that the phrase “either the act or this part” is very broad and requested an explanation as to why the phrase is needed and whether the Board considered narrowing the scope of the provision.

After reviewing the provision, the Board agrees that the language is broad and unnecessary and has therefore deleted the phrase from the two subsections. This language also appears in § 631a.14(a)(2) (relating to continuation of curator as dealer; selection of a new curator), which has also been deleted from the final-form rulemaking.



### *Additional Revisions*

Throughout this final-form rulemaking, several revisions were made for clarity or for consistency with other table game chapters.

Section 627a.5(h) (relating to shuffle and cut of the cards), which addressed the use of continuous shufflers, was deleted as unnecessary since that particular type of shuffler is never utilized in Minibaccarat.

In § 627a.5 and §§ 629a.5 and 631a.5 (relating to shuffle and cut of the cards), the procedure for beginning a new dealing shoe has been updated. The proposed rulemaking required that the first card and an additional number of cards equal to the face value of the first card be removed from the dealing shoe and shown the players before being placed in the discard rack or bucket. After the close of the public comment period, the Board received additional comments stating that while the first card is to be exposed to the players, any additional cards should be drawn from the dealing shoe and discarded without being exposed. Subsection (f) has been amended to reflect the updated procedure.

In §§ 627a.11(b) and 629a.11(b) (relating to announcement of result of round; payment and collection of wagers), the language stating that the dealer responsible for the wagers on the table shall collect the wagers was deleted as unnecessary since there is only one dealer on Minibaccarat and Midibaccarat tables.

Lastly, after the close of the public comment period, the Board also received additional comments stating the proposed rulemaking was unclear on how the Banker's Hand was to be completed if a third card dealt to the Player's Hand was disclosed when a third card to the Player's Hand was not authorized. Sections 627a.13, 629a.13 and 631a.15 (relating to irregularities) have been amended to include provisions in subsection (c) on how to complete the round of play. Language was also added in new subsection (d) to address when a card is disclosed or found face up in the dealing shoe but is not the third card dealt to the Player's Hand or Banker's Hand.

### *Affected Parties*

Certificate holders that elect to offer the games of Minibaccarat, Midibaccarat or Baccarat will be required to comply with these chapters. The requirements for the games are standard throughout the industry, consistent with 4 Pa.C.S. Part II (relating to gaming) and are necessary for the protection of the gaming public and to ensure the accurate reporting of revenues generated from table games. As of October 2011, all ten certificate holders offer Minibaccarat, seven offer Midibaccarat and none of the certificate holders offer Baccarat.

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 the regulatory requirements in this final-form rulemaking. These reviews will be conducted by existing BGO and BCC staff, so the Board does not project that it will incur any significant cost increases as a result of this final-form rulemaking.

*Political subdivisions.* This final-form rulemaking will not have fiscal impact on the political subdivisions of this

Commonwealth. Most 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 Minibaccarat, Midibaccarat or Baccarat. 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 do the following: post signs at gaming tables; have complete sets of rules for all the games they offer available for public inspection; produce a gaming guide summarizing the rules of the games they offer; 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.

### *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 June 9, 2011, the Board submitted a copy of the proposed rulemaking, published at 41 Pa.B. 3196, 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 §§ 541.1—541.15, 543.1—543.14



and 545.1—545.15 and by adding §§ 627a.1—627a.13, 629a.1—629a.13 and 631a.1—631a.15 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.

(d) 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 125-151 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 541. (Reserved)**

Sec.  
541.1—541.15. (Reserved)

**CHAPTER 543. (Reserved)**

Sec.  
543.1—543.14 (Reserved).

**CHAPTER 545. (Reserved)**

Sec.  
545.1—545.15. (Reserved)

**CHAPTER 627a. MINIBACCARAT**

- Sec.
- 627a.1. Definitions.
- 627a.2. Minibaccarat table physical characteristics.
- 627a.3. Cards; number of decks.
- 627a.4. Opening of the table for gaming.
- 627a.5. Shuffle and cut of the cards.
- 627a.6. Value of cards; Point Count of hand.
- 627a.7. Wagers.
- 627a.8. Hands of player and banker; procedure for dealing initial two cards to each hand.
- 627a.9. Procedure for dealing a third card.
- 627a.10. Rules for determining whether a third card shall be dealt.
- 627a.11. Announcement of result of round; payment and collection of wagers.
- 627a.12. Payout odds; vigorish.
- 627a.13. Irregularities.

**§ 627a.1. Definitions.**

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

*Dragon 7*—A Banker's Hand which has a Point Count of 7 with a total of three cards dealt and the Player's Hand which has a Point Count of less than 7.

*EZ Baccarat*—A variation of Minibaccarat in which vigorish is not collected.

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

**§ 627a.2. Minibaccarat table physical characteristics.**

(a) Minibaccarat shall be played on a table having numbered positions for no more than nine seated 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 Minibaccarat 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) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand and Tie Hand for each player.

(3) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Minibaccarat table.

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

(5) If a certificate holder offers the Dragon Bonus Wager authorized under § 627a.7(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.

(6) If a certificate holder offers EZ Baccarat in which vigorish is not collected:

(i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under § 627a.7(a)(5), for each player.

(ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information shall be posted at each Minibaccarat table.

(7) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

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

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

**§ 627a.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Minibaccarat shall be played with six to eight decks of cards that are identical in appearance and two cover cards.

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

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

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

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

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

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

(c) The decks of cards opened for use at a Minibaccarat table shall be changed at least once every 24 hours.

**§ 627a.4. Opening of the table for gaming.**

(a) After receiving six 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, they 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 is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked.

(d) If an automated card shuffling device is utilized and two batches of cards are received at the table, all the decks in one batch of cards shall be spread for inspection on the table separate from the decks in the other batch of cards. After the first player is afforded an opportunity to visually inspect the cards, each batch of cards shall separately be turned face down on the table and stacked.

(e) If the decks of cards received at the table are uninspected 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.

**§ 627a.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 dealing 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. If the cards have been manually shuffled, the dealer shall leave the entire stack of cards intermixed but not entirely squared off (leave them feathered) so that the floorperson can verify that the shuffle did not result in any uneven distribution of cards.

(b) After the cards have been shuffled and, when applicable, reshuffled, the dealer shall offer the stack of cards, with the backs facing away from the dealer, to the players to be cut. The dealer shall begin with the player seated in the highest number position at the table and, working clockwise around the table, offer the stack to each player until a player accepts the cut. If a player does not accept the cut, the dealer shall cut the cards.

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

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

(e) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson or above determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut by the next person entitled to cut the cards, as determined by subsection (b). The stack of cards shall then be inserted into the dealing shoe for commencement of play.

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

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

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

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

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

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures submitted to the Bureau of Gaming Operations and approved in accordance with § 465a.2 (relating to internal control systems and audit protocols).

**§ 627a.6. Value of cards; Point Count of hand.**

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

(1) Any card from 2 to 9 shall have its face value.

(2) Any 10, jack, queen or king shall have a value of zero.

(3) Any ace shall have a value of one.

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

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

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

**§ 627a.7. Wagers.**

(a) The following are permissible wagers in the game of Minibaccarat:

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

(i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand unless EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

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

(iii) Tie and be returned to the player if the Banker's Hand and the Player's Hand have the same Point Count or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

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

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

(ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

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

(3) A Tie Wager which shall:

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

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

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

(ii) Lose if the selected hand is:

(A) A Natural 8 and the other hand is a Natural 9.

(B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.

(iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.

(5) A Dragon 7 Insurance Wager, if the table is designated by play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Point Counts of the Banker's Hand and the Player's Hand do not result in a Dragon 7.

(b) Wagers at Minibaccarat shall be made by placing value chips or plaques on the appropriate areas of the Minibaccarat 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.

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

**§ 627a.8. Hands of player and banker; procedure for dealing initial two cards to each hand.**

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

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

(c) The dealer shall then deal an initial four cards from the dealing shoe in accordance with one of the following options selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions):

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

(2) The dealer shall remove cards from the dealing shoe with his left hand and place them face down on the layout. The first and third cards dealt shall constitute the first and second cards of the Player's Hand and placed on the area designated for the Player's Hand. The second and fourth cards dealt shall constitute the first and second cards of the Banker's Hand and placed underneath the right corner of the dealing shoe until the Player's Hand is called as provided in § 627a.9 (relating to procedure for dealing a third card). The second and fourth cards shall then be turned face up and placed on the area designated for the Banker's Hand.

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

**§ 627a.9. Procedure for dealing a third card.**

(a) After the dealer positions the cards in accordance with § 627a.8(c)(1) or (2) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), the dealer shall announce the Point Count of the Player's Hand and the Banker's Hand.

(b) Following the announcement of the Point Counts of each hand, the dealer shall determine whether to deal a third card to each hand in accordance with § 627a.10 (relating to rules for determining whether a third card shall be dealt).

(c) After the dealer positions the cards in accordance with § 627a.8(c)(1) or (2), any third card required to be dealt shall first be dealt face up to the Player's Hand and then to the Banker's Hand.

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

(e) 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 will be completed. Upon



completion of that hand, the dealer shall announce “last hand.” At the completion of one more hand, the cards shall be reshuffled.

**§ 627a.10. Rules for determining whether a third card shall be dealt.**

(a) If either the Player’s Hand or the Banker’s Hand is a Natural, no more cards may be dealt to either hand.

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

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

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

(c) If the Point Count of the Player’s Hand and the Banker’s Hand is 0 to 7 on the first two cards, the Banker’s Hand shall draw or stay in accordance with the following requirements:

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

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

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

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

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

**Table 1**

**Value of the Third Card Drawn by Player’s Hand**

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

(d) In Table 1, the first vertical column labeled “Point Count of Banker’s Hand After Two Cards” refers to the Point Count of the Banker’s Hand after the first two cards have been dealt to the Banker’s Hand.

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

(f) In Table 1, the letter “D” means that the Banker’s Hand shall draw a third card and the letter “S” means that the Banker’s Hand shall stay.

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

**§ 627a.11. Announcement of result of round; payment and collection of wagers.**

(a) After each hand has received all the cards to which it is entitled under §§ 627a.8, 627a.9 and 627a.10 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer shall announce the final Point Count of each hand indicating which hand has won the round. If two hands have equal Point Counts, the dealer shall announce “tie hand.” If the table is designated for play as an EZ Baccarat table and the Point Counts of the Banker’s Hand and the Player’s Hand result in a Dragon 7, the dealer shall announce “Dragon 7.”

(b) After the result of the round is announced, the dealer shall first collect each losing wager. After the losing wagers are collected, the dealer shall, starting at the highest numbered player position at which a winning wager is located, mark or collect the vigorish owed by that player, unless the table is designated for play as an EZ Baccarat table in which vigorish is not collected. Immediately thereafter, the dealer shall pay that player’s winning wager and then, proceeding in descending order to the next highest numbered player position at which a winning wager is located, repeat this procedure until the vigorish owed by each player is either marked or collected and each winning wager is paid.

(c) At the conclusion of a round of play, the dealer shall remove all 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.

**§ 627a.12. Payout odds; vigorish.**

(a) A winning wager made on the Player’s Hand shall be paid at odds of 1 to 1.

(b) A winning Tie Wager shall be paid at odds of at least 8 to 1.

(c) A winning wager made on the Banker’s Hand shall be paid at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won unless the certificate holder is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢.

(d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table game Rules Submissions):

(1) At the time the winning payout is made.

(2) At a later time, provided that:

(i) The outstanding vigorish shall be collected prior to the reshuffling of the cards in a dealing shoe or when the player leaves the gaming table, whichever occurs first.

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(e) If a certificate holder offers the Dragon Bonus Wager, in accordance with § 627a.7(a)(4) (relating to wagers), a vigorish may not be extracted on a winning



Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B	Paytable C
Win by 9 points	30 to 1	20 to 1	30 to 1
Win by 8 points	10 to 1	8 to 1	10 to 1
Win by 7 points	6 to 1	7 to 1	4 to 1
Win by 6 points	4 to 1	4 to 1	4 to 1
Win by 5 points	2 to 1	3 to 1	2 to 1
Win by 4 points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1
Natural tie	Push	Push	Push

(f) A winning Dragon 7 Insurance Wager, as described in § 627a.7(a)(5), shall be paid at odds of 40 to 1.

§ 627a.13. Irregularities.

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

(b) A third card dealt to the Player's Hand that is not disclosed, when a third card is not authorized under § 627a.10 (relating to rules for determining whether a third card shall be dealt), shall become the third card of the Banker's Hand if the Banker's Hand is required to draw under § 627a.10(c). If the Banker's Hand is required to stay, the card dealt in error shall become the first card of the next hand of play.

(c) If a third card dealt to the Player's Hand, when a third card is not authorized under § 627a.10, is disclosed at the time it is dealt or is found face up in the dealing shoe, the dealer shall use the disclosed card as the third card of the Banker's Hand if the Banker's Hand is required to draw under § 627a.10(c). If the Banker's Hand is required to stay, the dealer shall, 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) Place the disclosed card and one additional card, drawn face down from the dealing shoe, into the discard rack without disclosing the additional card.

(2) Use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted. The cards shall be dealt in accordance with this chapter and placed in the discard rack upon completion of the dealing procedures.

(d) Except as provided in subsection (c), if a card is disclosed at the time it is dealt or a card is found face up in the dealing shoe, the dealer shall use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted. The cards shall be dealt in accordance with this chapter and placed in the discard rack upon completion of the dealing procedures.

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

CHAPTER 629a. MIDIBACCARAT

- Sec.
- 629a.1. Definitions.
- 629a.2. Midibaccarat table physical characteristics.
- 629a.3. Cards; number of decks.
- 629a.4. Opening of the table for gaming.
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§ 629a.1. Definitions.

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

*Dragon 7*—A Banker's Hand which has a Point Count of 7 with a total of three cards dealt and the Player's Hand which has a Point Count of less than 7.

*EZ Baccarat*—A variation of Midibaccarat in which vigorish is not collected.

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

§ 629a.2. Midibaccarat table physical characteristics.

(a) Midibaccarat shall be played on a table having numbered positions for no more than nine seated 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 Midibaccarat 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) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand and Tie Hand for each player.
- (3) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Midibaccarat table.
- (4) An area designated for the placement of cards for the Player's Hand and Banker's Hand.
- (5) If a certificate holder offers the Dragon Bonus Wager, authorized under § 629a.7(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.
- (6) If a certificate holder offers EZ Baccarat in which vigorish is not collected:
  - (i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under § 629a.7(a)(5), for each player.
  - (ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information shall be posted at each Midibaccarat table.
- (7) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the

certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

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

(d) Each Midibaccarat 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 Midibaccarat table must have a discard bucket on the dealer's side of the table.

**§ 629a.3. Cards; number of decks.**

(a) Midibaccarat shall be played with six to eight decks of cards that are identical in appearance and two cover cards.

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

**§ 629a.4. Opening of the table for gaming.**

(a) After receiving six 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 out in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked.

(d) 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) do not apply.

**§ 629a.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), the dealer shall shuffle the cards so that they are randomly intermixed. If the cards have been manually shuffled, the dealer shall leave the entire stack of cards intermixed but not entirely squared off (leave them feathered) so that the floorperson can verify that the shuffle did not result in any uneven distribution of cards.

(b) After the cards have been shuffled, the dealer shall offer the stack of cards, with the backs facing away from the dealer, to the players to be cut. The dealer shall begin with the player seated in the highest number position at the table and, working clockwise around the table, offer

the stack to each player until a player accepts the cut. If a player does not accept the cut, the dealer shall cut the cards.

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

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

(e) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson or above determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut by the next person entitled to cut the cards, as determined by subsection (b). The stack of cards shall then be inserted into the dealing shoe for commencement of play.

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

**§ 629a.6. Value of cards; Point Count of hand.**

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

(1) Any card from 2 to 9 shall have its face value.

(2) Any 10, jack, queen or king shall have a value of zero.

(3) Any ace shall have a value of one.

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

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

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

**§ 629a.7. Wagers.**

(a) The following are permissible wagers in the game of Midibaccarat:

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

(i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand unless EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

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

(iii) Tie and be returned to the player if the Banker's Hand and the Player's Hand have the same Point Count

or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

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

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

(ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

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

(3) A Tie Wager which shall:

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

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

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

(ii) Lose if the selected hand is:

(A) A Natural 8 and the other hand is a Natural 9.

(B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.

(iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.

(5) A Dragon 7 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Point Counts of the Banker's Hand and the Player's Hand do not result in a Dragon 7.

(b) Wagers at Midibaccarat shall be made by placing value chips or plaques on the appropriate areas of the Midibaccarat layout. Verbal wagers accompanied by cash may be accepted provided that the verbal wagers are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

**§ 629a.8. Hands of player and banker; procedure for dealing initial two cards to each hand.**

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

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

(c) The dealer shall then deal an initial four cards from the dealing shoe. The first and third cards dealt shall be

placed face down on the area designated for the Player's Hand and the second and fourth cards dealt shall be placed face down on the area designated for the Banker's Hand.

(1) After all four cards have been dealt, the dealer shall place the Banker's Hand underneath the right corner of the dealing shoe. The dealer shall then hand the two cards of the Player's Hand, face down, to the player with the highest wager on the Player's Hand. After viewing the Player's Hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the Player's Hand and announce the Point Count of the Player's Hand.

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

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

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

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

(d) The dealer or floorperson assigned to the table may require any player to relinquish the right to turn over the cards in accordance with subsection (c) if the player unreasonably delays the game. If the voluntary or compulsory relinquishment of that right occurs, the dealer shall offer it to the player immediately to the right of the previous player. If the player does not accept it or there is not a player in that position, the dealer shall offer it to each of the other players in turn, moving counterclockwise around the table for the remainder of that round of play. If no player accepts the cards, the dealer shall turn the cards over and place them on the designated areas of the layout.

**§ 629a.9. Procedure for dealing a third card.**

(a) After the dealer positions the cards in accordance with § 629a.8(c) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), the dealer shall announce the Point Count of the Player's Hand and the Banker's Hand.



(b) Following the announcement of the Point Counts of each hand, the dealer shall determine whether to deal a third card to each hand in accordance with § 629a.10 (relating to rules for determining whether a third card shall be dealt). Any third cards required shall be dealt as provided in § 629a.8(c).

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

(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 will be completed. Upon completion of that hand, the dealer shall announce “last hand.” At the completion of one more hand, the cards shall be replaced with new decks of cards.

**§ 629a.10. Rules for determining whether a third card shall be dealt.**

(a) If either the Player’s Hand or the Banker’s Hand is a Natural, no more cards may be dealt to either hand.

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

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

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

(c) If the Point Count of the Player’s Hand and the Banker’s Hand is 0 to 7 on the first two cards, the Banker’s Hand shall draw or stay in accordance with the following requirements:

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

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

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

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

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

**Table 1**

**Value of the Third Card Drawn by Player’s Hand**

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

(d) In Table 1, the first vertical column labeled “Point Count of Banker’s Hand After Two Cards” refers to the Point Count of the Banker’s Hand after the first two cards have been dealt to the Banker’s Hand.

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

(f) In Table 1, the letter “D” means that the Banker’s Hand shall draw a third card and the letter “S” means that the Banker’s Hand shall stay.

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

**§ 629a.11. Announcement of result of round; payment and collection of wagers.**

(a) After each hand has received all the cards to which it is entitled under §§ 629a.8, 629a.9 and 629a.10 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer shall announce the final Point Count of each hand indicating which hand has won the round. If two hands have equal Point Counts, the dealer shall announce “tie hand.” If the table is designated for play as an EZ Baccarat table and the Point Counts of the Banker’s Hand and the Player’s Hand result in a Dragon 7, the dealer shall announce “Dragon 7.”

(b) After the result of the round is announced, the dealer shall first collect each losing wager. After the losing wagers are collected, the dealer shall, starting at the highest numbered player position at which a winning wager is located, mark or collect the vigorish owed by that player, unless the table is designated for play as an EZ Baccarat table in which vigorish is not collected. Immediately thereafter, the dealer shall pay that player’s winning wager and then, proceeding in descending order to the next highest numbered player position at which a winning wager is located, repeat this procedure until the vigorish owed by each player is either marked or collected and each winning wager is paid.

(c) At the conclusion of a round of play, the dealer shall remove all cards from the table and place the cards in the discard bucket.

**§ 629a.12. Payout odds; vigorish.**

(a) A winning wager made on the Player’s Hand shall be paid at odds of 1 to 1.

(b) A winning Tie Wager shall be paid at odds of at least 8 to 1.

(c) A winning wager made on the Banker’s Hand shall be paid at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won unless the certificate holder is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢.

(d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table game Rules Submissions):

(1) At the time the winning payout is made.

(2) At a later time, provided that:



(i) The outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first.

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(e) If a certificate holder offers the Dragon Bonus Wager, in accordance with § 629a.7(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out 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>	<i>Paytable C</i>
Win by 9 points	30 to 1	20 to 1	30 to 1
Win by 8 points	10 to 1	8 to 1	10 to 1
Win by 7 points	6 to 1	7 to 1	4 to 1
Win by 6 points	4 to 1	4 to 1	4 to 1
Win by 5 points	2 to 1	3 to 1	2 to 1
Win by 4 points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1
Natural tie	Push	Push	Push

(f) A winning Dragon 7 Insurance Wager, as described in § 629a.7(a)(5), shall be paid at odds of 40 to 1.

**§ 629a.13. Irregularities.**

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

(b) A third card dealt to the Player's Hand that is not disclosed, when a third card is not authorized under § 629a.10 (relating to rules for determining whether a third card shall be dealt), shall become the third card of the Banker's Hand if the Banker's Hand is required to draw under § 629a.10(c). If the Banker's Hand is required to stay, the card dealt in error shall become the first card of the next hand of play.

(c) If a third card dealt to the Player's Hand, when a third card is not authorized under § 629a.10, is disclosed at the time it is dealt or is found face up in the dealing shoe, the dealer shall use the disclosed card as the third card of the Banker's Hand if the Banker's Hand is required to draw under § 629a.10(c). If the Banker's Hand is required to stay, the dealer shall, 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) Place the disclosed card and one additional card, drawn face down from the dealing shoe, into the discard bucket without disclosing the additional card.

(2) Use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted. The cards shall be dealt in accordance with this chapter and placed in the discard bucket upon completion of the dealing procedures.

(d) Except as provided in subsection (c), if a card is disclosed at the time it is dealt or a card is found face up in the dealing shoe, the dealer shall use the disclosed

card as the first card of a simulated round of play in which wagers may not be accepted. The cards shall be dealt in accordance with this chapter and shall be placed in the discard bucket upon completion of the dealing procedures.

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

**CHAPTER 631a. BACCARAT**

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- 631a.11. Rules for determining whether a third card shall be dealt.
- 631a.12. Announcement of result of round; payment and collection of wagers.
- 631a.13. Payout odds; vigorish.
- 631a.14. Continuation of curator as dealer; selection of a new curator.
- 631a.15. Irregularities.

**§ 631a.1. Definitions.**

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

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

*Dragon 7*—A Banker's Hand which has a Point Count of 7 with a total of three cards dealt and the Player's Hand which has a Point Count of less than 7.

*EZ Baccarat*—A variation of Baccarat in which vigorish is not collected.

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

**§ 631a.2. Baccarat table physical characteristics.**

(a) Baccarat shall be played on a table having numbered positions for 10 to 14 seated players.

(b) The layout for a Baccarat table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand and Tie Hand for each player.
- (3) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Baccarat table.
- (4) An area designated for the placement of cards for the Player's Hand and Banker's Hand.

(5) If a certificate holder offers the Dragon Bonus Wager, authorized under § 631a.8(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.

(6) If a certificate holder offers EZ Baccarat:

(i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under § 631a.8(a)(5), for each player.

(ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information must be posted at each Baccarat table.

(7) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

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

(d) Each Baccarat 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 Baccarat table must have a discard bucket on dealer's side of the table.

**§ 631a.3. Cards; number of decks.**

(a) Baccarat shall be played with six to eight decks of cards that are identical in appearance and two cover cards.

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

**§ 631a.4. Opening of the table for gaming.**

(a) After receiving six or more decks of cards at the table, the dealer calling the game 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 out in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked.

(d) 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) do not apply.

**§ 631a.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), one or more of the dealers shall wash and stack the cards, after which each of the dealers shall shuffle the stack of cards independently.

(b) After shuffling the cards and, when applicable, reshuffling them, the dealer calling the game shall offer the stack of cards, with the backs facing away from the dealer, to the players to be cut. The dealer shall begin with the player seated in the highest number position at the table or, in the case of a reshuffle, the last curator and working clockwise around the table, offer the stack to each player until a player accepts the cut. If a player does not accept the cut, the dealer shall cut the cards.

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

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

(e) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson or above determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut by the next person entitled to cut the cards, as determined by subsection (b). The stack of cards shall then be inserted into the dealing shoe for commencement of play.

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

**§ 631a.6. Value of cards; Point Count of hand.**

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

(1) Any card from 2 to 9 shall have its face value.

(2) Any 10, jack, queen or king shall have a value of zero.

(3) Any ace shall have a value of one.

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

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

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

**§ 631a.7. Dealing shoe; selection of the player to deal cards.**

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

(b) After the cards have been shuffled and placed in the dealing shoe, the dealer calling the game shall offer the dealing shoe to the player in seat number one at the table. If that player rejects the dealing shoe or if there is no one in seat number one, the dealer shall offer the dealing shoe to each of the other players in turn, moving counterclockwise around the table, until one of the players accepts the dealing shoe.

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

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

(1) A player who accepts the dealing shoe and any other player to whom the dealing shoe is relinquished under § 631a.14 (relating to continuation of curator as dealer; selection of a new curator) designates the dealer calling the game as the curator.

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

**§ 631a.8. Wagers.**

(a) The following are permissible wagers in the game of Baccarat:

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

(i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand unless EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

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

(iii) Tie and be returned to the player if the Banker's Hand and the Player's Hand have the same Point Count or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

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

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

(ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

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

(3) A Tie Wager which shall:

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

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

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

(ii) Lose if the selected hand is:

(A) A Natural 8 and the other hand is a Natural 9.

(B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.

(iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.

(5) A Dragon 7 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Point Counts of the Banker's Hand and the Player's Hand do not result in a Dragon 7.

(b) Wagers at Baccarat shall be made by placing value chips or plaques on the appropriate areas of the Baccarat layout. Verbal wagers accompanied by cash may be accepted provided that the verbal wagers are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

**§ 631a.9. Hands of player and banker; procedure for dealing initial two cards to each hand.**

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

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

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

(d) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), elect to use the following procedures in lieu of the procedures in subsection (c) and § 631a.10(a) (relating to procedure for dealing a third card), after all four cards have been dealt:

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

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



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

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

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

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

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

(e) The dealer or floorperson assigned to the table may require any player to relinquish the right to turn over the cards in accordance with subsection (d) if the player unreasonably delays the game. If the voluntary or compulsory relinquishment of that right occurs, the dealer shall offer it to the player immediately to the right of the previous player. If the player does not accept it or there is not a player in that position, the dealer shall offer it to each of the other players in turn, moving counterclockwise around the table for the remainder of that round of play. If no player accepts the cards, the dealer shall turn the cards over and place them on the designated areas of the layout.

**§ 631a.10. Procedure for dealing a third card.**

(a) Except as provided in § 631a.9(d) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), after the initial four cards have been dealt and the dealer calling the game places the cards face up in front of himself, the dealer calling the game shall announce the Point Count of the Player's Hand and the Banker's Hand.

(b) Following the announcement of the Point Counts of each hand, the dealer calling the game shall instruct the curator whether to deal a third card to either or both hands in accordance with § 631a.11 (relating to rules for

determining whether a third card shall be dealt). Any third cards required shall be dealt as provided in § 631a.9(c) or (d).

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

(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 will be completed. Upon completion of that hand, the dealer calling the game shall announce "last hand." At the completion of one more hand, the cards shall be replaced with new decks of cards.

**§ 631a.11. Rules for determining whether a third card shall be dealt.**

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

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

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

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

(c) If the Point Count of the Player's Hand and the Banker's Hand is 0 to 7 on the first two cards, the Banker's Hand shall draw or stay in accordance with the following requirements:

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

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

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

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

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

**Table 1**

**Value of the Third Card Drawn by Player's Hand**

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

(d) In Table 1, the first vertical column labeled "Point Count of Banker's Hand After Two Cards" refers to the Point Count of the Banker's Hand after the first two cards have been dealt to the Banker's Hand.

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

(f) In Table 1, the letter "D" means that the Banker's Hand shall draw a third card and the letter "S" means that the Banker's Hand shall stay.

(g) To use Table 1, first find the Point Count of the Banker's Hand in the first vertical column and trace that



horizontally across the table until it intersects the vertical column that corresponds to the value of the third card drawn by the Player's Hand. The symbol located where the intersection occurs determines whether the Banker's Hand shall draw a third card or stay. For example, if the Point Count of the Banker's Hand after two cards is 5 and the value of the third card drawn by the Player's Hand is 4, the table shows that the Banker's Hand shall draw a third card.

**§ 631a.12. Announcement of result of round; payment and collection of wagers.**

(a) After each hand has received all the cards to which it is entitled under §§ 631a.9, 631a.10 and 631a.11 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer calling the game shall announce the final Point Count of each hand indicating which hand has won the round. If the two hands have equal Point Counts, the dealer shall announce "tie hand." If the table is designated for play as an EZ Baccarat table and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7, the dealer shall announce "Dragon 7."

(b) After the result of the round is announced, the dealer or dealers responsible for the wagers on the table shall first collect each losing wager. After the losing wagers are collected, the dealer or dealers responsible for the wagers on the table shall, starting at the highest numbered player position at which a winning wager is located, pay that player's winning wager and immediately thereafter mark or collect the vigorish owed by that player unless the table is designated for play as an EZ Baccarat table in which vigorish is not collected. The dealer shall then proceed in descending order to the next highest numbered player position at which a winning wager is located and repeat this procedure until each winning wager is paid and the vigorish owed by each player, if any, is either marked or collected.

(c) At the conclusion of a round of play, the dealer shall remove all cards from the table and place the cards in the discard bucket.

**§ 631a.13. Payout odds; vigorish.**

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

(b) A winning Tie Wager shall be paid at odds of at least 8 to 1.

(c) A winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won, unless the certificate holder is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢.

(d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table game Rules Submissions):

- (1) At the time the winning payout is made.
- (2) At a later time, provided that:

(i) The outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first.

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(e) If a certificate holder offers the Dragon Bonus Wager, in accordance with § 631a.8(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out 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>	<i>Paytable C</i>
Win by 9 points	30 to 1	20 to 1	30 to 1
Win by 8 points	10 to 1	8 to 1	10 to 1
Win by 7 points	6 to 1	7 to 1	4 to 1
Win by 6 points	4 to 1	4 to 1	4 to 1
Win by 5 points	2 to 1	3 to 1	2 to 1
Win by 4 points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1
Natural tie	Push	Push	Push

(f) A winning Dragon 7 Insurance Wager, as described in § 631a.8(a)(5), shall be paid out at odds of 40 to 1.

**§ 631a.14. Continuation of curator as dealer; selection of a new curator.**

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

- (1) The curator shall pass the dealing shoe whenever the Banker's Hand loses.
- (2) The dealer calling the game or a floormen or above may order the curator to pass the dealing shoe if the curator unreasonably delays the game or repeatedly makes invalid deals.

(b) When a voluntary or compulsory relinquishment of the dealing shoe occurs, the dealer shall offer the dealing shoe to the player immediately to the right of the previous curator and, if that player does not accept the dealing shoe or there is no player in that position, the dealer shall offer the dealing shoe to each of the other players in turn, moving counterclockwise around the table. The first player to accept the dealing shoe when offered shall become the new curator.

**§ 631a.15. Irregularities.**

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

(b) A third card dealt to the Player's Hand that is not disclosed, when a third card is not authorized under § 631a.11 (relating to rules for determining whether a third card shall be dealt), shall become the third card of the Banker's Hand if the Banker's Hand is required to draw under § 631a.11(c). If the Banker's Hand is required to stay, the card dealt in error shall become the first card of the next hand of play.

(c) If a third card dealt to the Player's Hand, when a third card is not authorized under § 631a.11, is disclosed at the time it is dealt or is found face up in the dealing shoe, the dealer calling the game shall use the disclosed card as the third card of the Banker's Hand if the

Banker's Hand is required to draw under § 631a.11(c). If the Banker's Hand is required to stay, the dealer calling the game shall, 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) Place the disclosed card and one additional card, drawn face down from the dealing shoe, into the discard bucket without disclosing the additional card.

(2) Use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted. The cards shall be dealt in accordance with the rules of this chapter and placed in the discard bucket upon completion of the dealing procedures.

(d) Except as provided in subsection (c), if a card is disclosed at the time it is dealt or a card is found face up in the dealing shoe, the dealer shall use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted. The cards shall be dealt in accordance with this chapter and placed in the discard bucket upon completion of the dealing procedures.

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

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## PENNSYLVANIA GAMING CONTROL BOARD

### [ 58 PA. CODE CHS. 549, 561, 633a AND 645a ]

#### Table Game Rules for Blackjack and Pai Gow 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 549 and 561 and adds Chapters 633a and 645a (relating to Blackjack; and Pai Gow Poker) 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 549 and 561. With this final-form rulemaking, the Board is replacing the temporary regulations in Chapter 549 with the permanent regulations in Chapter 633a and the temporary regulations in Chapter 561 with the permanent regulations in Chapter 645a.

#### *Explanation of Chapter 633a*

Chapter 633a contains the rules governing the play of Blackjack. Section 633a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections), the physical characteristics of the table and the card reader device, used to determine the value of the dealer's down card, are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Blackjack table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

Standardized rules of play ensure fairness to the patrons who participate in table gaming at licensed facilities in this Commonwealth. Additionally, the Board believes that the fundamental rules of play in Blackjack, including optional surrender and the requirement that dealers stand on a soft 17, achieve a fair and appropriate balance between the revenue generated for the certificate holders and thus to the Commonwealth and the fairness to patrons. At this time, the Board has maintained its current rules of play to ensure consistency in the rules of play at licensed facilities during the continued full implementation of legalized table gaming in this Commonwealth.

The Board did add two variations a variation on Blackjack in § 633a.12 (relating to Blackjack variations). In subsection (a), Blackjack Switch was added to allow patrons to switch the second card of the two hands dealt to each patron to form the best possible Blackjack hand. Subsection (b) allows the dealer to deal the cards from the hand and allows the patrons to touch the cards.

#### *Explanation of Chapter 645a*

Chapter 645a contains the rules governing the play of Pai Gow Poker. Section 645a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 645a.2 (relating to Pai Gow Poker table; Pai Gow Poker shaker; 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 Pai Gow Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

Based on public comments received on the temporary regulations, the Board added the option of the player acting as the bank or co-bank instead of the dealer. This is a traditional way to play the game and is currently offered in the game of Pai Gow.

#### *Comment and Response Summary*

Notice of proposed rulemaking was published at 41 Pa.B 4421 (August 13, 2011). During the comment period, the Board received comments from Mountainview Thoroughbred Racing Association (Hollywood), Greenwood Gaming and Entertainment, Inc. (Parx) and 72 letters and e-mails from the general public. Additionally, on October 12, 2011, the Board received comments from the Independent Regulatory Review Commission (IRRC).

#### *General Comments*

IRRC commented that several of the sections in the Blackjack and Pai Gow Poker chapters 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, did not 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, the cross reference to the submission and approval process in § 601a.10 (relating to approval of table game layouts, signage and equipment) was added.

*Chapter 633a. Blackjack*

During the comment period, the Board received over 70 e-mails and letters from members of the general public urging the Board to keep the rules of play for Blackjack as specified in the proposed rulemaking. Specifically, the commentators requested that the Board continue to require the following: optional surrender; dealers to stand on a soft 17; and payout odds for Blackjack at 3 to 2. Several members of the general public added that they now patronize casinos in this Commonwealth instead of facilities in other gaming jurisdictions including Michigan, Mississippi, Nevada, New York, New Jersey and West Virginia specifically because of the Blackjack rules in place in this Commonwealth.

The Board also received comments from Parx stating that the rules of play, particularly standing on a soft 17, place Parx at a competitive disadvantage with New Jersey, which amended its Blackjack rules in 2006 allowing dealers to hit on a soft 17 and severely limits the ability of Parx to operate its business and maximize gross table game revenue. IIRC requested in comments one and four that the Board provide information regarding the house advantage for Blackjack, compare it to other gaming jurisdictions and explain why the provisions are appropriate for both certificate holders and patrons in this Commonwealth.

There are two factors that determine table game revenue to the facility and thus the Commonwealth: the hold percentage and the total drop. The hold percentage or the house edge is the amount of play (the drop) that is retained by the casino after paying out winning wagers and collecting losing wagers. There are many variables that can alter the hold percentage including the level of skill of the players, the amount of play on optional side wagers, the type of rules that are in place, the payout odds, whether players had substantial winnings or losses in a given month, and so on. Hold percentage can therefore vary greatly from month to month and from facility to facility.

Looking specifically at Blackjack, in accordance with the rules currently in place in this Commonwealth, skilled players who play basic strategy Blackjack can bring the house edge of the casino to between 0.355% and 0.371% so over the course of play, a skilled Blackjack player would lose to the house only 35¢ of every \$100. Although the hold percentage for a basic strategy Blackjack player is relatively low, the actual hold percentage for facilities in this Commonwealth is substantially higher in part because of the play of side wagers and the skill level of the average Blackjack player.

Despite Parx' assertions, casinos in this Commonwealth, month over month, have had a greater hold percentage than New Jersey with its less patron friendly rules. The comparison for casinos in this Commonwealth versus New Jersey casinos is as follows:

*Hold Percentage (House Edge) Range for this Commonwealth—2011*

July	August	September	October	November
11.2—21.5	9.6—22.0	9.9—22.9	4.0—20.9	7.4—22.2

*Hold Percentage (House Edge) Range for New Jersey—2011*

July	August	September	October	November
6.9—22.6	0.9—17.9	6.6—20.5	(-1.2)—19.7	6.0—18.6

*Median Values Among the 10 Facilities in this Commonwealth and 11 Facilities in New Jersey*

<i>Pennsylvania</i>	16.9%	16.5%	16.8%	14.4%	16.6%
<i>New Jersey</i>	12.4%	10.9%	14.2%	13.7%	11.7%

Thus, under the prevailing rules of Blackjack in this Commonwealth, casino operators have a greater house edge than that experienced in the New Jersey which belies the assertion of noncompetitiveness. Hitting on a soft 17 would increase the house edge by 0.22%. Not allowing players to surrender increases the house edge by 0.08% while allowing payout odds of 6 to 5 instead of 3 to 2 increases the house edge by 1.39%. Amending these rules to increase the house edge strictly benefits the house and does not provide a benefit to the average Blackjack player. Additionally, in other jurisdictions, the rules allowing a dealer to hit on a soft 17 and not allowing patrons to surrender are not universally applied within the same facility so patrons who are playing the same high limit tables. The Board has therefore not amended the basic rules of play in this final-form rulemaking as the Board continues to believe that the rules in place provide a fair and appropriate balance between revenues to the facility, and thus the Commonwealth, and fairness to patrons.

In § 633a.8 (relating to Insurance Wager), Hollywood requested that the Board allow players the option of taking even money when a player has Blackjack instead of placing an Insurance Wager. The Board agrees and added the option in new subsection (e).

*Chapter 645a. Pai Gow Poker*

IIRC requested that the Board also provide the house edge for Pai Gow Poker. The rules of play for Pai Gow Poker in this Commonwealth are consistent with the rules of play in other gaming jurisdictions including New Jersey. The comparison for casinos in this Commonwealth versus New Jersey casinos is as follows:

*Hold Percentage (House Edge) Range for this Commonwealth—2011*

July	August	September	October	November
11.1—32.0	(-1.8)—30.0	12.4—26.4	7.4—26.5	10.7—29.1

*Hold Percentage (House Edge) Range for New Jersey—2011*

July	August	September	October	November
8.3—29.3	13.5—29.8	12.8—27.5	12.7—31.9	8.2—38.3

*Median Values Among the 10 Facilities in this Commonwealth and 11 Facilities in New Jersey*

<i>Pennsylvania</i>	20.9%	21.3%	22.1%	21.9%	22.1%
<i>New Jersey</i>	19.7%	20.8%	22.6%	19.5%	20.6%

Section 645a.3(c)(2) (relating to cards; number of decks) requires that cards utilized in the play of the game be changed every 8 hours. Hollywood requested that the requirement be changed to every 12 hours. IIRC inquired



whether the integrity of gaming would be compromised if the Board adopted the suggested revision.

Unlike Blackjack, Pai Gow Poker is played with only one deck of cards which are used in every round of play. Additionally, the dealers can manually shuffle the cards and the players are permitted to touch the cards to set their hands. The Board believes that it is therefore necessary to remove the cards after 8 hours of play due to wear and tear and to inspect them for marks, scratches, shaving and other indicia of cheating.

Section 645a.9(a)(1) (relating to procedures for dealing the cards from the hand) requires that if cards are being dealt from the hand that an automated shuffling device be used. IRRC inquired whether the Board considered allowing a manual shuffle of the cards, that the flexibility could assist in instances when the automated shuffler becomes inoperable.

This is a game protection issue. If an automated shuffling device is used, dealers do not have an opportunity to conduct false shuffles or stack the deck by placing high value cards in a specific area in the deck. Dealing the cards from a shoe ensures that cards are being dealt from the top of the deck to each patron based on seat position and not from another part of the deck. The Board believes that removing both of those protections by allowing a dealer to both hand shuffle and hand deal creates an unnecessary risk of cheating.

Additionally, there are three different procedures in place for dealing the single deck of cards for Pai Gow Poker. If a dealer is dealing the cards from the hand and the shuffling device becomes inoperable, the dealer isn't required to stop the games but can continue to deal provided that a dealing shoe is then used in accordance with § 645a.8 or § 645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; and procedures for dealing the cards from an automated dealing shoe).

#### *Additional Revisions*

##### *Chapter 633a. Blackjack*

Three new side wagers were added to Blackjack including the Bad Beat Progressive Wager, the Three Card Poker Wager and the Hit and Run Progressive Wager. The layout requirements for these new wagers were added in § 633a.2(b)(11)—(13). Additionally, if a certificate holder is offering the Bad Beat Progressive Wager or the Hit and Run Progressive Wager, the table must also contain a progressive table game system or an electronic wagering system. Subsections (c) and (d) were therefore added to address these requirements and the remaining subsections were renumbered.

In § 633a.5 (relating to shuffle and cut of the cards), language regarding the mark on the dealing shoe in subsection (d) was deleted for consistency with revisions made to Chapter 603a (relating to table game equipment).

Section 633a.5(g)(2)(ii) was deleted as unnecessary.

Section 633a.5(h) was amended for clarity and allows operators to utilize an automated dealing shoe/shuffler.

The descriptions of the new wagers that were added to the final-form rulemaking are in § 633a.6(e)(8)—(10) (relating to wagers). The procedure for collecting losing wagers and paying out winning wagers is in § 633a.7(g)(8) and (o) (relating to procedure for dealing the cards; completion of each round of play). The payout odds for the new wagers were added in § 633a.13(j)—(l) (relating to payout odds; payout limitation).

Section 633a.7(i) and (j) 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.

##### *Chapter 645a. Pai Gow Poker*

Section 645a.5(g)(2)(ii) (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) was deleted as unnecessary. Subsection (h) was amended for clarity and allows operators to utilize an automated dealing shoe/shuffler.

In § 645a.13(b) and (c) (relating to payout odds; Envy Bonus; rate of progression; payout limitation), payable C in subsections (b) and (c) was amended for consistency between the two wagers. None of the operators should be affected by the revision as none of operators currently utilize payable C for either side wager.

#### *Affected Parties*

Certificate holders that elect to offer the games of Blackjack and Pai Gow Poker will be required to comply with the requirements in these chapters. The requirements for the games are consistent with the objectives of 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 the regulatory requirements in this final-form rulemaking. These reviews will be conducted by existing BGO and BCC 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. Most 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 Blackjack and Pai Gow 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 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 the games they offer; 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 are available on the Board's web site.

*Effective Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 2, 2011, the Board submitted a copy of the proposed rulemaking, published at 41 Pa.B. 4421, 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 §§ 549.1—549.24, 561.1—561.13, 561.13a—561.13d, 561.14 and 561.15 and by adding §§ 633a.1—633a.14 and 645a.1—645.14 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 125-155 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 549. (Reserved)**

Sec.  
549.1—549.24. (Reserved).

**CHAPTER 561. (Reserved)**

Sec.  
561.1—561.13. (Reserved).  
561.13a—561.13d. (Reserved).  
561.14. (Reserved).  
561.15. (Reserved).

**CHAPTER 633a. BLACKJACK**

Sec.  
633a.1. Definitions.  
633a.2. Blackjack table; card reader device; physical characteristics; inspections.  
633a.3. Cards; number of decks; value of cards.  
633a.4. Opening of the table for gaming.  
633a.5. Shuffle and cut of the cards.  
633a.6. Wagers.  
633a.7. Procedure for dealing the cards; completion of each round of play.  
633a.8. Insurance Wager.  
633a.9. Surrender.  
633a.10. Double Down Wager.  
633a.11. Splitting pairs.  
633a.12. Blackjack variations.  
633a.13. Payout odds; payout limitation.  
633a.14. Irregularities.

**§ 633a.1. Definitions.**

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

*Any 20*—Two cards of different suits with a total point count of 20.

*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.

*Crown Treasure Bonus*—An additional payout when both the player and dealer have a Royal Match.

*Determinant card*—The first card drawn for each round of play to determine from which side of a double shoe the cards for that hand shall be dealt.

*Double shoe*—A dealing shoe that has two adjacent compartments in which cards are stacked separately and from which cards may be dealt from only one compartment at any given time.

*Flush*—Three cards of the same suit.

*Four-of-a-kind*—Four cards of the same rank.

*Hard total*—The total point count of a hand which contains no aces or which contains aces that are each counted as 1 in value.

*Hole card*—The second card dealt face down to the dealer.

*Lucky Player Bonus*—An additional payout to a player who placed a Bad Beat Progressive Wager if the player is seated in the player position that is randomly selected by the table game system.

*Magic Card Bonus*—An additional payout to a player who placed a Bad Beat Progressive Wager if one of the

player's first two cards matches the card randomly selected by the table game system.

*Matched 20*—Two identical cards with a total point count of 20 except for a queen of hearts pair.

*Pair*—Two cards of the same rank.

*Royal Match*—King and queen of the same suit.

*Soft total*—The total point count of a hand containing an ace when the ace is counted as 11 in value.

*Straight*—Three cards in consecutive rank.

*Straight flush*—Three cards of the same suit in consecutive rank.

*Suited Match*—Two cards of the same suit that are not a king and queen.

*Suited pair*—Two cards of the same rank and suit.

*Suited 20*—Two cards of the same suit with a total point count of 20.

*Three-of-a-kind*—Three cards of the same rank.

*Triple Match*—The player's initial two cards and the dealer's up card which are all the same rank.

**§ 633a.2. Blackjack table; card reader device; physical characteristics; inspections.**

(a) Blackjack 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 Blackjack 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 Blackjack 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 other similar language approved by the Executive Director in accordance with § 601a.10(a).

(4) If the certificate holder offers the Lucky Ladies Twenty Point Bonus Wager authorized under § 633a.6(e)(1) (relating to wagers), a separate area designated for the placement of the Twenty Point Bonus Wager for each player.

(5) If the certificate holder offers the Match-the-Dealer Wager authorized under § 633a.6(e)(2), a separate area designated for the placement of the Match-the-Dealer Wager for each player.

(6) If the certificate holder offers the In Between Wager authorized under § 633a.6(e)(3), a separate area designated for the placement of the In Between Wager for each player.

(7) If the certificate holder offers the Royal Match 21 Wager authorized under § 633a.6(e)(4), a separate area designated for the placement of the Royal Match 21 Wager for each player.

(8) If the certificate holder offers the Bet the Set 21 Wager authorized under § 633a.6(e)(5), a separate area designated for the placement of the Bet the Set 21 Wager for each player.

(9) If the certificate holder offers the King's Bounty Wager authorized under § 633a.6(e)(6), a separate area designated for the placement of the King's Bounty Wager for each player.

(10) If a certificate holder offers Blackjack Switch authorized under § 633a.12(a) (relating to Blackjack variations), the table must be designated for play as a Blackjack Switch table and contain:

(i) Two separate areas designated for the placement of the two equal Blackjack Wagers for each player.

(ii) A separate area designated for the placement of the Super Match Wager authorized under § 633a.6(e)(7) for each player.

(11) If the certificate holder offers the Three Card Poker Wager authorized under § 633a.6(e)(9), a separate area designated for the placement of the Three Card Poker Wager for each player.

(12) If the certificate holder offers the Hit and Run Progressive Wager authorized under § 633a.6(e)(10), a separate area designated for the placement of the Hit and Run Progressive Wager.

(13) 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 shall be posted at each Blackjack table.

(14) An inscription indicating the payout limit per hand established by the certificate holder under § 633a.13(m) (relating to payout odds; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Blackjack table.

(c) If the certificate holder offers the Bad Beat Progressive Wager authorized under § 633a.6(e)(8), the Blackjack table must have a progressive table game system in accordance with § 605a.7 (relating to progressive table game systems) and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Bad Beat Progressive Wager. The system must include a mechanism, such as a lock-out button, that prevents the placement of any Bad Beat Progressive Wagers that a player attempts to place after the dealer has begun dealing the cards.

(d) If a certificate holder offers the Hit and Run Progressive Wager in accordance with § 633a.6(e)(10), the Blackjack table must have a progressive table game system in accordance with § 605a.7 for the placement of Hit and Run or Straight Jack Progressive Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Hit and Run Progressive 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 placement of any Hit and Run Progressive Wagers that a player attempts to place after the dealer has begun dealing the cards.

(e) Each Blackjack table must have a drop box and a tip box attached 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.

(f) Each Blackjack table must have a card reader device attached to the top of the dealer's side of the table. The floorperson assigned to the Blackjack 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.

(g) Each Blackjack table must have a discard rack securely attached to the top of the dealer's side of the table. The height of each 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.

(h) When a double shoe is used at a Blackjack table, the height and marking requirements in subsection (g) for that table's discard rack shall be determined by the number of decks used in one side of the shoe.

**§ 633a.3. Cards; number of decks; value of cards.**

(a) Except as provided in subsections (b) and (c), Blackjack shall be played with at least one deck of cards that are identical in appearance and at least one cover card.

(b) If an automated card shuffling device is utilized, other than a continuous shuffler, Blackjack shall be played with at least two decks of cards in accordance with the following requirements:

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

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

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

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

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

(c) If a double shoe is utilized, Blackjack shall be played with at least two decks of cards that shall be dealt from separate sides of the dealing shoe, with the same number of decks used in each side of the double shoe. The cards dealt from both sides of the shoe must be of the same design but the backs of the cards being dealt from one side of the shoe must be of a different color than the

cards being dealt from the other side of the shoe. A separate cover card shall be used in each side of the shoe.

(d) The decks of cards opened for use at a Blackjack table shall be changed at least once every 24 hours unless the certificate holder is dealing Blackjack from the hand, in accordance with § 633a.12(b) (relating to Blackjack variations), in which the cards shall be changed at least every 4 hours.

(e) The value of the cards shall be as follows:

(1) Any card from 2 to 10 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.

**§ 633a.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 § 633a.5 (relating to shuffle and cut of the cards).

(d) If a double shoe is utilized, all decks that comprise one side of the dealing shoe shall be spread for inspection on the table separate from the decks that comprise the other side of the dealing shoe. After the player is afforded an opportunity to visually inspect the cards, the cards that comprise one side of the dealing shoe and the cards that comprise the other side of the dealing shoe shall be turned face downward on the table separately, mixed thoroughly by a washing of the cards and stacked.

(e) If an automated shuffling device is utilized, other than a continuous shuffler, all the decks in one batch of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c) separate from the decks in the other batch of cards.

(f) 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)—(e) do not apply.

**§ 633a.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 the 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 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.

(4) If the reshuffle was initiated at the direction of the floorperson or above, 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 recut either by the player who last cut the cards or by the next person 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 § 633a.7(e) (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 Blackjack 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 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 shall be:

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

(2) Stacked and placed into the automated shuffling device to be shuffled, if an automated shuffling device is in use. The batch of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the batch of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt, if the automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations 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 (b)—(g) do not apply.

#### § 633a.6. Wagers.

(a) Wagers at Blackjack shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the Blackjack 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 § 633a.5 (relating to shuffle and cut of the cards), a certificate holder may prohibit any patron, 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 round 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 § 633a.8 (relating to Insurance Wager), a Double Down Wager under § 633a.10 (relating to Double Down Wager) or a wager on split pairs under § 633a.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 Blackjack 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 Blackjack Wager in accordance with subsection (d) the option of placing the following additional wagers:

(1) A Lucky Ladies Twenty Point Bonus Wager that the player's initial two cards will have a total point count of 20.

(2) A Match-the-Dealer Wager that either of the player's initial two cards will match the rank of dealer's up card.

(3) An In Between Wager that the dealer's up card will either fall between or will be of the same rank as the player's initial two cards.

(4) A Royal Match 21 Wager that either of the player's initial two cards will be a Suited Match or a Royal Match.

(5) A Bet the Set 21 Wager that the player's initial two cards will be a pair or a suited pair.

(6) A King's Bounty Wager that the player's initial two cards will have a total point count of 20.

(7) If offering Blackjack Switch in accordance with § 633a.12(a) (relating to Blackjack variations), a Super Match Wager that the player's first four cards will be a pair, a three-of-a-kind, two pair or a four-of-a-kind.



(8) A Bad Beat Progressive Wager that the player's hand will have a total point count of 20 and the dealer will have Blackjack or a hand with a total point count of 21.

(9) A Three Card Poker Wager that the dealer's up card and the player's initial two cards will form a three-card Poker hand of a straight flush, three-of-a-kind, straight or a flush. For purposes of the Three Card Poker Wager, the rank of the cards shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. An ace may be used to complete a straight flush or a straight with a 2 and 3 but may not be combined with any other sequence of cards (for example: king, ace and 2).

(10) A Hit and Run Progressive Wager that the dealer will have Blackjack or a hand containing five or more cards.

(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 Blackjack Wager in one round of play.

**§ 633a.7. Procedure for dealing the cards; completion of each round of play.**

(a) Except as provided in § 633a.12(b) (relating to Blackjack variations), all cards shall be dealt from a dealing shoe which 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 under § 633a.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 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 a double shoe is utilized, the following procedures shall be used in lieu of the procedures in subsection (c).

(1) Prior to commencement of each round of play, the dealer shall draw a determinate card from either side of the double shoe. The suit of that card shall determine from which side of the shoe that round of play will be dealt. The certificate holder shall designate that the suits of hearts and diamonds correspond to the color of the backs of the cards being dealt from one side of the shoe, and that the suits of spades and clubs correspond to the color of the backs of the cards being dealt from the other side of the shoe.

(2) A determinate card corresponding to the side of the shoe from which it was drawn shall become the player's first card. A determinate card that does not correspond to the side of the shoe from which it was dealt shall be placed in a segregated area of the dealing shoe.

(e) 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 will be completed. The dealer shall then collect and reshuffle the cards as follows:

(1) When a single dealing shoe is used, the dealer shall remove the cards remaining in the shoe and place them in the discard rack to ensure that no cards are missing.

(2) When a double shoe is used, the dealer shall remove the cards remaining in the side of the shoe from which the cover card was drawn and the cards, if any, that were put in a separate segregated area for the discards from that side of the double shoe, after which the dealer shall place those cards face down in the discard rack in order to ensure that no cards are missing.

(3) Shuffle the cards so that they are randomly intermixed. If a double shoe is utilized, the shuffle of the cards shall be limited to the side of the shoe from which the cover card was drawn.

(f) At the commencement of each round of play, or immediately after the determinant card has been drawn and either removed or used as the player's first card, 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 Blackjack 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.

(g) Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before any 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 the player's optional wagers by collecting all losing wagers and paying all winning wagers as follows:

(1) If a player placed a Lucky Ladies Twenty Point Bonus Wager and the player's initial two cards have a total point count of 20, the dealer shall pay the winning Twenty Point Bonus Wager in accordance with § 633a.13(c) (relating to payout odds; payout limitation). If the first card to the dealer is a 10, jack, queen, king or ace and the player has two queens of hearts, that player's Twenty Point Bonus Wager shall be settled after all other Twenty Point Bonus Wagers as follows:

(i) If the dealer has determined that the hole card will not give the dealer a Blackjack, the player shall be paid before any other cards are dealt.

(ii) If the dealer has determined that the hole card will give the dealer a Blackjack, the player shall be paid when the player's Blackjack Wager is collected.

(2) If a player placed a Match-the-Dealer Wager and 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 § 633a.13(d). 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. Any card with a face value of 10 or a point value of 10 (a jack, queen or king) shall only match an identical card without regard to value.

(3) If a player placed an In Between Wager and the dealer's up card:

(i) Falls between the player's initial two cards, the player shall be paid according to the respective card spread. A one-card spread occurs when only one card falls between the player's initial two cards. For example, if a

player is dealt a 7 and a 9, the player shall win with a one-card spread if the dealer's up card is an 8. The dealer shall pay the winning In Between Wager in accordance with § 633a.13(e).

(ii) And the player's initial two cards are all the same rank, the player has a Triple Match. The dealer shall pay the winning In Between Wager in accordance with § 633a.13(e).

(4) If a player placed a Royal Match 21 Wager and the player's initial two cards are a Suited Match or a Royal Match, the dealer shall pay the winning Royal Match 21 Wager in accordance with § 633a.13(f). If the player has a Royal Match and the dealer's up card is a king or a queen, that player's Royal Match 21 Wager shall be settled after the dealer's hole card is exposed but prior to settling the player's Blackjack Wager. If after exposing the hole card, the dealer also has a Royal Match, the player shall be paid a Crown Treasure Bonus, if offered by the certificate holder, in addition to the payout for the player's Royal Match.

(5) If a player placed a Bet the Set 21 Wager and the player's initial two cards are a pair of the same rank or a suited pair of the same rank, the dealer shall pay the winning Bet the Set 21 Wager in accordance with § 633a.13(g).

(6) If a player placed a King's Bounty Wager and the player's initial two cards have a total point count of 20, the dealer shall pay the winning King's Bounty Wager in accordance with § 633a.13(h). If the first card to the dealer is a 10, jack, queen, king or ace and the player has two kings of spades, that player's King's Bounty Wager shall be settled after all other King's Bounty Wagers as follows:

(i) If the dealer has determined that the hole card will not give the dealer a Blackjack, the player shall be paid before any other cards are dealt.

(ii) If the dealer has determined that the hole card will give the dealer a Blackjack, the player shall be paid when the player's Blackjack Wager is collected.

(7) If a player placed a Super Match Wager at a Blackjack Switch table and the player's initial four cards are a pair, a three-of-a-kind, two pair or a four-of-a-kind, the dealer shall pay the winning Super Match Wager in accordance with § 633a.13(i).

(8) If a player placed a Three Card Poker Wager and the dealer's up card and the player's initial two cards form a three-card Poker hand of a straight flush, three-of-a-kind, straight or a flush, the dealer shall pay the winning Three Card Poker Wager in accordance with § 633a.13(k).

(h) After settling the player's optional wagers in accordance with subsection (g), if the dealer's first card is an ace, king, queen, jack or 10, the dealer shall, after offering the Insurance Wager or even money in accordance with § 633a.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, additional cards may not be dealt and each player's Blackjack Wager and the Bad Beat, Hit and Run Progressive and Insurance Wagers, if applicable, shall be settled.

(i) After the procedures in subsection (h) 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:

(i) Is 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) Is an ace, king, queen, jack or 10 but the dealer's hole card will not give the dealer a Blackjack, the dealer shall announce the player's Blackjack but may not make a 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 § 633a.9 (relating to surrender), double down as permitted under § 633a.10 (relating to Double Down Wager), split pairs as permitted under § 633a.11 (relating to splitting pairs), stand or draw additional cards.

(j) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision.

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

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

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

(l) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn the hole card face up. Any additional cards required to be dealt to the hand of the dealer, in accordance with subsection (m), shall be dealt face up. The dealer shall announce the dealer's total point count after each additional card is dealt.

(m) Except as provided in subsection (n), the dealer shall draw additional cards until he has a hard or soft total of 17, 18, 19, 20 or 21.

(n) A dealer shall draw no 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.

(o) After all additional cards have been dealt to the players and the dealer, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the remaining optional wagers by collecting all losing wagers and paying all winning wagers as follows:

(1) If a player placed a Bad Beat Progressive Wager:

(i) A player shall win if the player's hand has a total point count of 20 and the dealer has Blackjack or the total point count of the dealer's hand is 21. If selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a player may also win if the total point count of the player's hand is 20, irrespective of the total point count of the dealer's hand.

(ii) If a player has won the Bad Beat Progressive Wager or a Magic Card or Lucky Player Bonus, if offered by the certificate holder, the dealer shall:

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

(B) Have a floorperson or above verify any Bad Beat Progressive payout with odds of 100 for 1 or greater in accordance with approved internal control procedures

submitted under § 465a.2 (relating to internal control systems and audit protocols).

(C) Credit the player's game account for the winning Bad Beat Progressive Wager or the Magic Card or Lucky Player Bonus in accordance with § 633a.13(j). If more than one player at the table has won a progressive payout that is 100% of the jackpot amount on the progressive meter, each player shall share the maximum amount proportionally to the amount of the player's respective Bad Beat Progressive Wager.

(2) If a player placed a Hit and Run Progressive Wager:

(i) A player shall win if the dealer has Blackjack or the dealer's hand has five or more cards inclusive of any card which would give the dealer's hand a total point count of greater than 21. For example, if the dealer's hand has a total point count of 14 with five cards drawn and the dealer draws an additional card resulting in a total point count of 23, the dealer's sixth card shall also count toward the Hit and Run Progressive payout.

(ii) If a player has won the Hit and Run Progressive Wager, the dealer shall:

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

(B) Have a floorperson or above verify any Hit and Run Progressive payout with odds of 100 for 1 or greater in accordance with approved internal control procedures submitted under § 465a.2.

(C) Pay the player the winning Hit and Run Progressive Wager in accordance with § 633a.13(l). 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 the player must remain on the table until the necessary documentation has been completed. If more than one player at the table has won a progressive payout that is 100% of the jackpot amount on the progressive meter, each player shall share the maximum amount equally.

(p) A player shall win the Blackjack Wager and be paid in accordance with the payout odds in § 633a.13(a) 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 more than two cards.

(q) A Blackjack 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 Blackjack 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.

(r) 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:

(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.

(s) 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.

(t) Except as provided in § 633a.12(b), players and spectators may not handle, remove or alter any cards used to play Blackjack.

**§ 633a.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, jack or 10.

(b) An Insurance Wager may be made by placing a value chip on the insurance line of the layout in an amount not more than 1/2 of the player's initial Blackjack Wager. A player may wager an amount in excess of 1/2 of the initial Blackjack 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 Blackjack 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 § 633a.13(b) (relating to payout odds; payout limitation).

(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 of subsection (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 Blackjack Wager instead of making an Insurance Wager. If the player elects to be paid even money, the dealer shall pay out the Blackjack Wager at odds of 1 to 1 and remove the player's cards.

**§ 633a.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 his wager. All decisions to surrender shall be made prior to the player indicating whether he wishes to double down as permitted under § 633a.10 (relating to Double Down Wager), split pairs as permitted under § 633a.11 (relating to splitting pairs), stand or draw. If the first card dealt to the dealer:

(1) Is 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) Is an ace or 10 value card, the dealer will place the player's wager on top of the player's cards. When the dealer's second card is revealed, the hand will be settled by immediately collecting the entire wager if the dealer has Blackjack or collecting 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 § 633a.8 (relating to Insurance Wager).



**§ 633a.10. Double Down Wager.**

(a) Except when a player has a Blackjack, a player may elect to make a Double Down Wager, which may not exceed the amount of his original Blackjack 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.

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

(c) Upon a player's election to make a Double Down Wager, the dealer shall deal the one additional card face up or face down and place it sideways on the layout.

**§ 633a.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 Blackjack Wager. For example, if a player has two 7s or a king and a 10, 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 each split pair hand, the player shall indicate his decision to stand, draw or double down with respect that hand. A certificate holder shall specify in its Rules Submission required 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.

**§ 633a.12. Blackjack variations.**

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer Blackjack Switch in accordance with the following requirements:

(1) A player shall make two equal Blackjack Wagers by placing value chips on the two designated betting areas prior to the first card being dealt.

(2) In addition to the two equal Blackjack Wagers, a player may make an additional Super Match Wager in accordance with § 633a.6(e)(7) (relating to wagers).

(3) Two hands shall then be dealt to each player in accordance with the dealing procedures in § 633a.7 (relating to procedure for dealing the cards; completion of each round of play).

(4) As each player's point total is announced, the player shall indicate whether he wishes to switch the second card of each hand dealt. A player may also double down as permitted under § 633a.10 (relating to Double Down Wager), split pairs as permitted under § 633a.11 (relating to splitting pairs), stand or draw additional cards.

(5) The round of play shall then be completed in accordance with the dealing procedures in § 633a.7. However, if the dealer's hand:

(i) Has a total point count of 21 in more than two cards and the player has Blackjack, the winning Blackjack Wager shall be paid at odds of 1 to 1.

(ii) Is a Blackjack and the player's hand is a Blackjack, the Blackjack Wager shall tie and be returned to the player.

(iii) Is a Blackjack and the player has switched to a Blackjack, the player's hand shall have a total point count of 21 and the player's Blackjack Wager shall be lost.

(iv) Has a total point count of 21 or 22 and the player has switched to a Blackjack, the player's Blackjack Wager shall be returned to the player.

(v) Has a total point count of 22 and a player's hand has a total point count of 21 or less, the player's Blackjack Wager shall be returned to the player.

(b) A certificate holder may, if specified in its Rules Submission under § 601a.2, deal Blackjack from the hand and allow the players to touch the cards in accordance with the following requirements:

(1) No more than two decks of cards shall be used in the game.

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

(3) After the procedures required under § 633a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the deck or decks of cards on top of a cover card and then place the deck or decks of cards and the cover card in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand when 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.

(4) 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.

(5) Prior to commencement of each round of play, the dealer shall remove the first card and place it in the discard rack. The dealer shall then, starting with the player farthest to the dealer's left and continuing around the table in a clockwise direction, deal the cards as follows:

(i) One card face down to each box on the layout in which a Blackjack Wager is contained.

(ii) One card face up to the dealer.

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

(iv) A second card face down to the dealer.

(6) After two cards have been dealt face down to each player and the dealer, each player shall, with one hand, examine his cards. All players shall keep their cards in full view of the dealer at all times. Each player, starting with the player farthest to the dealer's left and continuing around the table in a clockwise direction, shall then indicate whether he wishes to surrender as permitted under § 633a.9 (relating to surrender), double down as permitted under § 633a.10, split pairs as permitted under § 633a.11, stand or draw additional cards. If a player:



(i) Indicates that he wishes to surrender, double down or split a pair, the dealer shall turn over the player's two cards and complete the dealing procedures in accordance with § 633a.7.

(ii) Is dealt additional cards which cause the total point count to exceed 21, the player shall immediately discard his cards.

(7) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision.

(8) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn over the hole card and draw any additional cards in accordance with § 633a.7(m). The dealer shall announce the dealer's total point count after each additional card is dealt.

(9) After all additional cards have been dealt, the dealer shall turn over each player's two cards and shall settle all remaining wagers in accordance with § 633a.7.

**§ 633a.13. Payout odds; payout limitation.**

(a) The certificate holder shall pay each winning Blackjack Wager at odds of 1 to 1 with the exception of Blackjack which shall be paid at odds of 3 to 2.

(b) The certificate holder shall pay out winning Insurance Wagers at odds of 2 to 1.

(c) The certificate holder shall pay out winning Lucky Ladies Twenty Point Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Queen of hearts pair and dealer Blackjack	1,000 to 1
Queen of hearts pair	200 to 1
Matched 20	25 to 1
Suited 20	10 to 1
Any 20	4 to 1

(d) The certificate holder shall pay out winning Match-the-Dealer Wagers at the odds in the following payable:

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

<i>Hand</i>	<i>Payout</i>
Each matching card of the same suit	11 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	14 to 1
Each matching card of a different suit	3 to 1

(e) The certificate holder shall pay out winning In Between Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Triple Match	30 to 1
One-card spread	10 to 1
Two-card spread	6 to 1
Three-card spread	4 to 1
All others	1 to 1

(f) The certificate holder shall pay out winning Royal Match 21 Wagers and the Crown Treasure Bonus 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):

(1) If a single deck of cards is being used:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Royal Match	10 to 1	5 to 1
Suited Match	3 to 1	3 to 1
Crown Treasure	1,000 for 1	1,000 for 1

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

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>	<i>Paytable E</i>
Royal Match	30 to 1	25 to 1	50 to 1
Suited Match	2.5 to 1	2.5 to 1	2 to 1
Crown Treasure	1,000 for 1	1,000 for 1	1,000 for 1

(g) The certificate holder shall pay out winning Bet the Set 21 Wagers at the odds in one of the following pay tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

(1) If a single deck is being used:

<i>Hand</i>	<i>Paytable A</i>
Pairs	15 to 1

(2) If two decks are being used:

<i>Hand</i>	<i>Paytable B</i>
Suited Pairs	25 to 1
Pairs	10 to 1

(3) If four or more decks are being used:

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>
Suited Pairs	15 to 1	12 to 1
Pairs	10 to 1	10 to 1

(h) The certificate holder shall pay out winning King's Bounty Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
King of spades pair and dealer Blackjack	1,000 to 1
King of spades pair	200 to 1
Suited kings pair	50 to 1
Suited queens, jacks or 10s pair	25 to 1
Suited 20	9 to 1
Pair of kings	6 to 1
Any 20	4 to 1

(i) The certificate holder shall pay out winning Super Match Wagers at the odds in the following payable:

(1) If six decks are being used:

<i>Hand</i>	<i>Payout</i>
Four-of-a-kind	40 to 1
Two pair	8 to 1
Three-of-a-kind	5 to 1
Pair	1 to 1

(2) If eight decks are being used:

<i>Hand</i>	<i>Payout</i>
Four-of-a-kind	50 to 1
Two pair	7 to 1
Three-of-a-kind	5 to 1
Pair	1 to 1

(j) If a certificate holder offers the Bad Beat Progressive Wager:

(1) The certificate holder shall pay out winning Bad Beat Progressive Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Player has a 20 and dealer has:	
21 with seven or more cards	100% of meter
21 with six cards	1,000 for 1
21 with five cards	100 for 1
21 with four cards	50 for 1
21 with three cards	25 for 1
Blackjack	10 for 1
Player has a 20 (optional)	1 for 1
Magic Card Bonus (optional)	20 for 1
Lucky Player Bonus (optional)	5 for 1

(2) The rate of progression for the meter used for the Bad Beat Progressive Wager must be specified in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amounts must also be in the Rules Submission and at least \$5,000.

(k) The certificate holder shall pay out winning Three Card Poker Wagers at odds of 9 to 1.

(l) If the certificate holder offers the Hit and Run Progressive Wager:

(1) The certificate holder shall pay out winning Hit and Run Progressive Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Dealer has:	
Eight or more cards	100% of meter
Seven cards	100 for 1
Six cards	25 for 1
Five cards	7 for 1
Blackjack	4 for 1

(2) The rate of progression for the meter used for the Hit and Run Progressive Wager must be specified in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amounts must also be in the Rules Submission and at least \$1,000.

(m) Notwithstanding the payout odds in subsections (b) and (g), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player with a queen of hearts pair and dealer Blackjack or king of spades pair and dealer Blackjack that is payable to all winning hands in the aggregate on a single round of play. The maximum payout amount shall be at least \$25,000 or the maximum amount that one patron could win per round when betting the maximum possible wager, whichever is greater. If a certificate holder establishes a maximum payout, and more than one player at a table has a winning hand of queen of hearts pair and dealer Blackjack or king of spades pair and dealer Blackjack, each player shall share the maximum payout amount proportionately to the amount of the player's respective wager. Any maximum payout limit established by the certificate holder shall apply only to payouts of Royal Match 21 Wagers and King's Bounty Wagers.

#### § 633a.14. 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 or in a segregated area of the double shoe.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(c) 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.

(d) If the dealer has 17 and accidentally draws a card for himself, the card shall be placed in the discard rack.

(e) 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.

(f) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack or in a segregated area of the double shoe shall be shuffled and cut according to the procedures in § 633a.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.

(g) If no cards are dealt to a player's hand, the hand is dead and the player shall be included in the next deal. If only one card is dealt to a 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.

(h) If a double shoe is used, any round of play drawn from the incorrect side of a double shoe shall be treated as if it were drawn from the correct side of the shoe and concluded.

(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 Blackjack 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, jack or 10, the dealer, after notification to a floorperson or above, shall:

(1) If the particular card reader device in use provides any player with the opportunity to determine the value of the hole card, call all hands dead, collect the cards and return each player's wager.

(2) If the particular card reader device in use does not provide any player with the opportunity to determine the value of the hole card, continue play.

(k) If a card reader device malfunctions, the dealer may not continue dealing the game of Blackjack 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 shuffling device malfunctions and cannot be used, the device must be covered or have a sign indicating that it is out of order placed on the device before any other method of shuffling may be utilized at that table.

#### CHAPTER 645a. PAI GOW POKER

Sec.	
645a.1.	Definitions.
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- 645a.12. Player bank; co-banking; selection of bank; procedures for dealing.
- 645a.13. Payout odds; Envy Bonus; rate of progression; payout limitation.
- 645.14. Irregularities; invalid roll of dice.

**§ 645a.1. Definitions.**

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

*Bank*—A player who elects to have the other players and the dealer play against him and accepts the responsibility of paying all winning Pai Gow Poker Wagers.

*Co-banking*—When the bank and the dealer each cover 50% of all winning Pai Gow Poker Wagers.

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Qualifying Wager when another player at the Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—A player’s Pai Gow Poker hand with a rank of a four-of-a-kind or better formed from the seven cards dealt to a player.

*High hand*—The five-card hand that is formed from the seven cards dealt so as to rank equal to or higher than the two-card low hand.

*Low hand*—The two-card hand that is formed from the seven cards dealt so as to rank equal to or lower than the five-card high hand.

*Qualifying Wager*—An Emperor’s Treasure Wager or a Fortune Bonus Wager of at least \$5 which may entitle a player to an Envy Bonus.

*Setting the hands*—The process of forming a high hand and low hand from the seven cards dealt.

**§ 645a.2. Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics.**

(a) Pai Gow 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 Pai Gow 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 separate betting area designated for the placement of the Pai Gow Poker Wager for each player.
- (3) Two separate areas designated for the placement of the high and low hands of each player.
- (4) Two separate areas designated for the placement of the high and low hands of the dealer.
- (5) If the certificate holder offers the optional Fortune Bonus Wager authorized under § 645a.7(e)(1) (relating to wagers), a separate area designated for the placement of the Fortune Bonus Wager for each player.
- (6) If the certificate holder offers the optional Emperor’s Treasure Wager authorized under § 645a.7(e)(2), a separate area designated for the placement of the Emperor’s Treasure Wager for each player.

(7) If the certificate holder offers the optional Pai Gow Insurance Wager authorized under § 645a.7(e)(3), a separate area designated for the placement of the Pai Gow Insurance Wager for each player.

(8) If the certificate holder offers the optional Progressive Payout Wager authorized under § 645a.7(e)(4), a separate area designated for the placement of the Progressive Payout Wager for each player.

(9) 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 shall be posted at each Pai Gow Poker table.

(10) An inscription indicating the payout limit per hand established by the certificate holder under § 645a.13(f) (relating to payout odds; Envy Bonus; rate of progression; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Pai Gow Poker table.

(c) To determine the starting position for the dealing or delivery of the cards, Pai Gow Poker may be played with:

(1) A Pai Gow Poker shaker, approved in accordance with § 601a.10(a), which shall be designed and constructed to maintain the integrity of the game. The Pai Gow Poker shaker shall be the responsibility of the dealer, may not be left unattended while at the table and must:

(i) Be capable of housing three dice that when not being shaken must be maintained within the Pai Gow Poker shaker. Dice that have been placed in a Pai Gow Poker shaker for use in gaming may not remain on a table for more than 24 hours.

(ii) Be designed to prevent the dice from being seen while being shaken.

(iii) Have the name or logo of the certificate holder imprinted or impressed thereon.

(2) A computerized random number generator which shall be submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use.

(3) A flat button which shall be approved in accordance with § 601a.10(a) prior to its use.

(d) If the certificate holder offers the optional Progressive Payout Wager in accordance with § 645a.7(e)(4), the Pai Gow 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 placement of any Progressive Payout Wager that a player attempts to place after the dealer has announced “no more bets.”

(e) Each Pai Gow 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.

(f) Each Pai Gow Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 645a.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Pai Gow Poker shall be played with one deck of cards that are identical in appearance and two cover cards. The deck of cards used to play Pai Gow Poker must include one joker. A certificate holder may use decks that are manufactured with two jokers provided that only one joker is used for gaming.

(b) If an automated card shuffling device is utilized, Pai Gow 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 but the backs of the cards in one deck must be of a different color than the cards 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 of cards shall be 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 shall be placed in the discard rack at any given time.

(c) The decks of cards used in Pai Gow Poker shall be changed:

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

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

**§ 645a.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) If the deck of cards used by the certificate holder contains two jokers, the dealer and a floorperson shall ensure that only one joker is utilized and that the other joker is torn in half and placed in the box, envelope or container that the deck came from. 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 and include the one joker.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 645a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing 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.

**§ 645a.5. Shuffle and cut of the cards; procedures for determining the starting position for dealing 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. 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:

(1) If the cards were shuffled using an automated card shuffling device, determine the starting position in accordance with subsection (i), then deal the cards in accordance with § 645a.8, § 645a.9 or § 645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually, cut the cards in accordance with the procedures in subsections (c)—(e).

(c) Upon completion of a manual shuffle, the dealer shall place the stack of cards on top of one of the cover cards. The dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to the player determined under subsection (d). If no player accepts the cut, the dealer shall cut the cards.

(d) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player who accepts the bank under § 645a.12 (relating to player bank; co-banking; selection of bank; procedures for dealing), if offered by the certificate holder. If the bank refuses the cut, the cards shall be offered to the player to the right of the bank, and continuing around the table in a counterclockwise manner, until a player accepts the cut.

(3) The player at the farthest position to the right of the dealer, if there is no bank. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(e) The player or dealer making the cut shall place the second cover card in the stack at least ten cards from the top or the bottom of the deck. Once the second cover card has been inserted, the dealer shall take the second cover card and all the cards on top of the second cover card and place them on the bottom of the stack. The dealer shall then remove the first cover card and place it on the bottom of the stack. The dealer shall remove one of the



cover cards and either place it in the discard rack or use it as an additional cover card to be inserted four cards from the bottom of the deck. The dealer shall then determine the starting position in accordance with subsection (i) and deal the cards in accordance with § 645a.8, § 645a.9 or § 645a.10.

(f) After the cards have been cut and before the cards have been dealt, a floormen or above may require the cards to be recut if the floormen determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut either by the player who last cut the cards, or by the next person entitled to cut the cards, as determined under subsection (d).

(g) If there is no gaming activity at a Pai Gow 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:

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

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The deck of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the deck of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt, if the automated card shuffling device stores a single deck of shuffled cards inside the shuffler in a secure manner.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations 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 (b)—(g) do not apply.

(i) To determine the starting position for the dealing of cards, the certificate holder shall use one of the following:

(1) A Pai Gow Poker shaker in accordance with the following procedures:

(i) The dealer shall shake the Pai Gow Poker shaker at least three times to cause a random mixture of the dice. If a player is the bank, in accordance with § 645a.12, the player shall shake the Pai Gow Poker shaker instead of the dealer. The dealer shall ensure that the bank shakes the Pai Gow Poker shaker at least three times.

(ii) The dealer shall then remove the lid covering the Pai Gow Poker shaker and place the uncovered shaker on the designated area of the table layout. The dealer shall then total the dice and announce the total. If a player is the bank and the player inadvertently removes the lid, the Pai Gow Poker shaker shall be covered and reshaken by the bank.

(iii) To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner, until the count matches the total of the three dice. If a player is the bank, when counting the betting positions to deter-

mine the starting position for dealing the cards, the bank, instead of the dealer, shall be considered number one.

(iv) After the dealing procedures required under § 645a.8, § 645a.9 or § 645a.10 have been completed, the dealer shall place the cover on the Pai Gow Poker shaker and shake the shaker once. The Pai Gow Poker shaker shall then be placed to the right of the dealer.

(2) A computerized random number generator to select and display a number from 1 to 7. To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner until the count matches the number displayed by the random number generator. If a player is the bank in accordance with § 645a.12, when counting the betting positions to determine the starting position for dealing the cards, the bank, instead of the dealer, shall be considered number one.

(3) If an automated card shuffling device and dealing shoe are used under § 645a.10, a flat button to indicate the starting position. At the commencement of play, the button shall be placed in front of the dealer. Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(j) After the starting position for a round of play has been determined, a certificate holder may mark that position with an additional cover card or similar object approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment).

**§ 645a.6. Pai Gow Poker rankings.**

(a) The rank of the cards used in Pai Gow Poker, in order of highest to lowest, 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). The joker shall be used and ranked as an ace or may be used as any card to complete a straight, a flush, a straight flush or a royal flush.

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

(1) Five aces, which is a high hand consisting of four aces and a joker.

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

(3) A straight flush, which is a high hand consisting of five cards of the same suit in consecutive ranking, with ace, 2, 3, 4 and 5 being the highest ranking straight flush; king, queen, jack, 10 and 9 being the second highest ranking straight flush; and 2, 3, 4, 5 and 6 being the lowest ranking straight flush.

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

(5) A full house, which is a high hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(6) A flush, which is a high hand consisting of five cards of the same suit. When comparing two flushes, the hand which contains the highest ranking card, as pro-

vided in subsection (a), which is not in the other hand, shall be considered the higher ranking hand.

(7) A straight, which is a high hand consisting of five cards of consecutive rank, regardless of suit, with an ace, king, queen, jack and 10 being the highest ranking straight; an ace, 2, 3, 4 and 5 being the second highest ranking straight; and a 2, 3, 4, 5 and 6 being the lowest ranking straight.

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

(9) Two pair, which is a high hand containing two pairs, with two aces and two kings being the highest ranking two pair hand and two 3s and two 2s being the lowest ranking two pair hand.

(10) A pair, which is either a high hand or a low hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two high hands or two low hands that are of identical hand rank under subsection (b), or 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 two hands are of identical rank after the application of this section, the hands shall be considered a tie.

(d) If the certificate holder offers the optional Fortune Bonus Wager under § 645a.7(e)(1) (relating to wagers), the following seven-card hands shall have a rank higher than a hand of five aces, as described in subsection (b)(1), and be used to determine the amount of the Fortune Bonus Wager payout or Envy Bonus payment to a winning player:

(1) A seven-card straight flush with no joker, which is a hand consisting of seven cards of the same suit in consecutive ranking, with no joker used to complete the straight flush.

(2) A royal flush plus Royal Match, which is a seven-card hand consisting of an ace, king, queen, jack and a 10 of the same suit, with or without a joker, with one of the following:

(i) An additional ace and king of a same suit.

(ii) An additional king and queen of a same suit.

(3) A seven-card straight flush with joker, which is a hand consisting of seven cards of the same suit in consecutive ranking with a joker being used to complete the straight flush.

(e) If the certificate holder offers the optional Emperor's Treasure Wager under § 645a.7(e)(2), the following seven-card hands shall have a rank higher than a hand of five aces, as described in subsection (b)(1), and shall be used to determine the amount of the Emperor's Treasure Wager payout or Envy Bonus payout to a winning player:

(1) A seven-card straight flush with no joker, which is a hand consisting of seven cards of the same suit in consecutive ranking, with no joker used to complete the straight flush.

(2) A royal flush plus ace and king suited, which is a seven-card hand consisting of an ace, king, queen, jack and a 10 of the same suit, with or without a joker, and an additional ace and king of the same suit without a joker.

(3) A seven-card straight flush with joker, which is a hand consisting of seven cards of the same suit in consecutive ranking with a joker being used to complete the straight flush.

(f) If a certificate holder offers the optional Progressive Payout Wager under § 645a.7(e)(4), the following seven-card hands shall be used to determine the amount of the progressive payout to a winning player:

(1) Seven-card straight flush is a hand consisting of seven cards of the same suit in consecutive ranking, with or without a joker.

(2) Five aces, which is a hand consisting of four aces and a joker.

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

(4) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking.

(5) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(6) A full house, which is a hand consisting of a three-of-a-kind and a pair.

#### § 645a.7. Wagers.

(a) Wagers at Pai Gow Poker shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate areas of the Pai Gow Poker layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Pai Gow 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 at Pai Gow Poker shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 645a.8, § 645a.9 or § 645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) To participate in a round of play and compete against the dealer's high and low hands, a player shall place a Pai Gow Poker Wager.

(e) A certificate holder may, if specified in its Rules Submission under § 601.2 (relating to table games Rules Submissions), offer to each player who placed a Pai Gow Poker Wager, in accordance with subsection (d), the option of placing the following additional wagers:

(1) A Fortune Bonus Wager that the seven cards dealt to the player will form a seven-card Poker hand with a rank of a straight or better as described in § 645a.6(d) (relating to Pai Gow Poker rankings).

(2) An Emperor's Treasure Wager that the seven cards dealt to the player will form a seven-card Poker hand with a rank of a straight or better as described in § 645a.6(e).

(3) A Pai Gow Insurance Wager that the seven cards dealt to the player will form a seven-card Poker hand

that does not contain a pair or better, as described in § 645a.6(b), but will contain a card ranked a nine-high or better.

(4) A Progressive Payout Wager that the seven cards dealt to the player will form a seven-card Poker hand with a rank of a full house or better as described in § 645a.6(f).

(f) Except as provided in § 645a.12(f) (relating to player bank; co-banking; selection of bank; procedures for dealing), a certificate holder may, if specified in its Rules Submission under § 601a.2, permit a player to wager on two adjacent betting areas at a Pai Gow Poker table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

**§ 645a.8. Procedures 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 § 645a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets” and:

(1) If the Fortune Bonus Wager or Emperor’s Treasure Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player’s wager.

(2) If the Progressive Payout Wager is being offered, the dealer shall 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) The dealer shall determine the starting position for dealing the cards using one of the procedures authorized under § 645a.5(i).

(d) The dealer shall then deal the first card to the starting position as determined in subsection (c) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has seven cards. Each card dealt 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.

(e) After seven cards have been dealt to each position and the dealer, the dealer shall remove the stub from the

manual dealing shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(f) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), 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) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

**§ 645a.9. Procedures for dealing the cards from the hand.**

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

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

(2) After the procedures required under § 645a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the dealer shall place the 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 when 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:

(i) If the Fortune Bonus Wager or Emperor’s Treasure Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player’s wager.

(ii) If the Progressive Payout Wager is being offered, the dealer shall 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 then determine the starting position for dealing the cards using one of the procedures authorized under § 645a.5(i).

(c) The dealer shall then deal the first card to the starting position as determined in subsection (b) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has seven cards.

(d) After seven cards have been dealt to each position and the dealer, the dealer shall determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.



(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), 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. (f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

**§ 645a.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 under § 645a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing 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:

(i) If the Fortune Bonus Wager or Emperor’s Treasure Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player’s wager.

(ii) If the Progressive Payout Wager is being offered, the dealer shall 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 determine the starting position for delivering the stacks of cards using one of the procedures authorized under § 645a.5(i).

(c) After the starting position for delivering the cards has been determined, the dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to that position. 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 positions, regardless of whether there is a wager at the position, and the dealer.

(d) After seven cards have been dispensed and delivered to each position and the dealer, the dealer shall remove the remaining cards from the shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), 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.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position

where there was no wager and place them in the discard rack without exposing the cards.

**§ 645a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 645a.8, § 645a.9 or § 645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at a Pai Gow Poker table shall be responsible for setting his own hands and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player. If a player requests assistance in the setting of his hands, the dealer shall inform the player of the manner in which the certificate holder requires the hands of the dealer to be set in accordance with the certificate holder’s Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(2) Each player shall keep his seven cards in full view of the dealer at all times.

(3) Once each player has set a high and low hand and placed the two hands face down on the appropriate area of the layout, the player may not touch the cards again.

(b) Each player shall set his hands by arranging the cards into a high hand and a low hand. When setting the two hands, the five-card high hand must be equal to or higher in rank than the two-card low hand. For example, if the two-card hand contains a pair of sevens, the five-card hand must contain at least a pair of sevens and the three remaining cards.

(c) After all players have set their hands and placed the cards on the table, the seven cards of the dealer shall be turned over and the dealer shall set his hands by arranging the cards into a high and low hand. The certificate holder shall specify in its Rules Submission under § 601a.2 the manner in which the hands of the dealer shall be set. The dealer shall then place the two hands face up on the appropriate area of the layout. If a player is acting as the bank in accordance with § 645a.12 (relating to player bank; co-banking; selection of bank; procedures for dealing), after all players have set their hands and placed the cards on the table, the bank shall turn over his seven cards and set the two hands by arranging the cards in a high and low hand on the appropriate area of the layout.

(d) Unless a player has placed an optional wager authorized under § 645a.7(e)(1)—(4) (relating to wagers), a player may surrender his wager after the hands of the dealer or the bank have been set. The player shall announce his intention to surrender prior to the dealer exposing either of the two hands of that player as provided in subsection (e). Once the player has announced his intention to surrender, the dealer shall immediately collect the Pai Gow Poker Wager from that player and collect the seven cards dealt to that player without exposing the cards to anyone at the table. If any Qualifying Wagers have been placed, the cards of the player shall remain on the table until collected in accordance with subsection (h). The dealer shall verify that seven cards were collected by counting them face down on the layout prior to placing them in the discard rack.

(e) After the dealer has set a high hand and a low hand, the dealer shall reveal both hands of each player,



beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall compare the high and low hand of each player to the high and low hand of the dealer and shall announce if the Pai Gow Poker Wager of that player wins, loses or is a tie.

(f) A Pai Gow Poker Wager will:

(1) Lose and will immediately be collected if:

(i) The high hand of the player is lower in rank than the high hand of the dealer and the low hand of the player is lower in rank than the low hand of the dealer.

(ii) The high hand of the player is identical in rank to the high hand of the dealer or the low hand of the player is identical in rank to the low hand of the dealer and the other hand of the player is identical in rank or lower in rank than the other hand of the dealer.

(iii) The high hand of the player was not set so as to rank equal to or higher than the low hand of that player.

(iv) The two hands of the player were not otherwise set correctly in accordance with this chapter.

(2) Tie and will be returned to the player if:

(i) The high hand of the player is higher in rank than the high hand of the dealer, but the low hand of the player is identical in rank to the low hand of the dealer or lower in rank than the low hand of the dealer.

(ii) The high hand of the player is identical in rank to the high hand of the dealer or lower in rank than the high hand of the dealer, but the low hand of the player is higher in rank than the low hand of the dealer.

(3) Win if the high hand of the player is higher in rank than the high hand of the dealer and the low hand of the player is higher in rank than the low hand of the dealer. The dealer shall pay the winning Pai Gow Poker Wager in accordance with the payout odds in § 645a.13(a) (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

(g) Except as provided in subsection (h), after settling the player's Pai Gow Poker Wager, the dealer shall place the cards of the player in the discard rack.

(h) After settling the player's Pai Gow Poker Wager, the dealer shall rearrange the seven cards of any player who placed an optional wager, in accordance with § 645a.7(e)(1)–(4), to form the highest ranking hand and be responsible for creating the hand for purposes of all optional wagers offered by the certificate holder. If any player at the table has placed a Qualifying Wager, the dealer shall rearrange the cards of all players regardless of whether the player placed a Fortune Bonus Wager or an Emperor's Treasure Wager. After rearranging the player's seven cards, the dealer shall:

(1) Settle the player's Fortune Bonus Wager as follows:

(i) If a player:

(A) Does not have a straight or higher, as described in § 645a.6(d) (relating to Pai Gow Poker rankings), the dealer shall collect the Fortune Bonus Wager and place the cards of the player in the discard rack.

(B) Has a straight or higher, the dealer shall pay the winning Fortune Bonus Wager in accordance with § 645a.13(b) and shall place the cards of the player in the discard rack. If the player has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying

Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(C) Did not place a Fortune Bonus Wager but has an Envy Bonus Qualifying Hand, and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(ii) After all Fortune Bonus Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 645a.13(b) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Pai Gow Poker table 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.

(iii) After all Envy Bonuses have been paid, the dealer shall collect all remaining cards and place them in the discard rack.

(2) Settle the player's Emperor's Treasure Wager as follows:

(i) If a player:

(A) Does not have a straight or higher as described in § 645a.6(e), the dealer shall collect the Emperor's Treasure Wager and place the cards of the player in the discard rack.

(B) Has a straight or higher, the dealer shall pay the winning Emperor's Treasure Wager in accordance with § 645a.13(c) and place the cards of the player in the discard rack. If the player has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(C) Did not place an Emperor's Treasure Wager but has an Envy Bonus Qualifying Hand and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(ii) After all Emperor's Treasure Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 645a.13(c) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Pai Gow Poker table 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.

(iii) After all Envy Bonuses have been paid, the dealer shall collect all remaining cards and place them in the discard rack.

(3) Settle the player's Pai Gow Insurance Wager. If a player:

(i) Has a pair or better as described in § 645a.6(b), the dealer shall collect the Pai Gow Insurance Wager and place the cards of the player in the discard rack.

(ii) Does not have a pair or better, but has a card ranked a nine-high or better, the dealer shall pay the winning Pai Gow Insurance Wager in accordance with § 645a.13(d). The dealer shall then place the cards of the player in the discard rack.

(4) Settle the player's Progressive Payout Wager. If a player:

(i) Does not have a full house or better, as described in § 645a.6(f), the dealer shall collect the Progressive Payout Wager and place the cards of the player in the discard rack.

(ii) Has a full house or better, 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 the payout odds in § 645a.13(e). If a player has won a progressive payout that is a percentage of 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, the cards of that player shall remain on the table until the necessary documentation has been completed.

(i) Notwithstanding the requirements in subsection (h), if the certificate holder offers more than one optional wager, the dealer shall settle all of the player's optional wagers before placing the player's cards in the discard rack.

(j) All cards removed from the table shall be placed in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 645a.12. Player bank; co-banking; selection of bank; procedures for dealing.**

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to all players at a Pai Gow Poker table the opportunity to bank the game. If the certificate holder elects this option, the provisions of this section control for any round of play in which a player is the bank. All other provisions of this chapter apply to the extent that they do not conflict with the provisions in this section.

(b) A player may not be the bank at the start of the game. For the purposes of this section, the start of the game means the first round of play after the dealer is required to shuffle the cards in accordance with § 645a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards).

(c) After the first round of play, each player at the table shall have the option to either be the bank or pass the bank to the next player. The dealer shall offer the bank to each player, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, until a player accepts the bank. The dealer shall place a marker designating the bank in front of the player who accepts the bank. If the first player offered the bank accepts, the player seated to the right of the bank shall be offered the bank first on the next round of play. A player may not bank two consecutive rounds of play. If no player accepts the bank, the round of play shall proceed in accordance with the rules of play provided in this chapter.

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

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

(2) The player has sufficient value chips or plaques on the table to cover all of the Pai Gow Poker Wagers placed by other players at the table for that round of play.

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer the bank the option of co-banking the round of play. If the certificate holder offers this option, it shall be made available to all players at the table. If the bank wishes to use this option and co-bank 50% of the winning Pai Gow Poker Wagers, the bank must specifically request to co-bank with the dealer. The dealer shall place a marker designating the player co-banking that round of play. When the dealer is co-banking, the dealer shall be responsible for setting the hand of the bank in the manner as specified in the certificate holder's Rules Submission under § 601a.2. When co-banking is in effect, the dealer may not place a wager against the bank.

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

(g) Once the dealer has determined that a player may be the bank, as required under subsection (d), the dealer shall shuffle the cards in accordance with § 645a.5. The dealer shall then, unless co-banking is in effect, remove value chips from the table inventory container in an amount equal to the banker's last Pai Gow Poker Wager made against the dealer or in an amount as specified in the certificate holder's Rules Submission. This amount shall be the amount the dealer wagers against the bank. The bank may direct that the sum wagered by the dealer be a lesser amount or that the dealer place no wager during that round of play. Any amount wagered by the dealer shall be placed in front of the table inventory container.

(h) The dealer shall then determine the starting position for dealing the cards in accordance with § 645a.5(i) and deal the cards in accordance with § 645a.8, § 645a.9 or § 645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(i) If the dealer placed a wager against the bank, after each player has set his two hands and placed them on the table layout, the two hands of the dealer shall then be set. Once the dealer has formed a high and low hand and placed the hands face up on the appropriate area of the table layout, the dealer shall expose the hands of the bank and determine if the hands of the dealer are higher in rank than the hands of the bank. If the bank did not set his hands correctly, the dealer shall reset the bank's hands in accordance with the certificate holder's Rules Submission under § 601a.2. If the dealer wins, the cards of the dealer shall be stacked face up to the right of the table inventory container with the amount wagered by the dealer against the bank placed on top. If the dealer's hand is a tie with the bank's hand, the dealer shall return the amount wagered by the dealer against the bank to the table inventory container. If the dealer loses, the amount wagered by the dealer against the bank shall be moved to the center of the layout.

(j) If a player is banking the round of play, once the dealer has determined the outcome of the Pai Gow Poker Wager of the dealer against the bank, if any, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, expose the hands of each player. The dealer shall compare the high and low hand of the player to the high and low hand of the bank and announce if the wager

shall win, lose or tie. Losing wagers shall be immediately collected and placed in the center of the table. All winning Pai Gow Poker Wagers, including the dealer's wager, shall be paid by the dealer with the value chips located in the center of the table. If this amount becomes exhausted before all winning Pai Gow Poker Wagers have been paid, the dealer shall collect from the bank an amount equal to the remaining winning wagers and place that amount in the center of the layout. The remaining winning wagers shall be paid from the amount in the center of the layout. If, after collecting all losing wagers and paying all winning Pai Gow Poker Wagers, there is a surplus in the center of the table, this amount shall be charged a 5% vigorish in accordance with § 645a.13(a) (relating to payout odds; Envy Bonus; rate of progression; payout limitation). Once the vigorish has been paid, the remaining amount shall be given to the bank.

(k) Immediately after a winning Pai Gow Poker Wager of the dealer is paid, this amount and the dealer's original wager shall be returned to the table inventory container.

(l) If a player and the dealer are co-banking the round of play, once the dealer has set the co-bank's hand under subsection (e), the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, expose the hands of each player. The dealer shall compare the high and low hand of the player to the high and low hand of the bank and announce if the wager shall win, lose or tie. Losing wagers shall be immediately collected and placed in the center of the table. All winning Pai Gow Poker Wagers shall be paid by the dealer with the value chips located in the center of the table. If this amount becomes exhausted before all winning Pai Gow Poker Wagers have been paid, the dealer shall collect from the bank an amount equal to 1/2 of the remaining winning wagers and place that amount in the center of the layout. The dealer shall remove an amount equal to 1/2 of the remaining winning wagers from the table inventory container and place that amount in the center of the layout. The remaining winning wagers shall be paid from the total amount in the center of the layout. If, after collecting all losing wagers and paying all winning Pai Gow Poker Wagers, there is a surplus in the center of the table, this amount will be counted and the dealer shall place 1/2 of this amount into the table inventory container. The dealer shall collect a 5% vigorish, in accordance with § 645a.13(a), on the remaining amount. Once the vigorish has been paid, the remaining amount shall then be given to the bank.

(m) Each player who has a winning Pai Gow Poker Wager against the bank shall pay to the dealer, in accordance with § 645a.13(a), a 5% vigorish on the amount won.

(n) If the certificate holder offers an optional wager authorized under § 645a.7(e)(1)–(4) (relating to wagers), the optional wager shall be resolved in accordance with § 645a.11(g)–(j) (relating to procedures for completion of each round of play) and the dealer, not the bank, shall pay all winning optional wagers.

**§ 645a.13. Payout odds; Envy Bonus; rate of progression; payout limitation.**

(a) A certificate holder shall pay each winning Pai Gow Poker Wager at odds of 1 to 1, except that the certificate

holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢. A certificate holder shall collect the vigorish from a player at the time the winning payout is made.

(b) The certificate holder shall pay out winning Fortune Bonus Wagers and Envy Bonus payouts at the odds and amounts 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>Envy Bonus</i>
Seven card straight flush	8,000 to 1	\$5,000
Royal flush and Royal Match	2,000 to 1	\$1,000
Seven-card straight flush with joker	1,000 to 1	\$500
Five aces	400 to 1	\$250
Royal flush	150 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Hand</i>	<i>Paytable B</i>	<i>Envy Bonus</i>
Seven-card straight flush	5,000 to 1	\$3,000
Royal flush and Royal Match	2,000 to 1	\$1,000
Seven-card straight flush with joker	1,000 to 1	\$500
Five aces	400 to 1	\$250
Royal flush	150 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Hand</i>	<i>Paytable C</i>	<i>Envy Bonus</i>
Seven-card straight flush	5,000 to 1	\$1,000
Royal flush and Royal Match	1,000 to 1	\$250
Seven-card straight flush with Joker	750 to 1	\$100
Five aces	250 to 1	\$50
Royal flush	100 to 1	\$25
Straight flush	50 to 1	\$10
Four-of-a-kind	20 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Hand</i>	<i>Paytable D</i>	<i>Envy Bonus</i>
Seven-card straight flush	2,500 to 1	\$1,000
Royal flush and Royal Match	1,000 to 1	\$750
Seven-card straight flush with joker	750 to 1	\$250
Five aces	250 to 1	\$100
Royal flush	125 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	



(c) The certificate holder shall pay out winning Emperor's Treasure Wagers and Envy Bonus payouts at the odds and amounts 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>Envy Bonus</i>
Seven-card straight flush	8,000 to 1	\$5,000
Royal flush and ace king suited	2,000 to 1	\$1,000
Seven-card straight flush with joker	1,000 to 1	\$500
Five aces	400 to 1	\$250
Royal flush	150 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Hand</i>	<i>Paytable B</i>	<i>Envy Bonus</i>
Seven-card straight flush	5,000 to 1	\$3,000
Royal flush and ace king suited	2,000 to 1	\$1,000
Seven-card straight flush with joker	1,000 to 1	\$500
Five aces	400 to 1	\$250
Royal flush	150 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Hand</i>	<i>Paytable C</i>	<i>Envy Bonus</i>
Seven-card straight flush	5,000 to 1	\$1,000
Royal flush and ace king suited	1,000 to 1	\$250
Seven-card straight flush with joker	750 to 1	\$100
Five aces	250 to 1	\$50
Royal flush	100 to 1	\$25
Straight flush	50 to 1	\$10
Four-of-a-kind	20 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Hand</i>	<i>Paytable D</i>	<i>Envy Bonus</i>
Seven-card straight flush	2,500 to 1	\$1,000
Royal flush and ace king suited	1,000 to 1	\$750
Seven-card straight flush with joker	750 to 1	\$250
Five aces	250 to 1	\$100
Royal flush	125 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

(d) The certificate holder shall pay out winning Pai Gow Insurance Wagers 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>
Nine-high	100 to 1	100 to 1
Ten-high	25 to 1	25 to 1
Jack-high	15 to 1	15 to 1
Queen-high	6 to 1	7 to 1
King-high	5 to 1	5 to 1
Ace-high	3 to 1	3 to 1

(e) If the certificate holder offers the Progressive Payout Wager:

(1) The certificate holder shall pay out winning Progressive Payout Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Seven-card straight flush	100%
Five aces	10%
Royal flush	500 for 1
Straight flush	100 for 1
Four-of-a-kind	75 for 1
Full house	4 for 1

(2) The initial and reset amount must be in the certificate holder's Rules Submission filed in accordance with § 601a.2 and be at least \$2,000.

(3) Winning Progressive Payout Wagers shall be paid the amount on the meter when it is the player's turn to be paid in accordance with § 645a.11(h)(4) (relating to procedures for completion of each round of play) irrespective of the amount that was on the meter when the player placed the wager or when the dealer dealt the player's cards.

(f) Notwithstanding the payout odds in subsections (b)—(e), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum payout amount shall be at least \$50,000 or the maximum amount that one player could win per round when betting the minimum permissible wager, whichever is greater. Any maximum payout limit established by a certificate holder may not apply to Envy Bonus payouts.

#### § 645.14. Irregularities; invalid roll of dice.

(a) If the dealer uncovers the Pai Gow Poker shaker and all three dice do not land flat on the bottom of the shaker, the dealer shall call a "no roll" and reshake the dice.

(b) If the dealer uncovers the Pai Gow Poker shaker and a die or dice fall out of the shaker, the dealer shall call a "no roll" and reshake the dice.

(c) If the dealer incorrectly totals the dice and deals the first card to the wrong position, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If the dealer exposes any of the cards dealt to a player, the player may void the hand. The player shall make the decision to either play out the hand or to void the hand without looking at the unexposed cards.

(e) If a card or cards in the dealer's hand or the bank's hand, if applicable, are exposed, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(f) 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.

(g) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(h) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(i) If the dealer or the bank, if applicable, does not set his hands in the manner in which the certificate holder requires the hands of the dealer to be set, the hands shall be reset in accordance with the certificate holder's Rules Submission and the round of play shall be completed.

(j) If a card is exposed while the dealer is dealing the seven stacks in accordance with § 645a.9 (relating to procedures for dealing the cards from the hand), all wagers shall be returned to the players and the cards shall be reshuffled.

(k) If any player position or the dealer is dealt an incorrect number of cards, all hand shall be void, all

wagers shall be returned to the players and the cards shall be reshuffled.

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

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

(n) If an automated shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated 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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