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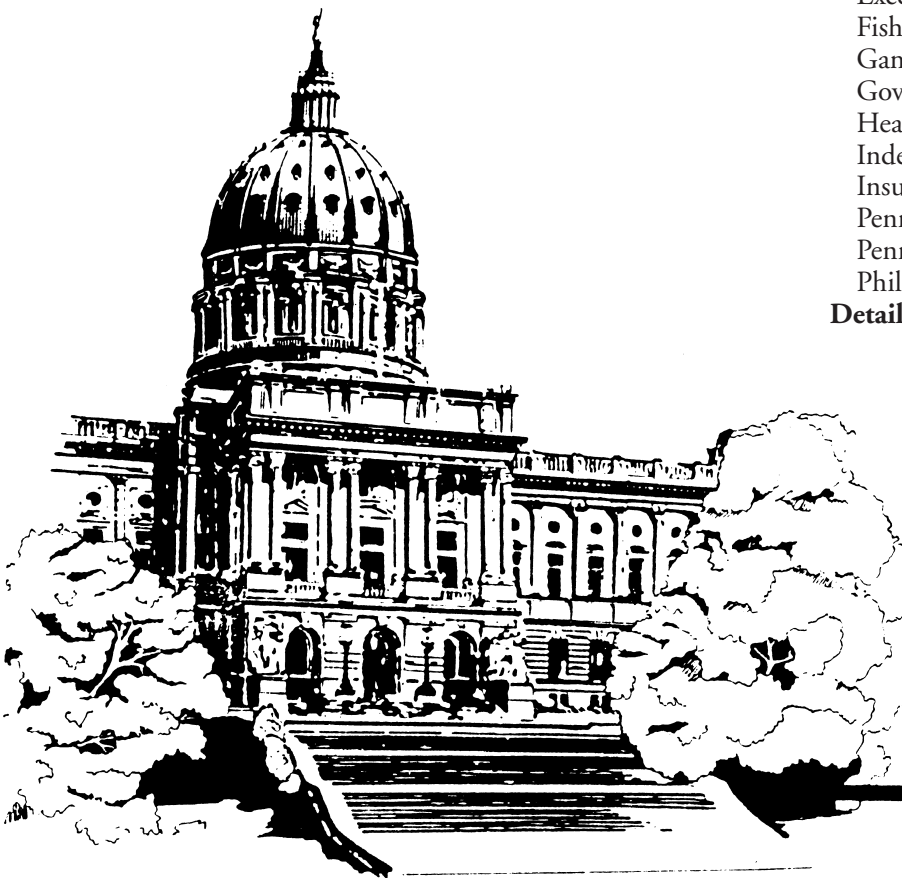
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**Latest Pennsylvania Code Reporters
(Master Transmittal Sheets):**

No. 452, July 2012

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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.

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.

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.

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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 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1, 5, 6, 9 AND 10]

Order Adopting New Rules 556—556.12, Amending Rules 103, 540, 544, 547, 560, 573, 646 and 1003 and Revising the Comments to Rules 542, 578, 582, 648 and 903 of the Rules of Criminal Procedure; No. 414 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 21st day of June, 2012, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 41 Pa.B. 5538 (October 15, 2011), and in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 27), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that

(1) New Pennsylvania Rules of Criminal Procedure 556 through 556.12 are adopted;

(2) Pennsylvania Rules of Criminal Procedure 103, 540, 544, 547, 560, 573, 646, and 1003 are amended; and

(3) the comments to Pennsylvania Rules of Criminal Procedure 542, 578, 582, 648, and 903 are revised, all in the following form.

It Is Further Ordered that a court of common pleas may proceed by indicting grand jury upon written order from the Supreme Court approving this method of proceeding in that judicial district. If a judicial district intends to utilize the indicting grand jury provided for by these rules, the President Judge or designee shall first petition this Court for approval.

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART A. Business of the Courts

Rule 103. Definitions.

The following words and phrases, when used in any Rule of Criminal Procedure, shall have the following meanings:

* * * * *

INDICTMENT is [a bill of indictment which has been approved by a grand jury and properly returned to court, or which has been endorsed with a waiver as provided in former Rule 215] the instrument holding the defendant for court after a grand jury votes to indict and authorizing the attorney for the Commonwealth to prepare an information.

INFORMATION is a formal written [accusation] statement charging the commission of an offense

[made] signed and presented to the court by the attorney for the Commonwealth [, upon which a defendant may be tried, which replaces the indictment in all counties since the use of the indicting grand jury has been abolished] after a defendant is held for court, is indicted by the grand jury, or waives the preliminary hearing or a grand jury proceeding.

* * * * *

Comment

The definitions of arraignment and preliminary arraignment were added in 2004 to clarify the distinction between the two proceedings. Although both are administrative proceedings at which the defendant is advised of the charges and the right to counsel, the preliminary arraignment occurs shortly after an arrest before a member of the minor judiciary, while an arraignment occurs in the court of common pleas after a case is held for court and an information is filed.

The definition of indictment was amended in 2012 consistent with the adoption of the new indicting grand jury rules in Chapter 5 Part E. Under the new rules, the indictment is the functional equivalent of an issuing authority's order holding the defendant for court and that forms the basis for the information that is prepared by the attorney for the Commonwealth. Formerly, an indictment was defined as a bill of indictment that has been approved by a grand jury and properly returned to court, or which has been endorsed with a waiver as provided in former Rule 215.

The definition of information was added to the rules as part of the implementation of the 1973 amendment to PA. CONST. art. I, § 10, permitting the substitution of informations for indictments. The term "information" as used here should not be confused with prior use of the term in Pennsylvania practice as an instrument which served the function now fulfilled by the complaint.

[The definition of bill of indictment was deleted in 1993 as no longer necessary because all courts of common pleas have abolished the indicting grand jury and now provide for the initiation of criminal proceedings by information. See PA. CONST. art. I, § 10 and 42 Pa.C.S. § 8931. Some pending cases, however, may have been instituted prior to the abolition of the indicting grand jury. For this reason, the definition of indictment has been retained in this rule.]

* * * * *

Official Note: Previous Rules 3 and 212 adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970; present Rule 3 adopted January 31, 1970, effective May 1, 1970; amended June 8, 1973, effective July 1, 1973; amended February 15, 1974, effective immediately; amended June 30, 1977, effective September 1, 1977; amended January 4, 1979, effective January 9, 1979; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended August 12, 1993, effective September 1, 1993; amended February 27, 1995, effective July 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to

July 1, 1996; renumbered Rule 103 and Comment revised March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended March 3, 2004, effective July 1, 2004; amended April 30, 2004, effective July 1, 2004; amended August 24, 2004, effective August 1, 2005; amended February 4, 2005, effective immediately; amended May 6, 2009, effective immediately; **amended June 21, 2012, effective in 180 days.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the June 21, 2012 amendments modifying the definitions of “indictment” and “information” published with the Court’s Order at 42 Pa.B. 4153 (July 7, 2012).

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 540. Preliminary Arraignment.

* * * * *

(E) The issuing authority shall not question the defendant about the offense(s) charged but shall read the complaint to the defendant. The issuing authority shall also inform the defendant:

(1) of the right to secure counsel of choice and the right to assigned counsel in accordance with Rule 122;

(2) of the right to have a preliminary hearing, **except in cases being presented to an indicting grand jury pursuant to Rule 556.2;** and

(3) if the offense is bailable, the type of release on bail, as provided in [**Chapter**] Chapter 5 Part C of these rules, and the conditions of the bail bond.

(F) Unless the preliminary hearing is waived by a defendant who is represented by counsel, **or the attorney for the Commonwealth is presenting the case to an indicting grand jury pursuant to Rule 556.2,** the issuing authority shall:

(1) fix a day and hour for a preliminary hearing which shall not be [**less than 3 nor more than 10 days after the preliminary arraignment,**] later than 14 days after the preliminary arraignment if the defendant is in custody and no later than 21 days if not in custody unless:

* * * * *

Comment

* * * * *

Under paragraph (A), the issuing authority has discretion to order that a defendant appear in person for the **preliminary** arraignment.

* * * * *

Nothing in this rule is intended to address public access to arrest warrant affidavits. *See Commonwealth v. Fenstermaker*, **515 Pa. 501**, 530 A.2d 414 ([**Pa.**] 1987).

* * * * *

The 2012 amendment to paragraph (F) conforms this rule with the new procedures set forth in Chapter 5, Part E, permitting the attorney for the Commonwealth to proceed to an indicting grand

jury without a preliminary hearing in cases in which witness intimidation has occurred, is occurring, or is likely to occur.

See Rule 1003(D) for the procedures governing preliminary arraignments in the Municipal Court.

Official Note: Original Rule 119 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 119 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 140 September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded August 9, 1994, effective January 1, 1995. New Rule 140 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 540 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended August 24, 2004, effective August 1, 2005; **amended June 21, 2012, effective in 180 days.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the June 21, 2012 amendments concerning indicting grand juries published with the Court’s Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 542. Preliminary Hearing; Continuances.

* * * * *

Comment

* * * * *

In cases in which summary offenses are joined with misdemeanor, felony, or murder charges, pursuant to paragraph (F), during the preliminary hearing, the issuing authority is prohibited from proceeding on the summary offenses, including the taking of evidence on the summary offenses, or adjudicating or disposing of the summary offenses [**, or adjudicating or disposing of the summary offenses**] except as provided in Rule 543(F).

For the contents of the transcript, see Rule 135.

See Chapter 5 Part E for the procedures governing indicting grand juries. Under these rules, a case may be presented to the grand jury instead of proceeding to a preliminary hearing. See Rule 556.2.

Official Note: Former Rule 141, previously Rule 120, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered Rule 141 and amended September 18, 1973, effective January 1, 1974; amended June 30, 1975, effective July 30, 1975; amended October 21, 1977, effective January 1, 1978; paragraph (D) amended April 26, 1979, effective July 1, 1979; amended February 13, 1998, effective July 1, 1998; rescinded October 8, 1999, effective January 1, 2000. Former Rule 142, previously Rule 124, adopted June 30, 1964, effective January 1, 1965, suspended effective May 1, 1970; present rule adopted January 31, 1970, effective May 1, 1970; renumbered Rule 142 September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; effective date extended to July 1, 1982; amended July 12, 1985, effective

tive January 1, 1986, effective date extended to July 1, 1986; rescinded October 8, 1999, effective January 1, 2000. New Rule 141, combining former Rules 141 and 142, adopted October 8, 1999, effective January 1, 2000; renumbered Rule 542 and Comment revised March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended March 9, 2006, effective September 1, 2006; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended January 27, 2011, effective in 30 days; **amended June 21, 2012, effective in 180 days.**

Committee Explanatory Reports:

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Final Report explaining the June 21, 2012 revision of the Comment concerning indicting grand juries published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 544. Reinstating Charges Following Withdrawal or Dismissal.

(A) When charges are dismissed or withdrawn at, or prior to, a preliminary hearing, **or when a grand jury declines to indict and the complaint is dismissed**, the attorney for the Commonwealth may reinstate the charges by approving, in writing, the [**refiling**] **re-filing** of a complaint with the issuing authority who dismissed or permitted the withdrawal of the charges.

(B) Following the [**refiling**] **re-filing** of a complaint pursuant to paragraph (A), if the attorney for the Commonwealth determines that the preliminary hearing should be conducted by a different issuing authority, the attorney shall file a Rule 132 motion with the clerk of courts requesting that the president judge, or a judge designated by the president judge, assign a different issuing authority to conduct the preliminary hearing. The motion shall set forth the reasons for requesting a different issuing authority.

Comment

This rule provides the procedures for reinstating criminal charges following their withdrawal or dismissal at, or prior to, the preliminary hearing **as provided in Rule 543, or after the complaint is dismissed when a grand jury declines to indict.**

The authority of the attorney for the Commonwealth to reinstate charges that have been dismissed at the preliminary hearing is well established by case law. *See, e.g., McNair's Petition*, **324 Pa. 48**, 187 A. 498 ([**Pa.**] 1936); *Commonwealth v. Thorpe*, **549 Pa. 343**, 701 A.2d 488 ([**Pa.**] 1997). This authority, however, is not unlimited. First, the charges must be reinstated prior to the expiration of the applicable statute(s) of limitations. *See Commonwealth v. Thorpe*, **549 Pa. 343**, 701 A.2d 488 ([**Pa.**] 1997). In addition, the courts have held that the reinstatement may be barred in a case in which the Commonwealth has repeatedly rearrested the defendant in order to harass him or her, or if the rearrest results in prejudice. *See Commonwealth v. Thorpe*, **549 Pa. 343**, 701 A.2d 488 ([**Pa.**] 1997); *Commonwealth v. Shoop*, **420 Pa. Super. 606**, 617 A.2d 351 ([**Pa. Super.**] 1992).

The decision to reinstate charges must be made by the attorney for the Commonwealth. Therefore, in cases in which no attorney for the Commonwealth was present at the preliminary hearing, the police officer may not [**refile**] **re-file** the complaint without the written authorization of the attorney for the Commonwealth. *See* Rule

507 (Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth—Local Option) for procedures for prior approval of complaints.

Pursuant to paragraph (A), in the usual case, charges will be reinstated by filing a complaint with the issuing authority who dismissed or permitted the withdrawal of the charges. However, there may be cases in which the attorney for the Commonwealth determines that a different issuing authority should conduct the preliminary hearing, such as when an error of law is made by the issuing authority in finding that the Commonwealth did not sustain its burden to establish a *prima facie* case. Paragraph (B) requires that, in these cases, the attorney for the Commonwealth must file a petition with the court of common pleas requesting that the president judge, or a judge designated by the president judge, assign a different issuing authority to conduct the preliminary hearing. For the procedure for requesting assignment of a different issuing authority, see Rule 132.

See Chapter 5 Part E for the procedures governing indicting grand juries. If the attorney for the Commonwealth is reinstating the charges after a complaint is dismissed when a grand jury has declined to indict, the complaint should be re-filed with the issuing authority with whom the original complaint was filed.

See Chapter 5 Part F(1) for the procedures governing motions.

Official Note: Original Rule 123, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 123 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 143 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 142 October 8, 1999, effective January 1, 2000. New Rule 143 adopted October 8, 1999, effective January 1, 2000; renumbered Rule 544 and amended March 1, 2000, effective April 1, 2001; **amended June 21, 2012, effective in 180 days.**

Committee Explanatory Reports:

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Final Report explaining the June 21, 2012 amendments to paragraph (A) concerning indicting grand juries published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 547. Return of Transcript and Original Papers.

(A) When a defendant is held for court, **or after the issuing authority receives notice that the case will be presented to the indicting grand jury and closes out the case**, the issuing authority shall prepare a transcript of the proceedings. The transcript shall contain all the information required by these rules to be recorded on the transcript. It shall be signed by the issuing authority, and have affixed to it the issuing authority's seal of office.

(B) The issuing authority shall transmit the transcript to the clerk of the proper court within 5 days after holding the defendant for court **or after closing out the case upon receipt of the notice that the case will be presented to the indicting grand jury.**

(C) In addition to this transcript the issuing authority shall also transmit the following items:

* * * * *

(5) a request for the court of common pleas to issue a bench warrant as required in Rule 543(D)(3)(b); [and]

(6) notice informing the court of common pleas that the defendant has failed to comply with the fingerprint order as required in Rule 543(D)(3)(b)(ii)[.] ; and

(7) a copy of the notice that the case will be presented to the indicting grand jury.

Comment

See Rule 135 for the general contents of the transcript. There are a number of other rules that require certain things to be recorded on the transcript to make a record of the proceedings before the issuing authority. See, e.g., Rules 542 and 543.

When the case is held for court pursuant to Rule 543(D)(3), the issuing authority must include with the transcript transmittal a request for the court of common pleas to issue a bench warrant.

When the case is held for court pursuant to Rule 543(D)(3)(b)(ii), the issuing authority must include with the transcript transmittal a notice to the court of common pleas that the defendant has not complied with the fingerprint order issued pursuant to Rule 510(C)(2). **See Rule 543(D)(3)(b)(ii).** The court of common pleas must take whatever actions deemed appropriate to address this non-compliance.

See Chapter 5 Part E for the procedures governing indicting grand juries. Pursuant to Rule 556.2(A)(3), the judge is required to notify the issuing authority that the case will be presented to the indicting grand jury. Pursuant to Rule 556.11(A), upon receipt of the notice, the issuing authority is required to close out the case in his or her office, and forward it to the court of common pleas for all further proceedings. When the case is transmitted to the court of common pleas, the clerk of courts should associate the transcript and other documents transmitted by the issuing authority with the motion and order filed pursuant to Rule 556.2(A)(5).

Official Note: Formerly Rule 126, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970; revised January 31, 1970[;], effective May 1, 1970; renumbered Rule 146 and amended September 18, 1973, effective January 1, 1974; amended October 22, 1982, effective January 1, 1982; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 547 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 10, 2008, effective February 1, 2009; **amended June 21, 2012, effective in 180 days.**

Committee Explanatory Reports:

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Final Report explaining the July 10, 2008 amendments to paragraph (C)(6) concerning the fingerprint order published at [37] 38 Pa.B. 3975 (July 26, [2007] 2008).

Final Report explaining June 21, 2012 amendments to paragraph (A) and adding paragraph

(C)(7) concerning indicting grand juries published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

PART E. Indicting Grand Jury

(Editor's Note: Rules 556—556.12 are new and printed in regular type to enhance readability.)

Rule	
556.	Indicting Grand Jury.
556.1	Summoning Panels of Grand Jurors.
556.2.	Proceeding by Indicting Grand Jury Without Preliminary Hearing.
556.3.	Composition and Organization of the Indicting Grand Jury.
556.4.	Challenges to Grand Jury and Grand Jurors.
556.5.	Duration of Indicting Grand Jury.
556.6.	Administering Oath to Grand Jury and Foreperson.
556.7.	Administration of Oath to Witnesses; Court Personnel.
556.8.	Recording of Testimony Before Indicting Grand Jury.
556.9.	Who May Be Present During Sessions of Indicting Grand Jury.
556.10.	Secrecy; Disclosure.
556.11.	Proceedings When Case Presented to Grand Jury.
556.12.	Waiver of Grand Jury Action.

Rule 556. Indicting Grand Jury.

Each of the several courts of common pleas may proceed with an indicting grand jury pursuant to these rules only in cases in which witness intimidation has occurred, is occurring, or is likely to occur.

Comment

This rule was adopted in 2012 to permit the use of an indicting grand jury as an alternative to the preliminary hearing but only in cases in which witness intimidation has occurred, is occurring, or is likely to occur.

The Supreme Court, by Order issued with the promulgation of the new Rules of Criminal Procedure governing the indicting grand jury, requires that each of the judicial districts must petition the Court for permission to resume using the indicting grand jury, but only as provided in these rules.

The rules in Chapter 5 Part E apply only to the indicting grand jury and do not apply to any county, regional, or statewide investigating grand jury.

Official Note: New Rule 556 adopted June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 556.1 Summoning Panels of Grand Jurors.

(A) When the court of common pleas elects to proceed with an indicting grand jury, the president judge, or president judge's designee, shall order one or more grand juries to be summoned for the purpose of issuing indictments or shall order that the sitting investigating grand jury shall sit as the indicting grand jury.

(B) The judge shall order the officials designated by law to summon prospective jurors to summon such number of jurors who are eligible by law as the judge deems necessary to serve as a panel for grand jury service.

(C) The summons shall be made returnable on such date as is ordered by the court.

Comment

Pursuant to paragraph (A), the president judge, or president judge's designee, may order that an investigating grand jury that is sitting will also serve in the capacity of the indicting grand jury.

The number of persons who may be summoned is left to the discretion of the president judge or the president judge's designee to accommodate the needs of the judicial district.

The qualification, selection, and summoning of prospective jurors, as well as related matters, are generally dealt with in 42 Pa.C.S. §§ 4501—4503, 4521—4527, and 4531—4532.

Official Note: New Rule 556.1 adopted June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 556.2. Proceeding by Indicting Grand Jury Without Preliminary Hearing.

(A) After a person is arrested or otherwise proceeded against with a criminal complaint, the attorney for the Commonwealth may move to present the matter to an indicting grand jury instead of proceeding to a preliminary hearing.

(1) The motion shall allege facts asserting that witness intimidation has occurred, is occurring, or is likely to occur.

(2) The motion shall be presented *ex parte* to the president judge, or the president judge's designee.

(3) Upon receipt of the motion, the president judge, or the president judge's designee, shall review the motion. If the judge determines the allegations establish probable cause that witness intimidation has occurred, is occurring, or is likely to occur, the judge shall grant the motion, and shall notify the proper issuing authority.

(a) Upon receipt of the notice from the judge that the case will be presented to the indicting grand jury, the issuing authority shall cancel the preliminary hearing, close out the case before the issuing authority, and forward the case to the court of common pleas as provided in Rule 547 for all further proceedings.

(b) Once the case has been forwarded to the court of common pleas, the case shall not be remanded to the issuing authority.

(4) The order granting the motion or the order denying the motion, and the motion shall be sealed.

(5) The attorney for the Commonwealth shall file the sealed order and the sealed motion with the clerk of courts.

(B) If not already assigned, the president judge shall assign one of the judges in the judicial district to serve as the supervising judge for the indicting grand jury.

(C) If the motion is granted, the case shall be presented to the grand jury within 21 days of the date of the order, unless:

(1) the grand jury proceedings are waived by the defendant with the consent of the attorney for the Commonwealth; or

(2) the attorney for the Commonwealth elects not to present the case to a grand jury.

If the case is not presented to the grand jury as provided in this paragraph, the defendant is entitled to a preliminary hearing in the court of common pleas.

Comment

An accused in Pennsylvania ordinarily has the right to a preliminary hearing before he or she may be indicted by

the grand jury. See *Commonwealth v. Hoffman*, 396 Pa. 491, 152 A.2d 726 (1959). However, the 2012 amendments to the rules permit the attorney for the Commonwealth to proceed to the indicting grand jury without first presenting the matter to an issuing authority for a preliminary hearing but only in cases in which witness intimidation has occurred, is occurring, or is likely to occur.

Concerning the requirements in paragraph (A)(1), see paragraph (A)(2)(g) of Rule 575 (Motions) that requires, *inter alia*, any motion that sets forth facts that do not already appear of record in the case to be verified by the sworn affidavit of some person having knowledge of the facts or by the unsworn written statement of such a person that the facts are verified subject to the penalties for unsworn falsification to authorities under the Crimes Code § 4904, 18 Pa.C.S. § 4904.

Pursuant to paragraph (A)(2), the president judge may designate another judge to receive motions from the attorney for the Commonwealth. It is anticipated that this designee will be the judge designated to be the supervising judge of the grand jury.

Pursuant to paragraph (A)(3)(a) and (A)(3)(b), after the issuing authority receives notice that the case will be presented to the grand jury, the case before the issuing authority is closed out and forwarded to the court of common pleas for all further proceedings. This provision is consistent with the general rule that once a case has been forwarded to the court of common pleas, the case is not permitted to be remanded to the issuing authority.

See Rule 556.11 for the procedures when a case is presented to the grand jury.

See Rule 556.12 for the procedures for the defendant to waive the grand jury proceedings.

If, after a motion to proceed to a grand jury is granted, the attorney for the Commonwealth elects not to present the case to the grand jury, the case will proceed as any other criminal case following the preliminary arraignment, except that the proceedings will be conducted in the court of common pleas. See Rules 541—547.

Official Note: New Rule 556.2 adopted June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 556.3. Composition and Organization of the Indicting Grand Jury.

(A) There initially shall be impaneled to serve on an indicting grand jury 23 legally qualified jurors and a minimum of 7 and not more than 15 legally qualified alternates. During its term, the indicting grand jury shall consist, as provided hereinafter, of not less than 15 nor more than 23 legally qualified jurors, and the remaining alternates.

(B) When an indicting grand jury is to be impaneled, the supervising judge in charge of the grand jury shall examine prospective jurors to determine which prospective jurors to excuse for cause. After prospective grand jurors have been excused for cause, the reduction to the minimum of 30 or maximum of 38 shall take place by random drawing in the following manner: 30 to 38 jurors shall be selected by random drawing, of which the first 23 jurors so selected shall be designated permanent grand jurors and the next 7 to 15 jurors shall be designated

alternate jurors. Alternate jurors shall replace permanent jurors in the sequence in which the alternate jurors are selected.

(C) Alternate jurors shall attend and participate in sessions of the grand jury but they may not attend or participate in the deliberations and voting until such time as they may be appointed as permanent grand jurors as provided in paragraph (D).

(D) The court shall have the power to permanently excuse a permanent or alternate grand juror for cause at any time during the term of the indicting grand jury. For each such excused permanent grand juror, the court shall appoint a new permanent grand juror from among the available alternates.

(E) Fifteen permanent members of the grand jury shall constitute a quorum, but an affirmative vote of 12 permanent members of the grand jury shall be required to indict.

(F) Whenever the number of permanent grand jurors, including alternates who have been appointed to replace permanent grand jurors, becomes less than 15, the term of the indicting grand jury shall be considered at an end.

(G) The supervising judge shall appoint one of the grand jurors as foreperson and another juror as the deputy foreperson, who will act in the foreperson's absence. The grand jury shall select one of its members as a secretary to assist the foreperson in keeping a record of the action of the grand jury.

Comment

To accommodate the possibility that a grand jury would serve the dual function of both an investigating and indicting grand jury, see Rule 556.1(A), the procedures in this rule comport to the procedures in Rule 222 (Composition and Organization of the Investigating Grand Jury).

The term "permanent grand juror" is used to distinguish grand jurors with the power to vote from alternate grand jurors. The purpose of providing a built-in system of alternates is to ensure the smooth functioning of the grand jury throughout its term and to provide that alternates, when made permanent grand jurors, will be fully cognizant of all the proceedings before the grand jury.

It is intended that no alternate may be appointed as a temporary substitute for a permanent grand juror, and that the court will excuse permanent grand jurors only when necessary and in the interests of justice. However, whenever a permanent juror is excused for cause and an alternate is available to become a permanent grand juror, the court must substitute an alternate for the excused permanent grand juror. It is intended that such substitution be made in the order of the alternate jurors' numerical designation.

Official Note: New Rule 556.3 adopted June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 556.4. Challenges to Grand Jury and Grand Jurors.

(A) Challenges

The attorney for the Commonwealth or a defendant may challenge the grand jury on the ground that it was

not lawfully drawn, summoned, or selected, and may challenge an individual juror on the ground that the juror is not legally qualified.

(1) The challenge shall be in the form of a written motion and shall allege the ground upon which the challenge is made.

(2) If a challenge to an individual grand juror is sustained, the juror shall be discharged and replaced with an alternate juror.

(B) Motion to Dismiss

(1) The attorney for the Commonwealth or a defendant may move to dismiss the information filed following the grand jury's vote to indict the defendant based on the following grounds:

(a) an objection to the grand jury or on an individual juror's lack of legal qualification, unless the court has previously ruled on the same objection under paragraph (A);

(b) the evidence did not establish a *prima facie* case that an offense has been committed and the defendant committed the offense;

(c) lack of jurisdiction of the grand jury; or

(d) expiration of the statute of limitations.

(2) The judge shall not dismiss the information on the ground that a grand juror was not legally qualified if the record shows that at least 12 qualified jurors concurred in the indictment.

(C) Any motion under paragraph (A) or paragraph (B) shall be made as part of the omnibus pretrial motion.

Comment

Concerning the right to challenge the array of the grand jury, see *Commonwealth v. Dessus*, 423 Pa. 177, 188, 224 A.2d 188, 194 (1966), in which the Court held, *inter alia*, that "the law . . . must not deprive an accused of any of his legal or Constitutional rights—in this case the right to promptly (a) challenge the array of the grand jury and (b) prove by legally competent evidence that one or more of the grand jurors should be disqualified for cause."

Nothing in this rule is intended to limit the availability of *habeas corpus* review as provided by law.

Nothing in this rule is intended to require notice to the defendant of the time and place of the impaneling of a grand jury, or to give the defendant the right to be present for the selection of the grand jury.

Official Note: New Rule 556.4 adopted June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 556.5. Duration of Indicting Grand Jury.

(A) The length of the grand jury term shall be determined by the president judge, or the president judge's designee, but shall not exceed 18 months, unless an order for discharge is entered earlier by the supervising judge upon determination by the grand jury, by majority vote, that its business has been completed, or an extension is granted pursuant to paragraph (B).

(B) At the end of its original term or any extension thereof, if the grand jury determines by majority vote that it has not completed its business, it may request the supervising judge to extend its term for an additional

period of 6 months. No grand jury term shall exceed 24 months from the time the grand jury was originally summoned.

(1) The supervising judge shall grant a request for extension unless the judge determines that such request clearly is without basis.

(2) Failure to grant an extension of term under this rule may be appealed by the attorney for the Commonwealth to the Supreme Court in the manner prescribed by general rule.

(3) If an appeal is taken, the grand jury shall continue to exercise its powers pending the disposition of the appeal.

(C) At any time within the original term of a grand jury, or any extension thereof, if the supervising judge determines that the grand jury is not conducting proper indicting activity, the judge may order that the grand jury be discharged.

(1) An order of discharge under this rule shall not become effective less than 10 days after the date on which the order is issued and actual notice given to the attorney for the Commonwealth and the foreperson of the grand jury.

(2) The order may be appealed by the attorney for the Commonwealth to the Supreme Court in the manner prescribed by general rule.

(3) If an appeal is taken, the grand jury shall continue to exercise its powers pending the disposition of the appeal.

Comment

The procedures governing the duration of the indicting grand jury are consistent with the procedures for investigating grand juries as set forth in 42 Pa.C.S. § 4546.

Official Note: New Rule 556.5 adopted June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 556.6. Administering Oath to Grand Jury and Foreperson.

(A) After the selection of the members of the grand jury, the supervising judge shall administer the oath separately to the foreperson and deputy foreperson and then to the other grand jurors. The supervising judge shall then charge the grand jury concerning its duties.

(B) The supervising judge shall administer the oath to the grand jury in substantially the following form:

"You, as grand jurors, do solemnly swear that you will make diligent inquiry with regard to all matters brought before you as well as such things as may come to your knowledge in the course of your duties; that you will keep secret all that transpires in the jury room except as authorized by law; that you will neither approve any indictment or present any person for hatred, envy or malice, or refuse to approve any indictment or present any person for love, fear, favor, or any reward or hope thereof; and that you will present all things truly to the court as they come to your knowledge and understanding."

(C) The supervising judge shall administer the oath to the foreperson and deputy foreperson in substantially the following form:

"You, as foreperson, do solemnly swear that you will make diligent inquiry with regard to all matters as shall be given you in charge; that you will keep secret all that transpires in the jury room, except as authorized by law; that you will neither approve any indictment or present any person for hatred, envy or malice, or refuse to approve any indictment or present any person for love, fear, favor, or any reward or hope thereof; and that you will present all things truly to the court as they come to your knowledge and understanding."

Comment

It is intended that all grand jurors, including alternate grand jurors, will be sworn at this time.

Official Note: New Rule 556.6 adopted June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 556.7. Administration of Oath to Witnesses; Court Personnel.

(A) Each witness to be heard by the indicting grand jury shall be sworn by the foreperson before testifying.

(B) All court personnel who are to be present during any portion of the grand jury proceedings, and all others who assist in the proceedings, shall be sworn to secrecy by the supervising judge prior to their participation.

Comment

When it is necessary to give constitutional warnings to a witness, the warnings and the oath must be administered by the supervising judge. As to warnings that the court may have to give to the witness when the witness is sworn, see, e.g., *Commonwealth v. McCloskey*, 443 Pa. 117, 277 A.2d 764 (1971).

Official Note: New Rule 556.7 adopted June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 556.8. Recording of Testimony Before Indicting Grand Jury.

(A) Proceedings before an indicting grand jury, other than the deliberations and voting of the grand jury, shall be recorded by a court reporter or by a suitable recording device, and a transcript made.

(B) The supervising judge shall retain control of the recording device and the original and all copies of the transcript, and shall maintain their secrecy.

(C) When physical evidence is presented before the indicting grand jury, the supervising judge shall establish procedures for supervising custody.

Comment

This rule requires that the supervising judge retain control over the transcript of the indicting grand jury proceedings and all copies thereof, as the record is transcribed, until such time as the transcript is released as provided in these rules.

Official Note: New Rule 556.8 adopted June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 556.9. Who May Be Present During Sessions of Indicting Grand Jury.

(A) The attorney for the Commonwealth, the alternate grand jurors, the witness under examination, and a stenographer may be present while the indicting grand jury is in session. Counsel for the witness under examination may be present as provided by law.

(B) The supervising judge, upon the request of the attorney for the Commonwealth or the grand jury, may order that an interpreter, security officers, and such other persons as the judge may determine are necessary to the presentation of the evidence may be present while the indicting grand jury is in session.

(C) All persons who are to be present while the indicting grand jury is in session shall be identified in the record, shall be sworn to secrecy as provided in these rules, and shall not disclose any information pertaining to the grand jury except as provided by law.

(D) No person other than the permanent grand jurors may be present during the deliberations or voting of the grand jury.

Comment

It is intended in paragraph (B) that when the supervising judge authorizes a certain individual to be present during a session of the indicting grand jury, the person may remain in the grand jury room only as long as is necessary for that person to assist the grand jurors.

See also Rule 556.10 concerning secrecy and disclosure of indicting grand jury proceedings.

Nothing in these rules precludes the supervising judge from permitting a witness to testify using two-way simultaneous audio-visual communication.

Official Note: New Rule 556.9 adopted June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 556.10. Secrecy; Disclosure.**(A) Secrecy**

(1) All evidence, including exhibits and all testimony presented to the grand jury, is subject to grand jury secrecy, and no person may disclose any matter occurring before the grand jury, except as provided in paragraph (B).

(2) A violation of grand jury secrecy rules may be punished as a contempt of court.

(B) Disclosure

No person may disclose any matter occurring before the grand jury, except as provided below.

(1) Attorney for the Commonwealth:

Upon receipt of the certified transcript of the proceedings before the indicting grand jury, the supervising judge shall furnish a copy of the transcript to the attorney for the Commonwealth for use in the performance of official duties.

(2) Defendant in a Criminal Case:

If a defendant in a criminal case has testified before the indicting grand jury concerning the subject matter of the charges against him or her, upon application of such defendant, the supervising judge shall order that the defendant be furnished with a copy of the transcript of such testimony.

(3) Witnesses:

(a) A grand jury witness may disclose his or her testimony unless the attorney for the Commonwealth obtains an order from the supervising judge that the interests of justice dictate otherwise.

(b) The attorney for the Commonwealth may request that the supervising judge delay the disclosure of a grand jury witness' testimony, but such delay in disclosure shall not be later than the conclusion of direct testimony of that witness at trial.

(4) Other Disclosures:

(a) Disclosure of grand jury material or matters, other than the grand jury's deliberations and the vote of individual jurors, may be made to any law enforcement personnel that an attorney for the Commonwealth considers necessary to assist in the enforcement of the criminal law.

(b) Upon motion, and after a hearing into relevancy, the supervising judge may order that a transcript of testimony before an indicting grand jury, or physical evidence before the indicting grand jury, may be released to an investigative agency under such conditions as the supervising judge may impose.

(5) Pretrial Discovery:

Pretrial discovery in cases indicted by a grand jury is subject to Rule 573. Pretrial discovery does not include testimony or other evidence that would disclose the identity of any witness or victim who has been intimidated, is being intimidated, or who is likely to be intimidated. Disclosure of such testimony or other evidence shall be only as ordered by the supervising judge.

(C) The supervising judge shall close to the public any hearing relating to grand jury proceedings to the extent necessary to prevent disclosure of a matter occurring before a grand jury. Records, orders, and subpoenas relating to grand jury proceedings shall be kept under seal to prevent the unauthorized disclosure of a matter occurring before a grand jury.

Comment

The attorney for the Commonwealth has an affirmative duty to provide the defendant with any testimony before the indicting grand jury and any physical evidence presented to the grand jury that is exculpatory to the defendant consistent with the line of cases beginning with *Brady v. Maryland*, 373 U.S. 83 (1963), and the refinements of the *Brady* standards embodied in subsequent judicial decisions.

Paragraph (B) establishes the limitations on pretrial discovery in cases in which a defendant has been indicted by a grand jury information. Although the Criminal Rules generally recognize the defendant's right to have pretrial discovery to be able to prepare his or her case, given the nature of the cases presented to the grand jury, see Rule 556, this rule places with the supervising judge the responsibility of determining when testimony and other evidence that would disclose the identity of any witness or victim who has been intimidated, is being intimidated, or who is likely to be intimidated will be discoverable.

Paragraph (B)(3)(b) permits the supervising judge to delay the time for the disclosure of a grand jury witness' testimony upon the request of the attorney for the Commonwealth. Under no circumstances may the extension be later than the completion of the witness' direct testimony at trial.

The supervising judge may grant a continuance to enable the defendant to review the grand jury testimony as the interests of justice require.

Official Note: New Rule 556.10 adopted June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 556.11. Proceedings When Case Presented to Grand Jury.

(A) A grand jury has the authority to:

(1) inquire into violations of criminal law through subpoenaing witnesses and documents; and

(2) based upon evidence it has received, including hearsay evidence as permitted by law, or upon a presentment issued by an investigating grand jury, if the grand jury finds the evidence establishes a *prima facie* case that (1) an offense has been committed and (2) the defendant has committed it, indict defendant for an offense under the criminal laws of the Commonwealth of Pennsylvania; or

(3) decline to indict.

(B) After a grand jury has considered the evidence presented, the grand jury shall vote whether to indict the defendant. The affirmative vote of at least 12 grand jurors is required to indict.

(C) In cases in which the grand jury votes to indict, an indictment shall be prepared setting forth the offenses on which the grand jury has voted to indict. The indictment shall be signed by the grand jury foreperson, or deputy foreperson if the foreperson is unavailable, and returned to the supervising judge.

(D) Upon receipt of the indictment, the supervising judge shall:

(1) provide a copy of the indictment to the Commonwealth authorizing the attorney to prepare an information pursuant to Rule 560; and

(2) forward the indictment to the clerk of courts, or issue an arrest warrant, if the subject of the indictment has not been arrested on the charges contained in the indictment.

(E) At the request of the attorney for the Commonwealth, the supervising judge shall order the indictment to be sealed.

(F) In cases in which the grand jury does not vote to indict, the foreperson promptly and in writing shall so report to the supervising judge who immediately shall dismiss the complaint and shall notify the clerk of courts of the dismissal.

Comment

Nothing in this rule is intended to preclude the investigating grand jury, when sitting as an indicting grand jury and as part of its determination of whether to indict, from considering evidence already presented to it during an investigation.

When the grand jury votes to indict the defendant, the vote to indict is the functional equivalent of holding the defendant for court following a preliminary hearing. In these cases, the matter will proceed in the same manner as when the defendant is held for court following a preliminary hearing. *See, e.g.*, Rules 547 and 560.

The indictment required by paragraph (C) no longer serves the traditional function of an indictment, but rather serves as an instrument authorizing the attorney for the Commonwealth to file an information. *See* Rule 103.

Concerning hearsay evidence before the indicting grand jury, see *Commonwealth v. Dessus*, 423 Pa. 177, 224 A.2d 188 (1966).

In cases in which the grand jury has declined to indict and the complaint has been dismissed, the attorney for the Commonwealth may reinstitute the charges as provided in Rule 544.

Official Note: New Rule 556.11 adopted June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 556.12. Waiver of Grand Jury Action.

(A) A defendant, with the consent of the attorney for the Commonwealth and the approval of the supervising judge, may waive action by the grand jury and consent to be bound over to court. If the defendant is represented by counsel,

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

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

(B) The waiver shall be in writing and signed by the defendant and defense attorney, if any, and shall certify that:

(1) the defendant voluntarily waives the grand jury action and consents to be bound over to court, and

(2) when represented by counsel, the defendant understands that by waiving action by grand jury, he or she is thereafter precluded from raising challenges to the sufficiency of the *prima facie* case.

Comment

Nothing in this rule is intended to preclude a waiver of action by the grand jury by way of agreement in which both parties agree to the preservation of the defendant's ability to raise the sufficiency of the Commonwealth's *prima facie* case at a subsequent proceeding. Any such agreement must be in writing or made on the record.

Official Note: New Rule 556.12 adopted June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

PART [E] F. Procedures Following a Case Held for Court

Comment

Rule 560. Information: Filing, Contents, Function.

(A) After the defendant has been held for court following a preliminary hearing or an indictment, the attorney for the Commonwealth shall proceed by preparing an information and filing it with the court of common pleas.

* * * * *
Comment
* * * * *

See Rule 543(D) for the procedures when a defendant fails to appear for the preliminary hearing. When the preliminary hearing is held in the defendant's absence and the case is held for court, the attorney for the Commonwealth should proceed as provided in this rule.

See Chapter 5 Part E for the procedures governing indicting grand juries. As explained in the Comment to Rule 556.11, when the grand jury indicts the defendant, this is the functional equivalent to holding the defendant for court following a preliminary hearing.

Official Note: Rule 225 adopted February 15, 1974, effective immediately; Comment revised January 28, 1983, effective July 1, 1983; amended August 14, 1995, effective January 1, 1996; renumbered Rule 560 and amended March 1, 2000, effective April 1, 2001; Comment revised April 23, 2004, effective immediately; Comment revised August 24, 2004, effective August 1, 2005; Comment revised March 9, 2006, effective September 1, 2006; amended June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

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Final Report explaining the March [3] 9, 2006 Comment revision concerning joinder of summary offenses with misdemeanor, felony, or murder charges published with the Court's Order at 36 Pa.B. 1392 (March 25, 2006).

Final Report explaining the June 21, 2012 amendments to paragraph (A) concerning indicting grand juries published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

PART [F] G. Procedures Following Filing of Information

Rule 573. Pretrial Discovery and Inspection.

* * * * *

(B) DISCLOSURE BY THE COMMONWEALTH

* * * * *

(2) DISCRETIONARY WITH THE COURT:

(a) In all court cases, except as otherwise provided in [Rule] Rules 230 (Disclosure of Testimony Before Investigating Grand Jury) and 556.10 (Secrecy; Disclosure), if the defendant files a motion for pretrial discovery, the court may order the Commonwealth to allow the defendant's attorney to inspect and copy or photograph any of the following requested items, upon a showing that they are material to the preparation of the defense, and that the request is reasonable:

* * * * *

This rule is intended to apply only to court cases. However, the constitutional guarantees mandated in Brady v. Maryland, 373 U.S. 83 (1963), and the refinements of the Brady standards embodied in subsequent judicial decisions, apply to all cases, including court cases and summary cases, and nothing to the contrary is intended. For definitions of "court case" and "summary case," see Rule 103.

See Rule 556.10(B)(5) for discovery in cases indicted by a grand jury.

The attorney for the Commonwealth should not charge the defendant for the costs of copying pretrial discovery materials. However, nothing in this rule is intended to preclude the attorney for the Commonwealth, on a case-by-case basis, from requesting an order for the defendant to pay the copying costs. In these cases, the trial judge has discretion to determine the amount of costs, if any, to be paid by the defendant.

* * * * *

Pursuant to paragraphs (B)(2)(b) and [(C)(2)(b)] (C)(2) the trial judge has discretion, upon motion, to order an expert who is expected to testify at trial to prepare a report. However, these provisions are not intended to require a prepared report in every case. The judge should determine, on a case-by-case basis, whether a report should be prepared. For example, a prepared report ordinarily would not be necessary when the expert is known to the parties and testifies about the same subject on a regular basis. On the other hand, a report might be necessary if the expert is not known to the parties or is going to testify about a new or controversial technique.

* * * * *

Official Note: Present Rule 305 replaces former Rules 310 and 312 in their entirety. Former Rules 310 and 312 adopted June 30, 1964, effective January 1, 1965. Former Rule 312 suspended June 29, 1973, effective immediately. Present Rule 305 adopted June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised April 24, 1981, effective June 1, 1981; amended October 22, 1981, effective January 1, 1982; amended September 3, 1993, effective January 1, 1994; amended May 13, 1996, effective July 1, 1996; Comment revised July 28, 1997, effective immediately; Comment revised August 28, 1998, effective January 1, 1999; renumbered Rule 573 and amended March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; Comment revised March 26, 2004, effective July 1, 2004; amended January 27, 2006, effective August 1, 2006; amended June 21, 2012, effective in 180 days.

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 3, 2004 amendments to paragraphs (A), (C)(1)(a), and [(C)(1)(16)] (C)(1)(b), and the revision to the Comment adding the reference to Rules 575 and 576 published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

* * * * *

Final Report explaining the June 21, 2012 amendments concerning discovery when case is indicted by grand jury published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

PART [F(1)] G(1). Motion Procedures

Rule 578. Omnibus Pretrial Motion for Relief.

* * * * *

Comment

Types of relief appropriate for the omnibus pretrial motions include the following requests:

* * * * *

- (5) to quash **or dismiss** an information;
- (6) for change of venue or venire;
- (7) to disqualify a judge;
- (8) for appointment of investigator; [**and**]
- (9) for pretrial conference[.] ; **and**
- (10) **challenging the array of an indicting grand jury.**

The omnibus pretrial motion rule is not intended to limit other types of motions, oral or written, made pretrial or during trial, including those traditionally called motions *in limine*, which may affect the admissibility of evidence or the resolution of other matters. The earliest feasible submissions and rulings on such motions are encouraged.

See Rule 556.4 for challenges to the array of an indicting grand jury and for motions to dismiss an information filed after a grand jury indicts a defendant.

Official Note: Formerly Rule 304, adopted June 30, 1964, effective January 1, 1965; amended and renumbered Rule 306 June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended October 21, 1983, effective January 1, 1984; Comment revised October 25, 1990, effective January 1, 1991; Comment revised August 12, 1993, effective September 1, 1993; renumbered Rule 578 and Comment revised March 1, 2000, effective April 1, 2001; **Comment revised June 21, 2012, effective in 180 days.**

Committee Explanatory Reports:

Report explaining the October 25, 1990 Rule 306 Comment revision published at [12] 20 Pa.B. 1696 (March 24, 1990).

* * * * *

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

Final Report explaining the June 21, 2012 revision of the Comment referencing indicting grand jury rules published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 582. Joinder—Trial of Separate Indictments or Informations.

* * * * *

Comment

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Paragraph (A)(1)(a) is based upon *Commonwealth v. Morris*, 493 Pa. 164, 425 A.2d 715 ([Pa.] 1981). Paragraph (A)(1)(b) is based upon statutory and case law that, ordinarily, if all offenses arising from the same criminal episode or transaction are not tried together, subsequent prosecution on any such offense not already tried may be

barred. See the Crimes Code, 18 Pa.C.S. §§ 109—110; *Commonwealth v. Campana*, 452 Pa. 233, 304 A.2d 432 (1973), vacated and remanded, 414 U.S. 808 (1973), addendum opinion on remand, 455 Pa. 622, 314 A.2d 854 ([Pa.] 1974); *Commonwealth v. Tarver*, 467 Pa. 401, 357 A.2d 539 ([Pa.] 1976). The court has also held that a defendant's failure to move for consolidation does not ordinarily constitute a waiver of an objection to a subsequent, separate trial of any such offense. See, e.g., *Commonwealth v. Stewart*, 493 Pa. 24, 425 A.2d 346 ([Pa.] 1981).

See Rule 571 concerning arraignment procedures.

Although most references to indictments and indicting grand juries were deleted from these rules in 1993 since the indicting grand jury was abolished in all counties (see PA. CONST. art. I, § 10 and 42 Pa.C.S. § 8931(b)), the reference was retained in paragraphs (A) and (B) of this rule because there may be some cases still pending that were instituted under the former indicting grand jury rules prior to the abolition of the indicting grand jury in 1993. **These references to "indictment" do not apply in the context of an indicting grand jury convened pursuant to the new indicting grand jury procedures adopted in 2012 in which an information would be filed after a grand jury indicts a defendant. See Rules 103 and 556.11.**

Official Note: Rule 1127 adopted December 11, 1981, effective July 1, 1982; amended August 12, 1993, effective September 1, 1993; amended August 14, 1995, effective January 1, 1996; renumbered Rule 582 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; **Comment revised June 21, 2012, effective in 180 days.**

Committee Explanatory Reports:

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Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

* * * * *

Final Report explaining the June 21, 2012 revision of the last paragraph of the Comment concerning the abolition of the indicting grand jury published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

PART [G] H. Plea Procedures

- Rule 590. Pleas and Plea Agreements.
- 591. Withdrawal of Plea of Guilty or Nolo Contendere.

CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

PART C(2). Conduct of Jury Trial

Rule 646. Material Permitted in Possession of the Jury.

* * * * *

(C) During deliberations, the jury shall not be permitted to have:

- (1) a transcript of any trial testimony;
- (2) a copy of any written or otherwise recorded confession by the defendant;
- (3) a copy of the information **or indictment**; and
- (4) except as provided in paragraph (B), written jury instructions.

(D) The jurors shall be permitted to have their notes for use during deliberations.

Comment

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Paragraph (D) was added in 2005 to make it clear that the notes the jurors take pursuant to Rule 644 may be used during deliberations.

[Although most references to indictments and indicting grand juries were deleted from these rules in 1993 because the indicting grand jury was abolished in all counties, see PA. CONST. art. I, § 10 and 42 Pa.C.S. § 8931(b), the reference was retained in this rule because there may be some cases still pending that were instituted prior to the abolition of the indicting grand jury.]

Official Note: Rule 1114 adopted January 24, 1968, effective August 1, 1968; amended June 28, 1974, effective September 1, 1974; Comment revised August 12, 1993, effective September 1, 1993; amended January 16, 1996, effective July 1, 1996; amended November 18, 1999, effective January 1, 2000; renumbered Rule 646 March 1, 2000, effective April 1, 2001; amended June 30, 2005, effective August 1, 2005; amended August 7, 2008, effective immediately; amended October 16, 2009, effective February 1, 2010; **amended June 21, 2012, effective in 180 days.**

Committee Explanatory Reports:

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Final Report explaining the October 16, 2009 amendment concerning providing jurors with the elements of the charged offenses in writing published with the Court's Order at 39 Pa.B. [6331,] 6333 (October 31, 2009).

Final Report explaining the June 21, 2012 amendment to paragraph (C)(3) and the revision of the Comment concerning the former abolition of the indicting grand jury published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Rule 648. Verdicts.

* * * * *

Comment

Paragraph (A) of the rule replaces the practice of automatically appointing the first juror chosen as foreman of the jury. Paragraphs (C), (D), and (E) serve only to codify the procedure where conviction or acquittal of one offense operates as a bar to a later trial on a necessarily included offense. Similarly, the rule applies to situations of merger and *autrefois* convict or acquit. No attempt is made to change the substantive law [**which**] that would operate to determine when merger or any of the other situations arise. *See, e.g., Commonwealth v. Comber, 374 Pa. 570, 97 A.2d 343 (1953).*

Paragraph (F) provides for the disposition in the court of common pleas of any summary offense that is joined with the misdemeanor, felony, or murder charges that were tried before the jury. Under no circumstances may the trial judge remand the summary offense to the issuing authority, even in cases in which the defendant is found not guilty by the jury. *See also* Rule 543 (Disposition of Case at Preliminary Hearing).

Paragraph (G) provides for the polling of the jury and requires the judge to send the jury back for deliberations in accordance with *Commonwealth v. Martin*, 379 Pa.

587, 109 A.2d 325 (1954). With respect to the procedure upon non-concurrence with a sealed verdict, see Rule 649(C).

Although most references to indictments and indicting grand juries were deleted from these rules in 1993 because the indicting grand jury was abolished in all counties, see PA. CONST. art. I, § 10 and 42 Pa.C.S. § 8931(b), the reference was retained in **paragraphs (D) and (E)** of this rule because there may be some cases still pending that were instituted **under the former indicting grand jury rules** prior to the abolition of the indicting grand jury in 1993. **These references to "indictment" do not apply in the context of an indicting grand jury convened pursuant to the new indicting grand jury procedures adopted in 2012 in which an information would be filed after a grand jury indicts a defendant. See Rules 103 and 556.11.**

Official Note: Rule 1120 adopted January 24, 1968, effective August 1, 1968; amended February 13, 1974, effective immediately; paragraph (E) amended to correct printing error June 28, 1976, effective immediately; paragraph (F) amended April 26, 1979, effective July 1, 1979; amended August 12, 1993, effective September 1, 1993; renumbered Rule 648 and amended March 1, 2000, effective April 1, 2001; amended March 9, 2006, effective September 1, 2006; **Comment revised June 21, 2012, effective in 180 days.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the March [3] 9, 2006 amendments concerning joinder of summary offenses with misdemeanor, felony, or murder charges published with the Court's Order at 36 Pa.B. 1392 (March 25, 2006).

Final Report explaining the June 21, 2012 revision of the Comment concerning the former abolition of the indicting grand jury published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

CHAPTER 9. POST-CONVICTION COLLATERAL PROCEEDINGS

Rule 903. Docketing and Assignment.

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Comment

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Although most references to indictments and indicting grand juries were deleted from these rules in 1993 since the indicting grand jury has been abolished in all counties, see PA. CONST. art. I, § 10 and 42 Pa.C.S. § 8931(b), the reference was retained in **paragraph (A)** of this rule because there may be some cases still pending that were instituted **under the former indicting grand jury rules** prior to the abolition of the indicting grand jury in 1993. **These references to "indictment" do not apply in the context of an indicting grand jury convened pursuant to the new indicting grand jury procedures adopted in 2012 in which an information would be filed after a grand jury indicts a defendant. See Rules 103 and 556.11.**

If a defendant in a death penalty case files a petition before the trial judge has made a determination concerning the appointment of counsel as required by Rule 904(G), after making the docket entry and placing the petition in the criminal case file, the clerk promptly must forward a copy of the petition to the trial judge for that determination.

Official Note: Previous Rule 1503 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; rescinded February 1, 1989, effective July 1, 1989, and replaced by present Rule 1504. Present Rule 1503 adopted February 1, 1989, effective July 1, 1989; amended June 19, 1996, effective July 1, 1996; amended August 11, 1997, effective immediately; Comment revised January 21, 2000, effective July 1, 2000; renumbered Rule 903 and Comment revised March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; **Comment revised June 21, 2012, effective in 180 days.**

Committee Explanatory Reports:

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Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

* * * * *

Final Report explaining the June 21, 2012 revision of the Comment concerning the former abolition of the indicting grand jury published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA TRAFFIC COURT

PART A. Philadelphia Municipal Court Procedures

Rule 1003. Procedure in Non-Summary Municipal Court Cases.

* * * * *

(D) PRELIMINARY ARRAIGNMENT

* * * * *

(3) At the preliminary arraignment, the issuing authority:

* * * * *

(d) **also** shall [**also**] inform the defendant:

(i) of the right to secure counsel of choice and the right to assigned counsel in accordance with Rule 122;

(ii) of the day, date, hour, and place for the trial, which shall not be less than 20 days after the preliminary arraignment, unless the issuing authority fixes an earlier date for the trial or the preliminary hearing upon request of the defendant or defense counsel, with the consent of the attorney for the Commonwealth;

(iii) in a case charging a felony, **unless the preliminary hearing is waived by a defendant who is represented by counsel, or the attorney for the Commonwealth is presenting the case to an indicting grand jury pursuant to Rule 556.2**, of the date, time, and place of the preliminary hearing, which shall not be less than 14 nor more than 21 days after the preliminary arraignment unless extended for cause or the issuing authority fixes an earlier date upon the request of the defendant or defense counsel with the consent of the complainant and the attorney for the Commonwealth; and that failure to appear without good cause for the preliminary hearing will be deemed a waiver by the defendant of the right to be present at any further proceedings before the issuing authority, and that the case shall proceed in the defendant's absence, and a warrant of arrest shall be issued; and

* * * * *

Comment

* * * * *

Nothing in this rule is intended to address public access to arrest warrant affidavits. *See Commonwealth v. Fenstermaker*, 515 Pa. 501, 530 A.2d 414 (1987).

The 2012 amendment to paragraph (D)(3)(d)(iii) conforms this rule with the new procedures set forth in Chapter 5, Part E, permitting the attorney for the Commonwealth to proceed to an indicting grand jury without a preliminary hearing in cases in which witness intimidation has occurred, is occurring, or is likely to occur. See Rule 556.2. See also Rule 556.11 for the procedures when a case will be presented to the indicting grand jury.

Under paragraph (D)(4), after the preliminary arraignment, if the defendant is detained, the defendant must be given an immediate and reasonable opportunity to post bail, secure counsel, and notify others of the arrest. Thereafter, if the defendant does not post bail, he or she must be committed to jail as provided by law.

* * * * *

Official Note: Original Rule 6003 adopted June 28, 1974, effective July 1, 1974; amended January 26, 1977, effective April 1, 1977; amended December 14, 1979, effective April 1, 1980; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective January 1, 1982; Comment revised December 11, 1981, effective July 1, 1982; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; rescinded August 9, 1994, effective January 1, 1995. New Rule 6003 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; amended March 22, 1996, effective July 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; amended August 28, 1998, effective immediately; renumbered Rule 1003 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended August 24, 2004, effective August 1, 2005; amended August 15, 2005, effective February 1, 2006; amended April 5, 2010, effective April 7, 2010; amended January 27, 2011, effective in 30 days; **amended June 21, 2012, effective in 180 days.**

Committee Explanatory Reports:

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Court's Order adopting the April 5, 2010 amendments to paragraph (D)(3)(d) published at 40 Pa.B. 2012 (April 17, 2010).

Court's Order adopting the January 27, 2011 amendments to paragraph (E) concerning hearsay published at 41 Pa.B. 834 (February 12, 2011).

Final Report explaining the June 21, 2012 amendments to paragraph (D)(3)(d)(iii) concerning indicting grand juries published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

FINAL REPORT¹*New Pa.Rs.Crim.P. 556 through 556.12, and Correlative Changes to Pa.Rs.Crim.P. 103, 540, 542, 544, 547, 560, 573, 578, 582, 646, 648, 903, and 1003*

Indicting Grand Juries

On June 21, 2012, effective in 180 days, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court adopted new Rules of Criminal Procedure 556 through 556.12, amended Rules of Criminal Procedure 103, 540, 544, 547, 560, 573, 646, and 1003, and approved the revision of the Comments to Rules of Criminal Procedure 542, 578, 582, 648, and 903. The rule changes provide, *inter alia*, for the resumption of the use of indicting grand juries, but only as a local option in the narrowly defined circumstance of cases in which witness intimidation has occurred, is occurring, or is likely to occur.

I. Background

In December 2009, the *Philadelphia Inquirer* published a series of articles reporting on what was viewed as systemic problems within the criminal justice system of the First Judicial District. In response to these articles, the Court appointed a Commission to study the issues raised by the *Philadelphia Inquirer*.

One of the problems identified in the *Inquirer* articles concerned intimidation by threats of violence to witnesses and/or witnesses' family members. "Witness intimidation pervades the Philadelphia criminal courts, increasingly extracting a heavy toll in no-show witnesses, recanted testimony—and collapsed cases . . . Prosecutors, detectives, and even some defense lawyers say witness fear has become an unspoken factor in virtually every court case involving violent crime in Philadelphia. Reluctant or terrified witnesses routinely fail to appear in court, and when they do, they often recant their earlier testimony or statements to police."²

The Court's Commission suggested that one means to address the witness intimidation problem would be to re-institute the indicting grand jury in Pennsylvania. The Commission appointed a subcommittee to develop procedures for the re-instituted indicting grand jury in Pennsylvania. The Commission's subcommittee's recommendations included, as a way to address the problem of witness intimidation, a proposal that the Court adopt rules providing for the use of the indicting grand jury similar to the indicting grand jury procedures in a number of other jurisdictions and the federal courts. The Commission's subcommittee opined that providing the attorney for the Commonwealth with the option of proceeding directly from a preliminary arraignment to an indicting grand jury, rather than having to go through a preliminary hearing, would eliminate the problems related to witness intimidation in Philadelphia. The Commission's subcommittee suggested that the indicting grand jury be utilized in lieu of proceeding by preliminary hearing on an as-needed basis in cases in which witness intimidation has occurred or is a distinct possibility. The Commission further postulated that, because the Pennsylvania Supreme Court has the exclusive authority to establish rules of criminal procedure, the Court has the authority issue an order that would repudiate 42 Pa.C.S. § 8931(f) and provide district attorneys with the discre-

tion to proceed with a preliminary hearing followed by the filing of an information or proceed directly from the preliminary arraignment to an indicting grand jury.

The Court referred the matter to the Criminal Procedural Rules Committee for a "considered evaluation" of the Commission's subcommittee's recommendation and whether the process for re-instituting the indicting grand jury could be accomplished by rule or would have to be by statute.

The Criminal Procedural Rules Committee, in considering whether the process for re-instituting the indicting grand jury was within the Court's rule-making authority, reviewed the history of the indicting grand jury and its evolution in Pennsylvania. We also examined the constitutional provisions, statutes, rules, and the case law governing indicting grand juries in Pennsylvania and in other jurisdictions. In addition, the Committee reviewed the legislative and rule history relative to the constitutional amendment that permitted judicial districts, with the permission of the Court, to elect to proceed by information instead of indictment.

Consistent with the views expressed by the Commission's subcommittee, the consensus of the Committee is that, pursuant to its constitutional and statutory authority to prescribe general rules governing practice, procedure, and conduct of all courts, the Court has the power to re-institute the indicting grand jury by rule. In reaching this conclusion, the Committee, also agreeing with the position of the Commission's subcommittee, reasoned that because the 1973 amendment of Article I § 10 of the Pennsylvania Constitution and the subsequent enabling legislation³ permitted, but did not mandate, the courts of common pleas to proceed by information instead of by indictment, but only with the permission of the Court, the Court similarly could permit the same courts of common pleas to resume using the indicting grand jury with the permission of the Court. The Committee also noted that the Court already has exercised its rule-making authority in this area by adopting new rules in 1964 governing indicting grand juries, adopting rule changes in 1974 establishing the procedures for proceeding with an information instead of by indicting grand jury, and after the last court of common pleas received the Court's approval to proceed by information in 1991, in 1993, rescinding the indicting grand jury rules as no longer necessary. The members believe this history fully supports the Court proceeding by rule to re-institute the use of the indicting grand jury.

II. Discussion

Placement of New Rules

When initially considering the placement of the new indicting grand jury rules, it was thought that the rules merely would be re-inserted into the same chapter of the rules where the indicting grand jury rules had been prior to being rescinded—then-Chapter 200 (Grand Jury, Indictment, and Information). However, since the time when the indicting grand jury rules were rescinded, the Criminal Rules have been reorganized and renumbered, and there no longer is a chapter comparable to former Chapter 200.⁴

In the current rules, Chapter 200 deals only with investigations and includes the search warrant and investigating grand jury rules. The rules governing prelimi-

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

² Nancy Phillips, *et al.*, "Witnesses Fear Reprisals, and Cases Crumble—Intimidation On The Streets Is Changing The Way Trials Are Run." *Philadelphia Inquirer*, Dec. 14, 2009.

³ Act 238 of 1974. The Act, which initially was in Title 17, sections 271—276, was repealed in 1978 as part of the Judiciary Act Repealer Act and replaced and amended by 42 Pa.C.S. § 8931.

⁴ See 30 Pa.B. 1478 (March 18, 2000).

nary hearings are in Chapter 5, Part D (Proceedings in Court Cases Before Issuing Authorities), and the rules governing informations, formerly in Chapter 2, are now in Chapter 5 Part E (Procedures Following a Case Held for Court).

Procedurally, the indicting grand jury procedures are comparable to preliminary hearing procedures and would occur after the preliminary arraignment and before the procedures for when a case is held for court. In view of this, a new part, Part E (Indicting Grand Jury), has been added to Chapter 5 and is dedicated to the indicting grand jury procedures.⁵ The new rules begin with Rule 556. Because of the dearth of available numbers in this chapter, although not a preferred method for numbering the Criminal Rules, but a less confusing option than renumbering all the rules in Chapter 5, all the new rules in Part E fall under Rule 556, and the next rules in the sequence are 556.1 *etc.*

Resumption of Indicting Grand Jury

The Committee recommended, because the Court was constitutionally required to approve the judicial districts' requests to proceed by information instead of indictment, that before a judicial district may resume using the indicting grand jury, the judicial district be required to receive the approval of the Court. Accordingly, the Court, in its Order adopting the new indicting grand jury rules, is requiring that the individual judicial districts petition the Court for permission to re-institute the indicting grand jury, similar to the petition procedure used when the judicial districts requested permission to proceed by information. To provide notice of this requirement, the Order would be referenced in the Comment to new Rule 556.

Scope of Indicting Grand Jury Authority: Proposed New Rule 556 (Indicting Grand Jury)

The Committee discussed how broad the jurisdiction of the indicting grand juries should be and whether the scope should be expanded beyond the cases in which witness intimidation is at issue.

After considering various approaches, the approach approved is, as a first step for bringing back the indicting grand jury, that the new procedures be narrowly drafted so that the indicting grand jury is to be used on an as-needed basis where witness intimidation has occurred or is a distinct possibility. In reaching this conclusion, consideration also was given to the facts that indicting grand juries have not been used in Pennsylvania for more than eighteen years and the new rules are not providing for a preliminary hearing procedure following indictment as was the case in the previous practice.

Accordingly, new Rule 556 (Indicting Grand Jury) permits the judicial districts to proceed by indicting grand jury as provided by the rules but only in cases in which witness intimidation has occurred, is occurring, or is likely to occur.

New Rule 556.1 (Summoning Panels of Grand Jurors)

New Rule 556.1 sets forth the procedures for summoning an indicting grand jury. These procedures are similar to the procedures for summoning an investigating grand jury set forth in Rule 221 except that the new rule does not set a limit on the number of individuals to summon. As explained in the Comment, the decision on the number of jurors to summon is left to the discretion of the judge to accommodate the needs of the judicial district.

⁵ This will necessitate re-naming current Parts E and F.

When a judicial district elects to proceed with the indicting grand jury, the president judge, or the president judge's designee, must order that one or more panels be summoned. The Committee noted that some of the judicial districts that choose to use the indicting grand jury may want to have a standing grand jury for that purpose, while other judicial districts will summon the indicting grand jury on an as-needed basis. The rule is intended to permit both practices.

The Committee also discussed whether judicial districts with sitting investigating grand juries could order the investigating grand jury to sit as an indicting grand jury when an indicting grand jury is needed. The members, particularly the members from the smaller judicial districts, noted that mandating two separate grand juries in a county, an investigating one and an indicting one, could double the cost and the administrative burden. They reasoned that if there is an existing investigating grand jury, permitting this dual function would promote judicial economy and would make it easier for the smaller judicial districts to utilize the indicting grand jury under these rules. In addition, from the Committee's research into this question, we learned that several other jurisdictions provide for this dual function by rule or statute.⁶

In view of these considerations, the new rules permit this dual function in Pennsylvania. To accommodate a sitting investigating grand jury to sit as an indicting grand jury, to the extent possible, the new procedures for the indicting grand jury, including the procedures for summoning, are the same as the procedures for the investigating grand jury.⁷

The Committee also discussed whether by permitting the investigating grand jury to sit as an indicting grand jury, the rules create an inconsistency with the provision of Section 4548(c) of the Investigating Grand Jury Act, 42 Pa.C.S. § 4548(c) (Other Powers), that provides, *inter alia*, "[e]xcept for the power to indict, the investigating grand jury shall have every power available to any other grand jury in the Commonwealth." The Committee initially thought the statute could be a problem and in the published version of the proposal provided for the limited suspension of the statute.

The Committee reconsidered this proposed suspension during the post-publication discussion of the rules. Although the new rules permit a judicial district to have the members of a standing investigating grand jury to sit as an indicting grand jury, there is a bright line between the functions of the two grand juries. The investigating grand jury proceeds as provided in Rules of Criminal Procedure 220 through 231 and in 42 Pa.C.S. § 4521 *et seq.* and the indicting grand jury will proceed pursuant to the new rules. Accordingly, the Committee recommended to the Court that a suspension is unnecessary. Consistent with this decision, the Comment to new Rule 556 includes a paragraph that makes it clear that the new rules only apply to indicting grand juries and do not apply to any county, regional, or statewide investigating grand juries.

New Rule 556.2 (Proceeding by Indicting Grand Jury without Preliminary Hearing)

New Rule 556.2 sets forth the new procedures for either proceeding to an indicting grand jury or proceeding to a preliminary hearing. Although the Commission's subcommittee proposed that the judge always must summon a

⁶ See *e.g.*, Nevada Revised Statutes § 172.175. (Matters into which grand jury shall and may inquire), New Jersey Rule 3:6-9. (Finding and Return of Presentment), and Virginia Code § 19.2-191. (Functions of a grand jury).

⁷ This reasoning also applies to the inclusion of the procedures from the investigating grand jury rules in new Rules 556.3, 556.5, 556.6, 556.7, 556.8, 556.9, and 556.10.

grand jury upon the request of the attorney for the Commonwealth, the Committee believes there must be some oversight of the process by the judge, particularly since the scope of the grand jury is limited. To accomplish this, paragraph (A)(1) of new Rule 556.2 requires that to proceed to an indicting grand jury, the attorney for the Commonwealth must file a motion setting forth sufficient facts that show that witness intimidation has occurred, is occurring, or is likely to occur. This fact-based motion procedure provides the judge with an opportunity to decline to grant the motion but only if the attorney for the Commonwealth does not make out probable cause that witness intimidation has occurred, is occurring, or is likely to occur. However, if the judge finds the motion makes out probable cause, he or she must grant the motion.

The Committee received some publication responses questioning the motion procedure, but after reconsidering this procedure during its post-publication discussions, declined to make the changes suggested by the respondents and reaffirmed that there should be some judicial oversight at this stage. Concerning the issues the respondents had about the motion procedure leading to litigation, the Committee's consensus was that the rules should remain silent about litigating these motions. The members observed that there are a number of motions filed in criminal cases for which the rules do not provide procedures for challenges or for appeals.

The Committee, however, did agree that the published version of Rule 556.2 should be modified to provide further clarity concerning the Commonwealth's burden for establishing the facts that evidence there is or is likely to be witness intimidation. The Committee modified the published version of new Rule 556.2 to require that the attorney for the Commonwealth must set forth sufficient facts to make out probable cause that there is or is likely to be witness intimidation.

Because the motion is fact specific, the Committee agreed it would be helpful to the bench and the bar if the verification requirements in Rule 575 (Motions and Answers) are reiterated in the Rule 556.2 Comment, as follows: "any motion that sets forth facts that do not already appear of record in the case to be verified by the sworn affidavit of some person having knowledge of the facts or by the unsworn written statement of such a person that the facts are verified subject to the penalties for unsworn falsification to authorities under the Crimes Code § 4904, 18 Pa.C.S. § 4904."

Paragraph (A)(2) requires that the motion is made *ex parte* to the president judge, or the president judge's designee. In most cases, it is anticipated that the judge designated to receive these motions also will be the judge designated to supervise the grand jury. If the judge grants the motion, the judge shall seal the motion and the order granting the motion, and the attorney for the Commonwealth shall file both with the clerk of courts. The *ex parte* and sealing requirements are incorporated into the procedures to ensure the protection of the witnesses and victims subject to the intimidation.

In addition, concurrently with granting the motion, the judge must notify the proper issuing authority that the attorney for the Commonwealth's motion has been granted. This provides the issuing authority with notice that the case is being submitted to the grand jury and that the case is to be closed in the magisterial district office.

Procedurally under the new rules, all court cases will continue to be instituted by the filing of a complaint or an

arrest without a warrant, the preliminary arraignment, when required by the rules, will be conducted by the proper issuing authority, and the preliminary hearing initially will be scheduled by the issuing authority. In the published version of the rules, the Committee had proposed that the case remain open in the proper issuing authority's office when the attorney for the Commonwealth is proceeding to an indicting grand jury instead of to a preliminary hearing. The Committee, at that time, reasoned, because the case has not been held for court, and until the grand jury proceeding actually is held, the possibility that a preliminary hearing will have to be held remains. However, several respondents criticized this proposed procedure as being too complicated and confusing because there would be case files open in the issuing authority's office and the clerk of courts office on the same case at the same time, and because the status hearings proposed in the published version of the rules would create additional work at the magisterial district level, and would unnecessarily require additional appearances for the parties, with additional costs and expenses.

In view of these concerns, the Committee reconsidered the proposal and agreed with the respondents that it makes more sense to have the whole case be in the court of common pleas from the time the motion to present a case to an indicting grand jury is granted. Accordingly, once the issuing authority receives notice that the case is going to be submitted to an indicting grand jury, the case must be closed in the magisterial district court and forwarded to the clerk of courts as provided in Rule 547.

To accommodate this new procedure, the provisions that require the issuing authority to close the case after receiving the notice from the judge and to forward the case to the court of common pleas are incorporated into Rule 556.2(A)(3)(a). In addition, Rule 556.2(A)(3)(b) includes a provision comparable to the provision in Rule 543 that once the case is closed in the magisterial district court office, the case is required to remain in the court of common pleas for all further proceedings. This "no remand" requirement is emphasized in the Rule 556.2 Comment.

Paragraph (C) requires that the case be submitted to the grand jury within 21 days of the date of the order granting the attorney for the Commonwealth's motion unless the defendant waives the grand jury or the attorney for the Commonwealth elects not to proceed to the grand jury. If the case is not presented to the grand jury after the motion has been granted, the defendant would then be entitled to a preliminary hearing in the court of common pleas.

During the post-publication discussions, several members questioned whether 21 days was a sufficient amount of time within which to convene a grand jury for the purpose of hearing the case, particularly when there is no sitting grand jury. Some members questioned why there should be any time limit. Others pointed out that a time limit is necessary to ensure that the case keeps moving and because in many of these cases the defendant is incarcerated. The Committee considered adding in a "cause shown" extension of time, extending the time to 45 days, and imposing a time limit on the judge to decide the motion that would trigger the 21-day time for submitting the case. Ultimately, because each idea had faults, the Committee rejected all the alternative ideas. The members agreed that how to work within the 21-day time limit in the rule in each judicial district should be a decision made at the local level.

The rules also permit the defendant to waive the grand jury proceedings in the same manner that he or she may waive the preliminary hearing, with the additional requirement that the attorney for the Commonwealth consents with the waiver. The consent of the Commonwealth requirement was added because there may be situations in which the Commonwealth will want to memorialize a witness's testimony on the record particularly when there is witness intimidation. Paragraph (C) of this rule and new Rule 556.12 provide for the waiver.

New Rule 556.3 (Composition and Organization of the Indicting Grand Jury)

New Rule 556.3 incorporates most of the procedures for the composition and organization of the indicting grand jury that are set forth in Rule 222 for the investigating grand jury because the investigating grand jury also may be sitting as the indicting grand jury. New Rule 556.3 requires that 23 individuals be impaneled for the indicting grand jury as does Rule 222. Rule 556.3, as does Rule 222, requires a minimum of seven and a maximum of 15 individuals as alternate jurors. Both rules require 15 members to constitute a quorum.

Paragraphs (C) and (D) address the procedures related to alternates. Paragraph (G) addresses the appointment of the foreperson, deputy foreperson, and the secretary.

New Rule 556.4 (Objections to Grand Jury and Grand Jurors; Motion to Dismiss)

New Rule 556.4 is taken from former Rule 203. During discussions of these procedures, questions arose about the procedures for challenging the array of the grand jury and whether such challenges have a constitutional basis. Research revealed that the right to challenge the array is a common law right and that some of the challenges, such as those based on race or gender, are constitutional challenges. *Commonwealth v. Dessus*, 423 Pa. 177, 224 A.2d 188 (1966), cited in the former indicting grand jury rules, and other early Pennsylvania cases that recognize the right to challenge the array appear to still be good law. In view of this research, new Rule 556.4 incorporates procedures for challenging the array.

Paragraph (B) of the rule sets forth the procedures for a motion to dismiss. Consistent with the proposed new procedure with regard to the function of the indictment and the fact that after the grand jury holds the defendant for court, the attorney for the Commonwealth will file an information, the motion to dismiss under this rule is a motion to dismiss the information.

During the post-publication discussions about the proposal, the Committee considered whether the published versions of Rule 556.4(B)(1)(b) and of Rule 556.11(B)(2) that established the burden of proof as "probable cause" should be modified to conform with the burden of proof at a preliminary hearing, that is, whether the indicting grand jury must find that the evidence makes out a "prima facie" case that an offense has been committed and that the defendant has committed it in the same way that the issuing authority must determine that the evidence at the preliminary hearing makes out a prima facie case. The Committee concluded this provision should be modified. Accordingly, the published versions of Rules 556.4(B)(1)(b) and 556.11(B)(2), now 556.11(A)(2), have been amended to provide that the evidence must make out a prima facie case.

The former indicting grand jury rules provided that the motion to dismiss an indictment should be made as part of the omnibus pretrial motion. The Committee agreed that under the new rules, the motion to dismiss also must

be made as part of the omnibus pretrial motion, as must the challenge to the array. Rule 556.4(C) spells out these requirements. The Comment to Rule 578 has been revised to add challenges to the array and motions to dismiss to the list of matters that should be included in the omnibus pretrial motion.

The importance of protecting a defendant's right to habeas corpus proceedings when there has been an indicting grand jury proceeding without a preliminary hearing also was an area of concern. To ensure that the procedures in Rule 556.4 are not read as limiting this right, the Rule 556.4 Comment includes a cautionary provision explaining that "nothing in the rule limits the availability of habeas corpus proceedings as provided by law." During the post-publication review, the Committee considered whether anything more should be said concerning habeas corpus proceedings in view of the publication responses. The consensus was that the Comment language is sufficient and no changes to the rule are necessary.

A last point with reference to challenges to the array and motions to dismiss relates to the defendant's access to information concerning the indicting grand jury prior to the grand jury proceedings. Providing for these challenges and motions in the rules does not give the defendant a right to participate in the process prior to an indictment, see, e.g., *Commonwealth v. Dessus*, supra. In recognition of the special nature of these indicting grand juries because of witness intimidation and the fact that indicting grand juries have not been in existence in Pennsylvania for over 18 years, the Comment provides clarification by explaining "nothing in this rule is intended to require notice to defendant of the time and place of the impaneling of a grand jury, or to give the defendant the right to be present for the selection of the grand jury."

New Rule 556.5 (Duration of Indicting Grand Jury)

New Rule 556.5 is consistent with 42 Pa.C.S. § 4546 (Term of Investigating Grand Jury) except that the rule leaves the duration to the discretion of the judge. The Committee agreed, however, that the judge's discretion should not be unlimited and has incorporated into the rule the outside limit of 18 months.

Although the indicting grand jury proceedings under these new rules ordinarily will be relatively brief, and, therefore, it might not be necessary to provide for an extension mechanism, because the goal is to have the new procedures for the indicting grand jury be the same as the procedures for the investigating grand jury, Rule 556.5 includes, as much as possible, the same detailed procedures for the extension of and early termination of the grand jury that are applicable in investigating grand jury proceedings.

New Rules 556.6 (Administering Oath to Grand Jury and Foreperson) and 556.7 (Administration of Oath to Witnesses; Court Personnel)

The provisions in new Rules 556.6 and 556.7 are taken from former Rules 206 and 207 and current Rules 223, 224, 225, and 227. The supervising judge is required to administer the oath to the foreperson, the deputy foreperson, and the other grand jurors. This provision also includes the text of the oaths that is required to be administered and is the same as in the former rules. The oaths to the witnesses and court personnel are to be administered by the foreperson, or deputy foreperson.

New Rule 556.8 (Recording of Testimony Before Indicting Grand Jury)

New Rule 556.8 provides for the recording of the grand jury proceedings other than deliberations and voting and is taken from Rules 228 and 229.

The rescinded indicting grand jury rules prohibited the recording of the proceedings. The Committee discussed this prohibition and agreed the new rules should follow the recording procedures in the investigating grand jury rules, as well as, the recording procedures in a number of states. The recording of the grand jury proceedings ensures there is a record should there be a need to review the grand jury proceedings.

Although it was suggested that the attorney for the Commonwealth should retain control of the recording device and transcript, the Committee believes it makes more sense if the supervising judge maintains control of the recordings and the transcript, as well as, of any physical evidence introduced during the proceedings. The members who regularly work with investigating grand juries indicated that this is consistent with the practice for investigating grand juries and that it is not an imposition on the supervising judge.

During the post-publication discussions, the Committee reconsidered the provision in the published version of the rule that provides for the destruction of the transcript, except for good cause, if no indictment is returned. Several members pointed out that an indictment may not be returned for multiple reasons and the parties still may need access to the transcripts when no indictment is returned for purposes other than proceeding in the case, such as receiving *Brady* material that was presented to the grand jury. Furthermore, there are other procedures in place with reference to preserving the transcripts of investigating grand juries that the members believe would apply to the indicting grand jury. In view of these considerations, the published version of Rule 556.8 has been modified by deleting paragraph (D).

New Rule 556.9 (Who May be Present During Sessions of Indicting Grand Jury)

New Rule 556.9 is taken from Rule 231. During consideration of the provisions of Rule 231, whether a witness may disclose his or her testimony was discussed in view of the provisions of 42 Pa.C.S. § 4549(d), which permit a witness to disclose his or her grand jury testimony. The Committee, when drafting this proposed rule, believed the witnesses should not be permitted to disclose their testimony because any case before the indicting grand jury under these new rules involves witness intimidation and permitting a witness to disclose his or her testimony could be dangerous for the witness or others.

The Committee reconsidered this decision during the post-publication review. Several members opined that the witness has a First Amendment right to reveal his or her testimony. Other members thought, because these cases involve witness intimidation, the Commonwealth's interest in protecting these witnesses outweighs the witness' First Amendment claim. Ultimately, it was agreed to delete the prohibition on the witness from revealing his or her testimony from the proposed rules, thus bringing the new indicting grand jury procedures in line with the procedures for witness testimony before the investigating grand jury. Because there may be legitimate reasons why a witness should not reveal his or her testimony after appearing before the grand jury, the new rule includes a provision for the attorney for the Commonwealth to seek

an order from the judge that the interests of justice dictate that the witness not reveal his or her testimony.

In addition, the attorney for the Commonwealth may request that the judge delay disclosure of a grand jury witness's testimony but the disclosure may not be later than the conclusion of the direct testimony of the witness at trial.

Although the prohibition on witnesses revealing their testimony had been addressed in the published version of Rule 556.9, the modifications are set forth in proposed Rule 556.10(B)(3) because this rule specifically addresses disclosures.

The Committee also considered the procedures in other jurisdictions for permitting witnesses to testify using two-way simultaneous audio-visual communication. Although the Committee does not believe the rules should mandate this procedure, it agreed there would be no reason not to permit such testimony with the approval of the supervising judge. A paragraph explaining this is included in the Comment.

New Rule 556.10 (Secrecy; Disclosure)

New Rule 556.10 is taken from Rule 230 and provides the procedures for maintaining the secrecy of the grand jury proceedings, paragraph (A), and for disclosure, paragraph (B).

Paragraph (A) requires that all evidence is subject to grand jury secrecy and any violation may be subject to contempt.

The published version of paragraph (B)(2)(b) restricted the defendant's pretrial discovery in cases indicted by a grand jury until 30 days before the commencement of trial. This restricted discovery provision generated several publication responses. The respondents and some of the members expressed concern that the limitation is too broad and would be applied to all discoverable materials in the case when the limitation only should apply to the identities and testimony of the grand jury witnesses who are subject to witness intimidation. Other respondents and a few members argued that having any limitations in the grand jury rules is unnecessary because Rule 573 (Pretrial Discovery and Inspection) has adequate safeguards for the judge to utilize when it is necessary to protect a witness, including, for example, the protective order. *See* Rule 573(F). They also pointed out that any 30-day limitation will lead to continuances that will delay the proceedings.

The Committee considered several approaches to address these concerns, and concluded that it would be less cumbersome and fairer if the rule provided that most things would be discoverable under Rule 573. The only exception would be evidence that would reveal the identity of the witnesses who are the subject of witness intimidation. Accordingly, the new rule provides that pretrial discovery is subject to Rule 573 and that "pretrial discovery" does not include "testimony or other evidence that would disclose the identity of any witness or victim who has been intimidated, is being intimidated, or who is likely to be intimidated." The timing and manner of discovery of this testimony or evidence is left to the discretion of the supervising judge.

To accommodate these changes, new Rule 556.10(B) has been reorganized from the published version. The paragraph begins with the general premise that no person may disclose any matter occurring before the grand jury. The paragraph then provides for specific exceptions to this general premise.

Paragraph (B)(1) provides that the supervising judge must provide the attorney for the Commonwealth with a copy of the transcript of the grand jury proceeding for the attorney's official duties.

Paragraph (B)(2) addresses disclosure to a defendant in a criminal case. The Committee, during the initial development of the proposed new rules, discussed whether a defendant may testify before the indicting grand jury, noting that Rule 230(B)(1) suggests that the defendant may testify before the investigating grand jury, and that other jurisdictions provide for the defendant's testimony. The Committee agreed the rules should not address this issue, but reasoned that leaving the rule silent does not prevent a defendant from asking to testify. Because of concerns that omitting the language from Rule 556.10 might be construed as prohibiting the defendant's right to the transcript, and that could create due process issues, language comparable to Rule 230(B)(1) is incorporated in Rule 556.10(B)(2) thereby ensuring that any defendant who is permitted to testify before the indicting grand jury is entitled to a copy of the transcript of his or her testimony.

Paragraph (B)(3)(a) sets forth the provisions concerning a witness's disclosing his or her testimony that are discussed above in the explanation of proposed new Rule 556.9. Although the new rule permits a witness to disclose his or her testimony, there may be circumstances when the attorney for the Commonwealth would want this disclosure delayed, such as when it is necessary to protect other witnesses. The new rule requires that the supervising judge is to make the determination whether there are compelling reasons when disclosure of the witness's testimony should be delayed. Finally, recognizing that the defendant has the right to this information for his or her defense, the new rule also requires that the transcript of a witness's testimony be furnished to the defendant no later than after the direct testimony of the witness at trial. Paragraph (B)(3)(b) sets forth this limitation on the witness's disclosure.

Paragraph (B)(4) sets forth the procedures for the disclosure of grand jury material or matters, other than deliberations and votes, to law enforcement personnel. This language is comparable to the disclosure provisions for investigating grand juries in Rule 230(C) and 42 Pa.C.S. § 4549(b).

New Rule 556.11 (Proceedings When Case Presented to Grand Jury)

The published version of proposed new Rule 556.11(A) sets forth the requirements that, when a case is to be submitted to an indicting grand jury, the case would remain open in the magisterial district court until the grand jury acts to either indict the defendant (holds the case for court), or declines to indict, and that the issuing authority cancel the preliminary hearing and conduct status hearings every 30 days until the grand jury acts. As explained above in the discussion about new Rule 556.2, several of the publication respondents suggested that this proposed procedure was too complicated and confusing because there would be case files open in the issuing authority's office and the office of the clerk of courts on the same case at the same time, and placed unnecessary burdens and expenses on the issuing authority's office and the parties. In view of these concerns, the Committee agreed to delete these published provisions in Rule 556.11(A).

New paragraph (A), paragraph (B) in the published version, sets forth the scope of the indicting grand jury's

authority to act. As mentioned above in the discussion of new Rule 556.4, as part of post-publication modifications, paragraph (A)(2) has been modified to require that the indicting grand jury must make a finding that the evidence establishes a *prima facie* case before it may indict the defendant. This modification was necessary because the function of the indicting grand jury under the new procedures is the same as the function of the preliminary hearing, see Rule 543, and it is imperative that the same burden applies to both.

Paragraph (B) addresses the voting requirements for the grand jury. In order to indict, there must be an affirmative vote of at least 12 jurors.

Paragraph (C) sets forth the requirements when the grand jury votes to indict. The indictment is prepared and must set forth the offenses on which the grand jury voted to indict. The indictment is to be signed by the foreperson or deputy foreperson and returned to the supervising judge.

Under the former indicting grand jury procedures, after a defendant was held for court following a preliminary hearing, the attorney for the Commonwealth would prepare a bill of indictment and submit that to the indicting grand jury. If the indicting grand jury, after considering the bill of indictment, voted to indict, the attorney for the Commonwealth would prepare the indictment and file it in the court of common pleas and the case would proceed to an arraignment. Because the new indicting grand jury procedures will be in lieu of the preliminary hearing, a change in the function of the grand jury's indictment has been incorporated into the new procedures to simplify the post-indictment procedures, to keep these procedures more in line with the post-preliminary hearing procedures, and to eliminate the need to completely reorganize the rules governing the procedures after a case is held for court that would have been necessary to accommodate the cases proceeding by indictment.

This new procedure changes the function of the grand jury's indictment from the charging document that was comparable to an information to a notice-type document that sets forth the charges held for court by the grand jury and authorizes the attorney for the Commonwealth to file an information. Thereafter, the attorney for the Commonwealth would proceed in the same manner as he or she would proceed after a case is held for court following a preliminary hearing. To accommodate this new procedure, paragraph (D)(1) requires the supervising judge, upon receipt of the indictment, to provide a copy of the indictment to the attorney for the Commonwealth authorizing him or her to prepare an information pursuant to Rule 560.

The Comment includes an explanation that the grand jury's vote to indict is the functional equivalent of holding the defendant for court following a preliminary hearing. The Comment also explains that the indictment no longer serves the traditional function of an indictment but rather serves as an instrument authorizing the attorney for the Commonwealth to file an information. This change in the function of the indictment is further clarified in the amendment to the Rule 103 definition of "indictment" discussed below.

Paragraph (D)(2) requires the supervising judge to forward a copy of the indictment to the clerk of courts, or to issue an arrest warrant if the subject of the indictment has not been arrested on the charges contained in the indictment. The arrest provision was included because, although infrequent, there are times when the indicting

grand jury hears evidence that reveals there is another individual who has not been charged but who is involved in the criminal activity that is the subject of the indicting grand jury. The Committee majority agreed the rule should provide a procedure to address this situation so the case would not “fall through the cracks.”

Paragraph (E) requires the supervising judge to order the indictment sealed in cases in which the attorney for the Commonwealth so requests. Because the indicting grand jury only will be convened to hear cases in which the witness is being, has been, or is likely to be intimidated, at the time an indictment is to be filed, there still may be justification to maintain the secrecy of the information that was before the grand jury.

If the grand jury declines to indict, as provided in paragraph (F), the supervising judge must dismiss the complaint and notify the clerk of courts of the dismissal. As with a dismissal after a preliminary hearing, the attorney for the Commonwealth may re-file the case pursuant to Rule 544.

As explained in the discussion of new Rule 556.1, there should not be an overlap of functions of the two grand juries when the members of an investigating grand jury sit as an indicting grand jury. However, the Committee recognized that there may be situations after an investigating grand jury has issued a presentment when the attorney for the Commonwealth determines the crime charged in the presentment is one in which there is witness intimidation and submits the case to the indicting grand jury that, in this scenario, is the same body as the investigating grand jury. In this situation, it makes sense to permit the incorporation of the evidence initially presented to the investigating grand jury during the investigation for the grand jury’s consideration when it is sitting as the indicting grand jury. The Comment explains that the rule does not prevent the investigating grand jury when sitting as an indicting grand jury from considering the evidence already presented to it.

New Rule 556.12. (Waiver of Grand Jury Action)

New Rule 556.12 sets forth the procedures for the waiver of the grand jury proceedings. The procedures are comparable to the procedures for waiving the preliminary hearing but, as explained above in the discussion of new Rule 556.2(C), require the consent of the attorney for the Commonwealth. In addition, the supervising judge has to approve the waiver.

Rule 541 (Waiver of Preliminary Hearing) recently was amended to provide, if the defendant waives the preliminary hearing and consents to be bound over to court, that the defendant thereafter is precluded from raising the sufficiency of the Commonwealth’s *prima facie* case.⁸ The changes to Rule 541 also provide that, if the defendant waives the preliminary hearing by way of an agreement, and if the agreement is not accomplished, the defendant may challenge the sufficiency of the Commonwealth’s *prima facie* case. The same provisions have been added to Rule 556.12.

Conforming Changes to Rules 103, 540, 542, 544, 547, 560, 573, 578, 582, 646, 648, 903, and 1003

A number of conforming changes to Rules 103, 540, 542, 544, 547, 560, 573, 578, 582, 646, 648, and 1003 have been made. Except for the changes described below, the conforming changes merely add references to the new indicting grand jury procedures to the Comments of the rules.

⁸ See 42 Pa.B. 2465 (May 12, 2012).

Rule 103 has been amended to change the definition of “indictment” from “a bill of indictment which has been approved by a grand jury and properly returned to court, or which has been endorsed with a waiver as provided in former Rule 215” to “the instrument holding the defendant for court after a grand jury votes to indict and authorizing the attorney for the Commonwealth to prepare an information.” This change in the definition conforms the definition with the provision in the new rules that when an indicting grand jury votes to indict the defendant, the attorney for the Commonwealth proceeds by filing an information as set forth in the rules. The definition of “information” also has been amended to make it clear that an information is presented to the court by the attorney for the Commonwealth when the defendant is held for court or waives the preliminary hearing or a grand jury proceeding. The Rule 103 Comment further clarifies the new function of the “indictment” under the indicting grand jury rules.

Rule 540(F) includes, as an exception to when an issuing authority would set the date for the preliminary hearing, the situation when the attorney for the Commonwealth is presenting the case to an indicting grand jury. Paragraph (F)(3) has been amended to extend the time for conducting the preliminary hearing from 3 to 10 days after the preliminary arraignment to 14 to 21 days after the preliminary arraignment to accommodate the timing for proceeding to an indicting grand jury depending on whether or not the defendant is in custody.

Rule 544(A) has been amended by the addition to the types of cases that the attorney for the Commonwealth may re-file under Rule 544 those case in which the indicting grand jury declines to indict a defendant. The new language makes it clear that the reason the Commonwealth may re-file the charges in these cases is that, when a grand jury declines to indict, the complaint is dismissed.

The published version of Rule 547(A) proposed changes that were consistent with the proposed changes that would have required the case to remain open in the magisterial district court. To conform this rule with the post-publication changes to Rules 556.2 and 556.11 that require the issuing authority to close the case when he or she receives notice that the case will be submitted to the grand jury, paragraph (A) has been amended to require the issuing authority to prepare a transcript after closing the case that is being submitted to the grand jury. Similarly, paragraph (B) has been amended to require the issuing authority to transmit the transcript in the same circumstances. Finally, paragraph (C) has been amended by the addition of a new paragraph (7) that requires a copy of the notice that the case will be presented to the indicting grand jury to be forwarded with the transcript.

Rule 560(A) has been amended by adding the issuance of an indictment to when an information is to be prepared by the attorney for the Commonwealth.

The Rule 578 Comment has been amended to add “or dismiss” in paragraph (5) to make it clear that a motion to dismiss an information is to be included in the omnibus pretrial motion and to add a new paragraph (10) providing that a challenge to the array of an indicting grand jury ordinarily would be made as part of the omnibus pretrial motion.

The current Comments to Rules 582, 646, 648, and 903 include an explanation about the retention of the reference to “indictment” in the rules after the 1993 rescission of the indicting grand juries. With the addition of the new

indicting grand jury rules, the Comments to Rules 582, 648, and 903 have been revised to make it clear that these references to “indictment” do not apply in the context of an indictment issued by an indicting grand jury convened pursuant to the new rules. This Comment in current Rule 646 has been deleted as no longer necessary.

The amendment to Rule 646(C)(3) adding “indictment” is a corrective amendment referring to indictments under the former indicting grand jury rules.

Rule 1003(D)(3)(d)(iii) has been amended by adding an “unless” clause comparable to the “unless” clause in Rule 540(F), and explains that the Municipal Court judge must inform the defendant of the preliminary hearing unless the preliminary hearing is waived or the case is being presented to an indicting grand jury.

[Pa.B. Doc. No. 12-1255. Filed for public inspection July 6, 2012, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Notice to the Mass Tort Bar Amended Protocols and 5-Month Interim Report; General Court Regulation No. 2012-03

This Court adopted transitional working rules (“protocols”) on February 15, 2012 (see General Court Regulation No. 2012-01) to address concerns that the mass tort inventory was experiencing explosive growth, i.e.:

1. In the last five (5) years, the inventory rose from 2,542 cases to 6,174 (12/31/11) cases or a 143% increase (3,632 new filings).

2. While meeting ABA standards for time to disposition in 90% of all major jury cases, only 36% of the mass tort cases were disposed in accordance with these standards. These standards are unrealistically short for mass torts.

3. The 2011 year end inventory of 6,174 cases burdens FJD resources and requires prudent management and court oversight to assure meeting scheduled events and trial dates.

Based on the results from January through May, 2012 terms, the Court reports the following:

1. There were 444 filings during January-May terms. The total projected filings in mass tort should total 1,068 cases for the 2012 year. This is a 60% reduction from the 2,690 cases filed in 2011 and a return to pre-2009 filing levels.

2. There has been a substantial reduction in the total out of state filings. In percentage terms, pharmaceutical cases have been reduced from 88% to 85%, and in asbestos cases from 47% to 46%.

3. Although the protocols suggest deferral of punitive damage claims, the rule has not been applied to a single case as no case involving a punitive damage claim has proceeded to trial.

4. There has been heightened settlement activity. Mediation activity in both asbestos and pharmaceutical cases has increased notably.

5. Discovery disputes have greatly diminished as a result of adopting separate discovery rules written by the Asbestos Bar and the Pharmaceutical Bar.

6. An additional judge will be assigned to the Mass Tort Program this fall (an increase of two judges since January 1, 2012).

Accordingly, the Court now revises the protocols: (a) to allow punitive damage claims to proceed, subject to decisions of the Coordinating Judges; (b) to incorporate the discovery rules written by the Asbestos and Pharmaceutical Bars; (c) to relax the rules on pro hoc vice counsel by doubling the number of permissible trials; (d) to resume expedited listings for plaintiffs who have a medically verifiable prognosis of imminent death; and (e) to encourage the Pharmaceutical Bar to utilize voluntary mediation which has proven successful in the Asbestos Program.

Order

And Now, this 18th day of June, 2012, the comment period having expired, it is hereby *Ordered, Adjudged and Decreed* that:

[Bracketed and bold words deleted]

1. There shall be no reverse bifurcation of any mass tort case, including asbestos, unless agreed upon by all counsel involved.

2. Consolidation of mass tort cases shall not occur absent an agreement of all parties, except in the asbestos program in accordance with the protocols set forth herein below.

3. AMENDED. [**All punitive damage claims in mass tort claims shall be deferred.**] The Court continues to review recommendations concerning punitive damages and will likely further amend this rule. Until a final version is established, the following procedure is adopted: Punitive damage claims may be litigated in pharmaceutical mass tort cases provided that the Coordinating Judges, following appropriate motion practice by defense counsel at least 60 days in advance of trial, rule that there are sufficient requisite proofs to support the claim going to trial.

4. AMENDED. Pro hoc vice counsel shall be limited to no more than four (4) [**two (2)**] trials per year, but otherwise will not be limited on pre-trial appearances. The Court encourages non-Pennsylvania counsel to pass its Bar Examination and thereby become familiar with Pennsylvania law, rules and procedures.

5. AMENDED. [**Unless otherwise agreed by defense counsel or upon showing of exigent circumstances, all discovery shall take place in Philadelphia.**]

Asbestos Bar Discovery Rule

“Unless otherwise agreed by opposing counsel or upon showing of exigent circumstances, all discovery shall take place in Philadelphia; however, a party may notice a deposition to take place at a location outside of Philadelphia so long as that party provides video conferencing, or telephone conferencing if video conferencing is impracticable, at no expense to opposing parties.

A notice of deposition shall be served on all parties at least 7 days prior to the scheduled deposition date, unless court approval is obtained for a shorter period of time.”

Pharmaceutical Bar Discovery Rule

“All plaintiffs shall be made available for deposition in Philadelphia unless otherwise agreed by all parties or upon motion and for good cause shown.”

6. Except for those cases already scheduled for trial through February 29, 2012, asbestos cases thereafter shall be grouped in groups of a minimum of 8 and a maximum of 10 and counsel shall be required to propose cases for consolidation considering the following criteria:

a. Same law. Cases that involve application of the law of different states will not be tried together;

b. Same disease. The disease category for each case in a group must be identical. The disease categories of cases to be grouped for trial are mesotheliomas, lung cancers, other cancers and non-malignancy cases;

c. Same plaintiff's law firm. Primary trial counsel for all cases in each group will be from a single plaintiff firm. Cases where Philadelphia plaintiff firms serve as local counsel for out-of-state counsel will not be grouped with cases from the local firm;

d. Fair Share Act cases will not be consolidated with non-Fair Share Act cases;

e. Pleural mesothelioma is a disease that is distinct from mesotheliomas originating in other parts of the body, and will not be tried on a consolidated basis with non-pleural mesothelioma cases and not necessarily tried on a consolidated basis. Non-pleural mesothelioma cases will be further classified for trial, so that non-pleural mesothelioma cases allegedly caused by occupational exposure will not be tried on a consolidated basis with non-pleural mesothelioma cases allegedly caused by para-occupational (bystander) exposure;

f. And such other factors as determined appropriate in weighing whether all parties to the litigation can receive a prompt and just trial. The Court's present backlog of asbestos cases shall not be an overriding factor in the consolidation determination.

7. Any grouping of cases less than 8-10 in number shall not receive a trial date until a group is formed of 8-10 cases. A maximum of 3 of these 8-10 cases may be tried, with the other 5-7 cases either resolving through settlement or returned to the Coordinating Judges for regrouping and relisting for trial.

8. Mediation: Once grouped, assigned a trial date and after Motions for Summary Judgment have been decided by the Court, counsel are urged to seek mediation from a special panel of former judges named herein below. Either side may request mediation. The mediator selected by the parties shall advise the Court whether the plaintiff firm's participation was in good faith or not. In the discretion of the Coordinating Judges, any plaintiff firm's failure to proceed in good faith in mediation may constitute just cause to remove that group of cases from the trial list and any defendant's failure to proceed in good faith may result in an increase of the maximum 3 cases consolidated for trial. Since no more than 3 cases may be consolidated and proceed to trial in any group of 8-10, the remaining 5-7 cases should be resolved and settled. Otherwise, those unresolved cases shall be relisted for trial. All parties will share the expense of mediation.

9. The panel of former judges invited to participate in the special mediation of mass tort cases are the following:

1. Jane Cutler Greenspan, Judge
JAMS Arbitration, Mediation and ADR Services
1717 Arch Street
Suite 4010—Bell Atlantic Tower
Philadelphia, PA 19103
(215) 246-9494
2. G. Craig Lord, Judge
Blank Rome LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19103-6998
(215) 569-5496
3. James R. Melinson, Judge
JAMS Arbitration, Mediation and ADR Services
1717 Arch Street
Suite 4010—Bell Atlantic Tower
Philadelphia, PA 19103
(215) 246-9494
4. Russell Nigro, Judge
210 W. Washington Square
Philadelphia, PA 19106
(215) 287-5866
5. Diane M. Welsh, Judge
JAMS Arbitration, Mediation and ADR Services
1717 Arch Street
Suite 4010—Bell Atlantic Tower
Philadelphia, PA 19103
(215) 246-9494

10. The plaintiff firm shall designate which of the cases will proceed to trial. The defendants have the right to object to the cases selected to be tried together.

11. Immediately prior to trial of up to 3 consolidated asbestos cases, the assigned trial judge shall independently determine whether the cases will be tried in a consolidated manner based on the criteria herein above set forth and any other factors deemed relevant to the issue of consolidation and a fair trial.

12. AMENDED. [Expediting of Cases. There shall be no expediting of cases based on exigent medical or financial reasons until the backlog of pending cases has been resolved, unless otherwise agreed by a majority of the defendants. When this Program achieves 80% of all asbestos cases resolved in 24-25 months, advanced listings based on exigent medical circumstances will be considered for plaintiffs with Pennsylvania exposure only.] The Coordinating Judges will now accept and rule upon Petitions for advanced listings premised upon a medically verifiable prognosis of imminent death.

13. Effective May 1, 2012, the Honorable Arnold New, presently assigned to the Commerce Program, will be reassigned as a Co-Coordinating Judge of the Complex Litigation Center and will join the Honorable Sandra Mazer Moss in administering all programs in the Complex Litigation Center. Judge Moss will assume senior status as of December 31, 2012 at which time Judge New will thereupon serve as the sole Coordinating Judge of the Complex Litigation Center and its Mass Tort Program.

14. Effective May 1, 2012, the Honorable Gary Glazer will be reassigned to the Commerce Program and will assume Judge New's commerce inventory. Judge Glazer's assignment to the Commerce Program shall not interfere or impair in any fashion his continued services to the Supreme Court as Administrative Judge of Traffic Court.

15. Throughout this year, the Court will entertain suggestions to improve these protocols. During the month of November, 2012, the Court will once again invite and consider comments from interested members of the Bar addressing these protocols and the necessity for any changes and/or modifications.

This General Court Regulation is promulgated in accordance with Pa.R.C.P. No. 239 and the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration. The original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the Administrative Judge of the Trial Division, Court of Common Pleas of Philadelphia County, and shall be submitted to the *Pennsylvania Bulletin* for publication. Copies of the General Court Regulation shall be submitted to the Administrative Office of Pennsylvania Courts, the Civil Procedural Rules Committee, American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://courts.phila.gov/regs>.

By the Court

HONORABLE JOHN W. HERRON,
Administrative Judge, Trial Division

[Pa.B. Doc. No. 12-1256. Filed for public inspection July 6, 2012, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CHESTER COUNTY

Amendments to Rules of Civil Procedure

Order

And Now, this 19th day of June, 2012, the following amendments to the Chester County Rules of Civil Procedure are hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.C.P. No. 239(d). Previous local rules of civil procedure nos. 1301.1, 1302.1, 1302.2, 5003, 5003(a), 5003(b), 5003(c), 5003(d) and 5003(e) are hereby repealed as of the effective date of the following rules.

HONORABLE JAMES P. MacELREE, II,
President Judge

Rule 5003. Appeals from Real Estate Assessments.

The following rules shall apply to all appeals from a real estate assessment determined by the Board of Assessment Appeals of Chester County ("Board"). These rules apply to all appeals taken following their effective date and may be applied as appropriate to current appeals ninety (90) days after their effective date.

Definitions:

Board—The Chester County Board of Assessment Appeals.

Taxing Authority—School Districts, the County of Chester and municipalities (cities, boroughs, townships).

Party—Appellant, the Board, and any other person or entity entitled to notice of the appeal who or which enters an appearance.

Property Owner—as used herein, the term "owner" or "property owner" includes all owners of the property if there is more than one owner.

Date of Notification—date which appears as such on the decision of the Board.

Commercial Property—any property whose purpose is to generate income for its owner.

Rule 5003(a). Filing Instructions.

1. An appeal from the decision of the Board shall be filed within thirty (30) days from the date of notification.

2. Within ten (10) days after filing the appeal, the appellant shall serve a copy of the appeal on the Board, on all affected taxing authorities at their business addresses and, if the property owner is not the appellant, on the property owner at his, her, its or their registered address or addresses as shown on the tax records of Chester County.

3. Within twenty (20) days of service of the appeal, the appellant shall file an affidavit of service.

4. The Board shall automatically be a party to an appeal unless it specifically declines that status in writing. Any taxing authority or property owner entitled to be notified of an appeal may become a party to the proceedings by filing an entry of appearance within thirty (30) days of service of such notice. The entry of appearance shall be deemed to deny the allegations in the appellant's petition, except for the names of the parties and the location of the taxable property. However, any party may plead additional material by way of Answer or New Matter, as appropriate, within thirty (30) days of entering an appearance.

Rule 5003(b). Contents of Appeal.

1. Names and addresses of the taxpayer and the taxing authorities.

2. Identification of the property, including street address and tax parcel number.

3. Reason(s) for the appeal. For purposes of this section, where a challenge is based on fair market value, it shall be sufficient to state that the assessment is excessive or inadequate. Where the challenge is based on uniformity, it shall be sufficient to state lack of uniformity as the basis for the appeal.

4. Copy of any applicable decision of the Board.

Rule 5003(c). Discovery Procedures.

1. The appellant shall provide the Board and the other parties to the appeal with a copy of his, her, its or their appraisal within sixty (60) days of filing the appeal. The other parties shall then have ninety (90) days from the receipt of the appellant's appraisal to provide the appellant with a counter-appraisal. Any party may designate an appraisal submitted to the Board as its appraisal for the purposes of the appeal. Appraisals must certify that the appraiser's fee is not contingent upon the results of the appeal.

2. If a party fails to provide an appraisal within the time provided by this rule, by leave of court, or within such time as may be agreed to by the parties and approved by the Court, then, upon motion, the Court may preclude that party from presenting evidence of valuation at trial.

3. In cases involving commercial properties, the taxpayer shall provide, where applicable, the following to all other parties within thirty (30) days of filing the appeal:

(A) Income and expense statements for three (3) years prior to the appeal year;

(B) A current rent roll, including a list of tenants, rental amounts, and lease periods, and a sample lease with any special terms or renewal options;

(C) The right to inspect the property at a reasonable time with notice.

4. The names of all witnesses to be called at trial by any party, other than rebuttal witnesses later determined, shall be provided to all other parties within one hundred fifty (150) days of the date of filing of the appeal.

5. In any appeal involving a claim of exemption from real estate taxation, discovery shall be permitted as set forth in the Pennsylvania Rules of Civil Procedure and shall be governed by Pa.R.C.P. No. 4001 et seq. Discovery requests shall be served within one hundred twenty (120) days of the date of the filing of the appeal.

6. Additional discovery shall be by leave of court only.

7. The matter shall be scheduled for trial one hundred eighty (180) days from the date of the filing of the appeal.

8. Time periods may be extended for cause shown. Any party may at any time, and to obtain relief (advancement or deferral) from the automatic trial listing as set forth in paragraph 7 above must, request an administrative conference in accordance with C.C.R.C.P. No. 249.1 et seq.

Rule 5003(d). Class Action Appeal.

In all cases involving an appeal from class action certification, a full record shall be made before the Board of Assessment Appeals.

Rule 5003(e). Discontinuance.

The appeal may be discontinued only with the agreement of all parties or by leave of court.

COMPULSORY ARBITRATION

Rule 1301.1. Cases for Submission to Arbitration

(a) All civil cases at law which are now or hereafter at issue wherein the amount in controversy in each cause of action, i.e., the amount claimed in each count, stated therein, exclusive of interest and costs, does not exceed fifty thousand (\$50,000.00) dollars, and which do not involve title to real property, shall be submitted to, heard, and decided by a board of arbitrators consisting of three (3) attorneys admitted to practice before the Supreme Court of Pennsylvania, actively engaged in the practice of law primarily in Chester County and who maintain an office in Chester County.

(b) The Court Administrator may in his or her discretion consolidate cases for hearing when all the cases are subject to the provisions of the arbitration rules and when they involve common questions of fact. The Court Administrator shall by letter notify all counsel and unrepresented parties of any consolidation.

(c) If the judge who has been assigned a Category A matter shall determine that the case is properly one which should be handled as an arbitration under Category C, the assigned Judge shall order the case to be placed in Category C, and the case shall thenceforth be treated as though it had been so classified as an arbitration case in the first instance. The Court Administrator shall schedule such remanded arbitration cases for hearing as soon as practicable unless otherwise ordered by the assigned Judge.

Rule 1302.1 Administration.

(a) Proceedings under the arbitration rules of this court shall be administered by the office of the Court Administrator of this court.

(b) The Court Administrator shall have the power to prescribe forms and to interpret these rules, subject to review by the court at the request of a party.

(c) In order to be considered for appointment to a board of arbitrators, an attorney admitted to practice before the Supreme Court of Pennsylvania who is actively engaged in the practice of law primarily in Chester County and who maintains an office in Chester County shall file with the office of the Court Administrator a certified arbitration registration form indicating whether or not he or she has substantial experience in civil litigation; listing the number of years of such experience and those areas of practice in which he or she has substantial litigation experience and stating if he or she is practicing alone, is a member of a firm, or is associated in some way with one or more other lawyers (either in private practice or as an employee of some public office such as the district attorney's office, public defender's office, legal aid, etc.). Any change in his or her status in this regard shall immediately be reported to the office of the Court Administrator. Upon receipt of a fully completed certified arbitration registration form, the Court Administrator shall add the name of the person submitting the form to the list of those eligible to serve as a member of an arbitration board. Boards of arbitration shall be appointed from the list of members of the bar who have filed such information. The Court Administrator shall have sole authority to determine whether an arbitrator is qualified under these rules.

(d) The chair of the board of arbitrators shall be appointed by the Court Administrator and shall be responsible for the preparation and filing of the board's report and award. All other members of the board of arbitrators shall also be appointed by the Court Administrator.

(e) The Court Administrator shall have the authority to obtain and deliver to the board of arbitrators all papers of record and shall be responsible for the return thereof to the Prothonotary when not in necessary custody of the board. The Court Administrator shall maintain such records as are necessary for the proper administration of the arbitration system, and shall give the arbitrators such assistance as may be necessary to expedite the arbitration process.

(f) The date, time and place of the arbitration hearing shall be assigned by the Prothonotary at the time a Category C action is commenced. The Court Administrator shall provide the Prothonotary with the next reasonably available date for an arbitration hearing, and the Prothonotary shall then mark that date upon the cover sheet when a Category C action is commenced. The notice of the date, time and place of arbitration hearing on the cover sheet shall include the following statement:

"This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a Judge."

Comment: It is anticipated that a hearing will be scheduled no less than six (6) months following the initiation of suit. The Court Administrator will be re-

quired to adjust the interval, between filing and hearing date, depending upon the availability of hearing rooms, the volume of cases to be tried and the number of panels to be assigned.

(g) Any party may for good cause object to the matter being submitted to arbitration by notifying the Court Administrator in writing with notice to all other parties. The Court Administrator shall initially make a determination as to the validity of any such objection. Any party dissatisfied with the determination of the Court Administrator shall have the right to have the matter determined by the assigned judge.

(h) All hearings shall be held in the Justice Center at West Chester, unless the arbitrators and all parties agree otherwise.

(i) It is the professional obligation of all members of the bar who qualify as outlined in these Rules to serve on boards of arbitration, unless absent or excused for good cause and compelling reason. If an arbitrator fails to appear, or appears late at the scheduled arbitration hearing without compelling reasons, his or her name shall be stricken from the arbitration list, and he or she will be so notified by the Court Administrator. He or she may be reinstated by application to the court, upon cause shown.

(j) The president judge may strike from the list of eligible arbitrators the name of any attorney who has consistently demonstrated an inability to serve in a proper manner.

Rule 1302.2 Composition of Arbitration Boards.

Each board of arbitrators shall consist of a chair, a non-chair category A and a non-chair category B attorney.

(a)(1) Chair Requirements

Unless otherwise agreed by the parties, the arbitration board shall be chaired by a member of the bar who has been admitted to the practice of law for at least ten (10) years and who has substantial experience in civil litigation.

(a)(2) Non-Chair Category A Attorney Requirements

The attorney should have five (5) years of substantial experience in civil litigation. If no attorney with five (5) years of substantial experience in civil litigation is available to serve, the Court Administrator may authorize an attorney with three (3) years of substantial experience in civil litigation to sit.

(a)(3) Non-Chair Category B Attorney Requirements

Any attorney qualified under these rules to serve as a member of a board of arbitrators.

(b) A list of available arbitrators who are qualified to serve as chair of arbitration boards shall be maintained by the Court Administrator.

[Pa.B. Doc. No. 12-1257. Filed for public inspection July 6, 2012, 9:00 a.m.]

WARREN AND FOREST COUNTIES

Local Orphan's Court Rules; Misc. No. 70 of 2012

Order

And Now, this 20th day of June, 2012, the Court hereby adopts the Local Orphan's Court Rules as herein-after set forth for the 37th Judicial District comprised of

Forest and Warren Counties. Said Rules shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is further ordered that the Local Orphan's Court Rules as they existed prior to the adoption of the Rules herein set forth are hereby repealed on the effective date of the new Rules.

The Court Administrator of the 37th Judicial District is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Court.

2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Orphan's Court Procedural Rules Committee.

4. File one (1) copy with the Prothonotaries of the Court of the 37th Judicial District.

By the Court

MAUREEN A. SKERDA,
President Judge

LOCAL RULES ORPHANS' COURT DIVISION

RULE O.C.L1. JUDGES—LOCAL RULES

Rule O.C.L1.2.1. Local Rules. Title.

These rules shall be known as the Local Orphans' Court Rules of the 37th Judicial District except where otherwise provided by a rule adopted by the Supreme Court or an act of Assembly or by general rule by special order of the Orphans' Court Division, the Rules of Court of Common Pleas of the 37th Judicial District, which by their terms purport to apply or are intended to apply to the Orphans' Court Division of said Court, are hereby incorporated by reference. All prior publications are repealed. These rules shall be cited as "37.R.O.C.L____." The elected officer of Warren County and Forest County shall constitute the Clerk of that Court.

Rule O.C.L1.2.2. Local Rules. Argument.

Matters requiring argument shall be scheduled and heard in the manner set forth by the Court Administrator.

All motions shall be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously with the motion or, in routine motions that do not raise complex legal or factual issues, in the body of the motion itself.

Rule O.C.L1.2.3. Local Rules. Attorneys.

(a) *Attorneys as Surety.* An attorney shall act as surety only by special order.

(b) *Notice to Counsel.* Notice by or to attorneys shall be in writing, given to the attorney of record or to an employee of the attorney's office, and shall be considered notice to the party represented unless personal notice to the party is required.

(c) *Removal of Records.* No records shall be removed from the office of the Clerk without a written order from Court. The Clerk shall report to the court any failure to comply with this order.

(d) *Appearance.* Any attorney representing a party in any proceeding in the Orphans' Court Division shall file a

written appearance with the Clerk of the Orphans Court which shall state the attorney's Pennsylvania Supreme Court Identification Number, fax number, telephone number and an address within the Commonwealth at which papers may be served. Written notice of entry of appearance shall be given forthwith to all parties.

(e) *Withdrawal of Appearance.*

(1) An attorney may withdraw an appearance for any party in proceeding in the Orphans' Court Division only in accordance with Pa.R.C.P. 1012(b) and Local Rule of Court of the 37th Judicial District L1012 and L208.3(a).

(2) An attorney may withdraw an appearance for personal representative(s) of a decedent's estate in proceedings before the Register of Wills in the following manner:

(i) By filing a written Notice of Withdrawal with the Register of Wills with the signed consent of all personal representative(s) attached or where another attorney has entered, or simultaneously enters, an appearance for the personal representative(s) before the Register of Wills; or

(ii) *With Leave of Court.* After having given twenty (20) days written notice to the personal representative(s) of the attorney's intent to withdraw and filing a certification that said notice has been given.

Rule O.C.L1.2.4. Local Rules. Sureties. Individual—Corporate.

(a) *Individual Sureties.* Individuals proposed as sureties on bonds of fiduciaries shall file affidavits on the printed forms supplied by the Clerk. The affidavits and bond shall be filed for approval by the Clerk.

(b) *Bond without Surety.* The Court may permit a party in interest to execute an individual bond, without surety upon such conditions as the Court requires.

(c) *Corporate Sureties.* Every surety company duly authorized to do business in Pennsylvania may become surety on any bond or obligation required to be filed by the Orphans' Court; provided, that a currently effective certificate issued to it by the Insurance Department of the Commonwealth of Pennsylvania, evidencing the surety's right, is filed of record.

(d) *Duty of Fiduciary.* It is the duty of the fiduciary to determine that its surety remains responsible and that any bond remains continuously in effect.

Rule O.C.L1.2.5. Local Rules. Legal Periodical.

The *Warren Times Observer* is the legal periodical for the publication of legal notices in Warren County. *The Forest Press* is the legal periodical for the publication of legal notices in Forest County.

Rule O.C.L1.2.6. Local Rules. Return Days.

Return days shall be on such day as may be fixed by Order of Court unless otherwise provided by statute or Rule of the Supreme Court.

Rule O.C.L1.3.1. Forms.

The 37th Judicial District accepts the Orphans' Court Rules found at <http://www.pacourts.us/Forms/OrphansCourtForms.htm>.

In addition, the forms in the Appendix shall be used as referenced by the special local rule.

RULE O.C.L2.

CONSTRUCTION AND APPLICATION OF RULES

Rule O.C.L2.1.1. Construction of Rules.

The principles of interpretation and rules of construction embodied in Pa.O.C. Rule 2.1 and Pa.R.C.P. 102 to

153, inclusive, shall apply to these rules, with the substitution in each case of the words "Warren/Forest County Orphans' Court" for the words "Supreme Court" where appropriate.

Rule O.C.L2.3.1. Definitions.

The following words, when used in these Rules, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

(a) "Business days" shall be deemed to include Mondays through Fridays excepting weekdays when the Courthouse is closed.

(b) "Clerk" means the Clerk of Orphans' Court of Warren County or Forest County.

(c) "Common Pleas" means the Court of Common Pleas of Warren/Forest County.

(d) "Exceptions" shall mean a formal, written objection to an appraisal, report of an auditor or master appointed by the Court, or an adjudication or decree of the Court.

(e) "Objections" shall mean written objections to actions of a fiduciary.

(f) "O.C.L. Rule" shall mean the Local Orphans' Court Rules of the 37th Judicial District.

(g) "Pa.O.C. Rule" shall mean the Pennsylvania Supreme Court Orphans' Court Rules.

(h) "PEF Code" shall mean the Pennsylvania Probate, Estates and Fiduciaries Code as found in 20 Pa.C.S.A. § 101, et seq., as shall be amended from time to time.

(i) "Register" means the Register of Wills of Warren County or Forest County.

RULE O.C.L3.

PLEADING AND PRACTICE

Rule O.C.L3.1.1. Conformity to Equity Practice in General.

The pleading and practice procedures shall conform to Pa.O.C. Rule 3.1 and, where local rules do not conflict with state rules, shall conform to pleading and practice of the O.C.L. Rules, unless otherwise provided herein.

Rule O.C.L3.2.1. Petition, Answer and Reply. Pleadings.

The pleadings in matters before the Orphans' Court are limited to a petition, (including a petition for a citation or for declaratory relief), an answer (which may include new matter), a reply, preliminary objections and an answer to preliminary objections.

(a) *New Matter.* Any defense which is not a denial of the averments of fact in the petition shall be set forth under the heading "New Matter."

(b) *Preliminary Objections.*

(1) Preliminary objections are available to any party, but shall be limited to questions of:

- (i) law;
- (ii) form; or
- (iii) jurisdiction.

(2) An answer to preliminary objections is limited to the averments of fact set forth in the preliminary objections.

Rule O.C.L3.2.2. Petition, Answer and Reply. Disposition of Pleadings.

(a) *Failure to Answer.* If the respondent is required to file an answer but fails to do so, all averments of fact in the petition may be deemed by the court to be admitted.

(b) *Failure to Reply.* If the petitioner is required to file a reply to an answer which contains new matter and fails to do so, the averments of fact set forth in the new matter may be deemed admitted and the case will be at issue.

(c) *Failure to File an Answer to Preliminary Objections.* If a party is required to file an answer to preliminary objections and fails to do so, the averments of fact set forth in the preliminary objections may be deemed admitted by the court and the case will be at issue on the preliminary objections.

Rule O.C.L3.4.1. Form of Petition. Exhibits. Consents. Additional Requirements.

(a) *Typing, Endorsements.* Every pleading shall be endorsed with the name, address, Pennsylvania Supreme Court Identification Number and telephone number and fax number (if any) of counsel and, where practicable, typewritten and double-spaced or printed. If a party is not represented by counsel every pleading shall be endorsed with the name, address and telephone number of that party.

(b) *Notice to Plead.* A notice to plead shall neither be required nor used where a return day has been fixed in a citation or order as well as in cases where Pa.O.C. Rule 3.2 applies. See also 20 Pa.C.S.A. § 764. As to any other pleading to which a response is required said pleading shall have endorsed thereon, or included therein as the first page thereof, in a conspicuous place, a notice to defend and notice to plead addressed specifically to each party from whom a response is required. The form as required by Pa.R.C.P. 1018.1 and Pa.R.C.P. 1361 (as said Rules may be in force or hereafter amended) shall be used. See Pa.R.C.P. 1026.

(c) *Signature and Verification.* All pleadings shall be signed by the attorney (if any) and verified by at least one of the parties involved. If this is impracticable, they may be signed and verified by someone familiar with the facts, in which case the reason for the failure of the parties to verify shall be set forth.

(d) *Decree.* Every proposed decree shall bear the caption of the case and shall be attached to the petition.

(e) *Consents.* The petition shall recite that all necessary consents are attached or shall set forth the names and addresses of the persons who do not consent. The Court may direct that notice be given or that a citation be directed to persons who do not consent to show cause why the prayer of the petition shall not be granted.

(f) *Paper Size.* No paper or other document may be filed in the Register of Wills or Clerk other than paper 8 1/2" x 11" in size. The only exception to this rule is the filing of a Will or Trust.

(g) *Cover Sheet.* All motions presented at motion court shall include a completed motion court cover sheet in the form required by the Court. See Appendix Form 3.4.

(h) *Notice Requirements Prior to Presentation at Court.* Prior to the presentation to the Court of any motion or petition requesting an immediate Order of Court, other than a Rule to Show Cause which grants no relief, opposing counsel and unrepresented parties must be given notice, subject to the following:

(1) *Contents of Notice.* The notice must give the date and time when the motion or petition will be presented to the Court and must be accompanied by a copy of the proposed motion or petition and Order.

(2) *Certification of Notice.* The motion or petition must contain a certificate signed by counsel or a party that has

no counsel, verifying that proper notice was given under this rule. The certificate shall be in the same or substantially same form as the form contained in the appendix to these rules.

(3) *Length of Notice Required.* Except where otherwise required under the O.C.L. Rules and except in cases of an emergency as determined by the Court, the following notice shall be required:

(i) Two (2) full business days' notice must be given by personal delivery or facsimile transmission to each party or their counsel's office¹, or

(ii) Five (5) full business days' notice must be given if notice is by mail².

(4) *Failure to Give Notice.* The Court will not enter an Order on a petition or motion without the Certificate of Notice being attached unless a special cause is shown to the Court.

(i) In addition to the requirements of Pa.O.C. Rule 3.4(b), the petitioner shall also attach to the petition correct copies of all wills and contracts and shall cite the place of recording of all deeds, mortgages, or other instruments recorded or filed in Warren/Forest County, or other county, which pertain to the petition.

¹ Notice is deemed given when it is received.

² Mail notice is deemed given when delivered to the postal authorities.

**RULE O.C.L6
ACCOUNTS AND DISTRIBUTION**

Rule O.C.L6.1.1. Form of Account. Additional Requirements.

In addition to complying with the requirements of the Pa.O.C. Rules, each account shall conform to the following:

(a) Each account shall be on paper eight and one-half (8 1/2) inches wide by eleven (11) inches long with pages numbered consecutively at the bottom and fastened together at the top. A margin of at least one and one-half (1.5) inches shall be provided at the top of the first page and a margin of at least one (1) inch shall be provided at the top of all other pages.

(b) Accounts shall:

(1) Begin with a cover page;

(2) Include a Summary which shall reflect:

(i) total receipts of principal and income,

(ii) gains or losses on conversions to cash,

(iii) disbursements from principal and income, and

(iv) balance for distribution;

(3) Include an itemized statement of the assets comprising the balance for distribution, and when necessary to effect proper distribution, or when otherwise appropriate, show assets at current values as well as acquisition values;

(4) Segregate principal receipts from income receipts (the Inventory filed may be incorporated by reference as a part of the statement of principal receipts);

(5) Whenever applicable, include a statement of principal conversions to cash;

(6) Segregate disbursements of principal from disbursements of income insofar as practicable;

(7) Whenever applicable, be accompanied by a statement of proposed distribution, or a request that distribution be determined by the Court or an auditor;

(8) Have attached at the end thereof the affidavit or verification of one or more of the fiduciaries joining in the account that shall include a statement that the account is true and correct and any required advertisement of the grant of letters has been duly made; and

(9) Have attached a certificate of the attorney for the accountant or the accountant that the notice required by O.C.L. Rule 6.3.1 has been given to all parties in interest. See specimen form 6.1.1(b)(9) in Appendix.

Rule O.C.L6.3.1. Notice to Parties in Interest.

In addition to the requirements of the Pa.O.C. Rules, the notice to parties in interest shall:

(a) Conform substantially to the specimen form contained in the Appendix to these rules;

(b) State the date on which the account will be presented to the Court for confirmation nisi and absolute;

(c) Be mailed by postage prepaid, to the last known address of the persons to be notified or be served by handing a copy to the persons to be notified or to an adult member of their household;

(d) Be accompanied by a copy of the account, a copy of the statement of proposed distribution, if any, a copy of the request for the appointment of an auditor, if any; and

(e) If the notice is to a claimant, state whether or not the claim is disputed.

Written notice of the filing of an account and of the filing of a statement of proposed distribution shall be given by the accountant at least twenty (20) days prior to the date said account and/or statement of proposed distribution will be presented to the Court for confirmation nisi. Such notice shall be given to all parties entitled thereto by Pa.O.C. Rule 6.3. A copy of the statement of proposed distribution shall be attached to the notice.

Prior to the date the account and statement of distribution are to be presented to the Court for confirmation and approval, the accountant or his attorney shall file a certificate in the Court where the account and statement of distribution are filed that notice was given as required in Paragraph 1 above. A copy of the notice given shall be attached to such certificate.

Proof of publication of notice of grant of letters shall be made in a newspaper of general circulation in the County of Warren/Forest as required by Section 3162 of the PEF Code, as amended.

The notice of grant of letter shall be substantially in the following form:

(Name of Estate)

ADMINISTRATION NOTICE

Letters Testamentary on the Estate of _____, late of the _____ County, Pennsylvania, having been granted to the undersigned, all persons indebted to the decedent are requested to make payment, and those having claims against said estate to present the same without delay to:

(Name and address of fiduciary)

or to the attorney for executor: _____

Rule O.C.L6.3.2. Notice to Parties in Interest. When Notice Required.

For the purpose of this rule, neither a beneficiary whose only interest in the estate is that of a specific monetary legatee who has accepted payment of the full amount bequeathed to said beneficiary under the Will prior to the filing of the account, nor a beneficiary whose only interest in the estate is that of legatee of specific personal property who has accepted delivery of all personal property specifically bequeathed to the beneficiary under a Will prior to the filing of the final account, shall be deemed a beneficiary entitled to notice.

Rule O.C.L6.3.3. Notice to Parties in Interest. Notice Prior to Filing Excused.

The court, on petition of an accountant or counsel, setting forth the reasons therefore, may excuse the giving of the notice to any party in interest pursuant to this rule prior to the filing of an account; provided that no such account shall be confirmed finally until notice has been given to such interested party as provided by this rule, and proof thereof duly filed or a determination is made that the giving of such notice is impossible, or unnecessary and proper disposition of the matter is made either after hearing, audit or otherwise.

Rule O.C.L6.3.4. Notice to Parties in Interest. Advertisement of Accounts.

All accounts shall be advertised by the Clerk in the manner prescribed by law. The advertisement shall include the date that the account will be presented for confirmation nisi and shall also state that unless objections are filed within twenty (20) days after confirmation nisi, the account will be confirmed absolutely and that thereafter distribution may be made in accordance with any statement of proposed distribution filed with the account.

Rule O.C.L6.4.1. Time for Filing.

(a) All accounts and statements of proposed distribution must be filed not later than thirty (30) days prior to the regular scheduled confirmation date as published in the annual Court Calendar for confirmation nisi and absolute upon which the accountant desires to have the account and/or statement of proposed distribution submitted to the Court for approval.

(b) The Clerk shall give notice by advertisement of the time when accounts were filed and when they will be presented to the Court for confirmation nisi and absolute, stating in the advertisement that the names and capacity of the respective accountants and in conformity with Section 745 of the PEF Code and as amended.

Rule O.C.L6.6.1. Filing with the Clerk of the Orphans' Court. Accounts of Personal Representatives to be Filed in Duplicate.

Accounts of personal representatives shall be filed with the Clerk in duplicate. Following final confirmation, one copy of the accounts of personal representatives, with the dates of confirmation nisi and final confirmation noted thereon, shall be forwarded to the Register for indexing and filing with records of the proceeding in the Register's Office for that decedent.

Rule O.C.L6.9.1. Statement of Proposed Distribution. Additional Requirements.

(a) A fiduciary who is for any reason unable to file an account with a statement of proposed distribution in accordance with the requirements of the Pa.O.C. Rules, shall, in lieu thereof, file with the account a statement of

the reasons why distribution cannot be proposed which shall conclude with a request that an auditor be appointed to make distribution or the Court make such order as the circumstances require.

(b) A statement of proposed distribution may be filed with the account but shall begin on a page separate from the account which it accompanies. It shall contain the name of the persons to whom it is proposed to award the balance for distribution, the amount or share awarded to each, and a brief statement of the nature and reasons for the proposed awards.

(1) If the proposed distribution is the subject of a dispute, or if it involves any fairly disputable question known to or reasonably ascertainable by the accountant, the accountant shall include in the statement of proposed distribution a statement of the dispute or fairly disputable questions, together with a statement by the accountant of the facts on which the accountant relies, in separate paragraph form, and on a separate page the law upon which the accountant relies which appears to justify the proposed distribution.

Rule O.C.L6.10.1. Objections to Accounts and Statements of Proposed Distribution.

(a) All objections to a fiduciary's account shall be filed in writing with the Clerk five (5) days before the confirmation date of the account and a verified copy of the objections shall be served by the exceptant on the accountant and the accountant's counsel of record. Such copy shall be served as provided by Pa.O.C. Rule 5.1 within five (5) days of the date of filing of the objections.

(b) The accountant or any other party in interest may file a motion to the Court requesting the appointment of an auditor to resolve the issues raised in the objections. If such motion is filed, the Court shall appoint an auditor to hear and determine the objections, as provided in Pa.O.C. Rule 8.

Rule O.C.L6.11.1. Confirmation of Accounts. Awards.

(a) No account and/or statement of proposed distribution shall be confirmed unless:

(1) The accountant has mailed or given to each distributee or his attorney of record a complete account and written notice of the filing thereof.

(2) The accountant has given notice to each unpaid creditor, whether or not payment is contested.

(3) Said notice shall be by ordinary mail and notice given ten (10) days before the proposed confirmation date. Said notice shall inform the recipient that if they disagree with the account and/or the proposed distribution they may file exceptions in writing with the Clerk five (5) days before the account is to be confirmed absolute.

(b) All accounts presented to the Court by Executors, Administrators, Guardians or Trustees shall be filed with the Clerk on or before the Friday preceding the first Monday of the months of January, April, July and October of each year.

Upon the first Wednesday of February, May, August and November of each year accounts of Executors, Administrators, Guardians and Trustees shall be presented to the Court at 9:00 a.m. for confirmation nisi and shall become absolute as of course unless exceptions are filed thereto within thirty (30) days thereafter.

All fiduciaries shall give not less than ten (10) days written notice to parties in interest in accordance with the Pa.O.C. Rule 5.3 and any amendment thereof.

Rule O.C.L6.11.2. Confirmation of Accounts. Awards. Certification. Real Estate Distributed in Kind.

When distribution of real estate in kind is awarded pursuant to a statement of proposed distribution, the Clerk, following confirmation absolute and at the request of any party in interest, shall excerpt those portions of the decree affecting title to real estate and certify the same for recording in the office of the Record of Deeds of the county in which such real estate is situated.

Rule O.C.L6.12.1. Status Report by Personal Representative.

The Status Report by Personal Representative shall be filed in the form contained in the Appendix. (Form RW-10 of the Pa.O.C. Rules.)

**RULE O.C.L7.
EXCEPTIONS**

Rule O.C.L7.1.1. Exceptions. Place of Filing.

(a) Exceptions, whether to an order or decree, account, auditor's report, master's report, or appraisal, shall be in writing filed with the Clerk.

(b) Exceptions shall be set forth in consecutively numbered paragraphs, each paragraph raising but one issue, and stating the ground or grounds thereof. Exceptions shall be signed by the exceptant or the exceptant's attorney.

**RULE O.C.L8.
AUDITORS AND MASTERS**

Rule O.C.L8.1.1. Notice of Hearings.

(a) The auditor or master shall fix a date, time and place for hearing and shall give written notice to the accountant or petitioner and all parties in interest or their counsel of record of the hearing by first class mail at least twenty (20) days prior thereto. In the event notice cannot be given in such manner, notice shall be given by advertisement one time in the *Warren Times Observer* for Warren County and *The Forest Press* for Forest County and one time in a newspaper of general circulation in the county where the decedent resided. The date of publication shall be at least twenty (20) days prior to the hearing.

(b) The notice shall include the following:

(1) The caption and number of the case;

(2) The fact and date of appointment;

(3) The name of the fiduciary of the estate;

(4) The time and place of hearing;

(5) A general statement of the matters to be determined; and

(6) The signature and the typewritten name, address and telephone number of the auditor or master.

Rule O.C.L8.1.2. Notice of Hearings. Appointment.

(a) *Auditors, Masters.* A master may be appointed by the Court, on its own motion, or upon the petition of the accountant, or of any party in interest.

(b) Auditors and masters shall be members of the Bar of this Court.

(c) The appointed official shall regulate all of the proceedings before him/her in accordance with the rules of law and evidence in the Commonwealth and shall have the authority to administer an oath before testimony.

(d) The hearings may be continued or adjourned from time to time for cause shown or upon agreement of all

parties present, but each continuance or adjournment shall be to a day certain not more than thirty (30) days distant.

(e) The official shall have the authority to issue subpoenas and subpoenas duces tecum for all witnesses to appear and testify.

(f) The official shall have the authority to retain experts in any given field to assist the official in the performance of the appointed duties. The cost of same shall be imposed either on the estate or as the official shall determine is just and proper.

(g) The official shall cause a stenographic record to be made of all hearings prepared by an official court reporter. Examination of witnesses shall be conducted by counsel, if any, or by the respective parties or by the official as the official may determine in the absence of counsel. If a witness or a question is objected to, or if any documentary or other evidence is objected to, the offer and purpose of such testimony shall be made a matter of record as well as the objection and the ground for said objection and the official's ruling thereon. If the official sustains the objection the official shall, nonetheless permit the question and answer to be made of record so that same may be preserved for subsequent ruling by the Court in the event exceptions are taken to the report.

(h) At the conclusion of the hearing any party who has entered a formal appearance may submit proposed findings of fact and conclusions of law and/or briefs for the purposes of aiding or guiding the official; provided, however, that copies of such submissions shall be delivered or mailed to each person who has appeared in the proceedings in person or by counsel.

Rule O.C.L8.6.1. Notice of Filing Report. Exceptions.

(a) The auditor or master shall notify all parties of the filing of the report and furnish all parties with a copy thereof. Return of notice shall be filed in accordance with Pa.O.C. Rule 5.4.

(b) Any party in interest shall have the right to file exceptions to an auditor's report or to a master's report within twenty (20) days after the date of service upon that party.

(c) The official shall file the report within ninety (90) days of the appointment; provided, however, that an extension will be permitted by the Court upon application of the official for good cause shown in complicated involved cases. Should the official fail to file the report within the time limits or extensions herein, the appointment may be vacated and compensation and reimbursement for services rendered or expenses incurred may be denied.

(d) Upon completion of the report the official shall file it in the office of the Clerk and shall forthwith give notice in writing to counsel for all parties who appear formally during the proceedings and to such parties as appear without counsel, that the report has been filed. Said notice shall inform all parties that unless exceptions are filed within twenty (20) days from the date of filing of the report, it will be presented to the Court for confirmation absolute as of course.

(e) Exceptions filed must point specifically to the error of fact or law complained of and state clearly the grounds for the objections thereto in separate paragraph form with one issue raised in each paragraph. General and vague exceptions will not be considered, nor may they be argumentative. Where the exception is in the nature that the official failed to find a fact, the exception shall state

the nature of the fact the official should have found and shall give reason to support it from the record and shall specifically identify the fact not found in the record.

(f) Any party filing exceptions to the report shall, by ordinary mail, serve a copy thereof upon the official and all counsel or parties without counsel who have appeared formally in the proceedings.

(g) In the event exceptions are filed, the Clerk shall forthwith transmit the proceedings to the Court Administrator for further scheduling for a hearing thereon or argument as the Court may determine. No exceptions will be heard which are not timely filed. The Court may, in its discretion, remand the report to the auditor for further proceedings if appropriate.

(h) The official shall verify in the report that written notice has been given to counsel of record who have filed formal appearance in the proceedings and to such other parties as shall have appeared without counsel.

Rule O.C.L8.7.1. Confirmation of Report.

(a) If no exceptions are filed to the official's report within twenty (20) days of the date of filing, the Clerk shall transmit the report to the Court for confirmation as of course. When confirmed, the statement of proposed distribution found in the auditor's report shall become the decree of distribution.

(b) If exceptions are filed to the official's report, the Court shall hear the exceptions de novo or upon argument as may be appropriate, depending on the nature of the exception and either (a) confirm the official's report, whereupon the statement of proposed distribution found in the auditor's report shall become the decree of distribution, or (b) if the official has made an error of law or an abuse of discretion, modify the report and enter an appropriate decree of distribution.

(c) The Court's decree in disposition of exceptions to the official's report shall be initially in the form of a decree nisi and, if no exceptions are filed thereto, shall be made absolute of course.

Rule O.C.L8.8.1. Security for Expenses and Fees. Absolute Confirmation. Auditor's and Master's Expenses and Fees.

No nisi confirmation or decree nisi shall be confirmed absolutely by the Clerk until all expenses and auditor's or master's fees have been paid to the Clerk. Upon absolute confirmation, the Clerk shall pay all expenses and the balance of the auditor's or master's fee to the auditor or master. See 20 Pa.C.S.A. § 752.

Rule O.C.L8.8.2. Security for Expenses and Fees. Compensation of Auditor or Master.

Any auditor or master appointed by the Court under these rules shall be compensated by reasonable fees as fixed by the Court and paid from such sources as the auditor or master shall recommend and the Court shall direct. The Court may require payment of the auditor's or master's fees in advance as addressed in Pa.O.C. Rule 8.8.

**RULE O.C.L9.
OFFICIAL EXAMINERS**

Rule O.C.L9.1.1. Appointment of Official Examiners. Appointment and Ordinary Duties.

The Court may appoint by special Order an official examiner or examiners who shall examine the assets held by any fiduciary and make full written report thereon to the Court showing what assets belong to the estate, how

they are registered or otherwise earmarked as the property of the estate to which they belong, and where and how the cash belonging to the estate is kept or deposited.

Rule O.C.L9.1.2. Appointment of Official Examiners. Special Duties.

The Court may, in any Order appointing an examiner or examiners, also request the examiner or examiners to accomplish one or more of the following:

(a) Determine, in the case of a trust, if its purposes are being carried out;

(b) Determine, if the funds and assets in the hands of the fiduciary are being used or applied in accord with any trust instrument, will, applicable statute, regulation or court order;

(c) Make a written report including findings of fact, conclusions of law, and, when appropriate, recommendations for the consideration of the Court; and

(d) Such other matters as the Court may designate.

Rule O.C.L9.1.3. Appointment of Official Examiners. Compensation.

Examiners shall be allowed such fees from principal or income, or apportioned between principal and income, as may be directed by the Court.

RULE O.C.L10. REGISTER OF WILLS

Rule O.C.L10.2.1. Appeals from the Register of Wills. Petition.

Appeals taken from a judicial act or proceedings before the Register of Wills shall be addressed to the Orphans' Court with the appropriate caption. The appeal shall be in petition form. The petition shall set forth:

- (a) The caption;
- (b) A heading indicating briefly the purpose of the petition;
- (c) The nature of the proceedings before the Register;
- (d) A copy of any will or instrument in controversy;
- (e) A statement of the facts and circumstances upon which appellant relies;
- (f) A precise statement of the questions of law or of fact involved;
- (g) The names and addresses of all parties in interest; and
- (h) A prayer for the relief desired.

When an appeal petition has been filed with the Court, the Register shall cause the record to be certified to the Court and properly docketed with the Orphans' Court. When an appeal has been perfected from a judicial act or proceeding before the Register and the record has been certified as provided, a citation shall issue as of course, without petition executed by the Court, directed to all persons named in the appeal to show cause why the appeal should not be sustained and the decision complained of set aside. Said citation shall contain a date and time certain for hearing on the appeal.

Rule O.C.L10.2.2. Appeals from the Register of Wills. Bond.

If the Court requires that a bond be furnished, the appellant shall file a bond and secure its approval by the Register of Wills. If the bond is not presented within the time indicated by the Court, the Clerk, upon praecipe of the appellee(s), shall order a judgment of non pros.

Rule O.C.L10.2.3. Appeals from the Register of Wills. Jury Trial.

A party or person entitled to and desiring a trial by jury shall make timely demand therefore in accordance with PEF Code.

Rule O.C.L10.2.4. Appeals from the Register of Wills. Subpoenas.

Subpoenas, with or without a clause of duces tecum, shall be issued by the Clerk.

RULE O.C.L12. SPECIAL PETITIONS

Rule O.C.L12.0.1. Settlement of Small Estates.

(a) *Form of Petitions. Contents.* Petitions under PEF Code § 3102, as amended, for the settlement of small estates shall set forth:

(1) The name and address of the petitioner and the relationship of the petitioner to the decedent.

(2) The name, date of death and domicile of decedent, whether the decedent died testate or intestate, the date of the probate of the Will and of the grant of letters, if any, and whether the personal representative has been required to give bond and, if so, the amount.

(3) The names and relationship of all beneficiaries entitled to any part of the estate under the Will or intestate laws, a brief description of their respective interests, whether any of them has received or retained any property of the decedent by payment of wages under PEF Code § 3101 and whether any of them are minors, incapacitated or deceased with the names of their fiduciaries.

(4) The person or persons, if any, entitled to the family exemption; whether or not the individual was a member of the same household as the decedent at the time of decedent's death; and, if a claim thereof is made in this petition, any additional facts necessary to establish the prima facie right thereto.

(5) An inventory of the real and personal estate of the decedent, with values ascribed to each item, either incorporated in the petition or attached as an exhibit.

(6) An itemization of all administrative costs, funeral expenses and debts of the decedent and whether or not any of these have been paid.

(7) A list showing the nature, amount and preference of all unpaid claims against the estate and indicating which are admitted.

(8) A calculation of the inheritance tax due, if any.

(9) That ten (10) business days' written notice of intention to present the petition has been given to every unpaid beneficiary, heir or claimant who has not joined in the petition, or to the Attorney General, if the decedent's heirs are unknown, and to every unpaid claimant or creditor.

(10) A prayer for distribution of the property, setting forth the persons entitled and their distributive shares.

(b) *Required Exhibits.* The following exhibits shall be attached to the petition:

(1) The original of the decedent's Will, if it has not been probated, or a copy if the original has been probated;

(2) Joinders of unpaid beneficiaries, heirs, claimants and creditors insofar as they are obtainable;

(3) A statement from the inheritance tax department showing the status of the inheritance tax, if any tax is due;

(4) A certification that a copy of the proposed petition and decree has been given to all beneficiaries and unpaid creditors at least ten (10) business days prior to presentation of the petition; and

(5) Written confirmation by the Pennsylvania Department of Public Welfare of the amount of any claim for assistance provided to the decedent.

Rule O.C.L12.1.1. Family Exemption. Additional Requirements.

(a) *Additional Contents of Petition.* In addition to the matters required by Pa.O.C. Rule 12.1, a petition for the family exemption shall also set forth:

(1) The name, residence and date of death of the decedent;

(2) The petitioner's name, address and relationship to the decedent, and whether the petitioner was a member of the same household as the decedent on the date of decedent's death;

(3) If the petitioner is the surviving spouse, the date and place of the marriage, and if a common law marriage is asserted, all averments necessary to establish the validity of the marriage;

(4) Whether the decedent died testate or intestate;

(5) Whether, when and to whom letters were granted, and what letters were granted;

(6) The names, relationship to the decedent, and addresses of those interested in the estate; and

(7) The location and value of the property claimed.

(b) *When Appraisal Unnecessary.* Unless otherwise directed by the Court, no appraisal shall be required if the exemption is claimed from:

(1) Cash or from stocks, bonds, securities or other **choices** in action which have an immediate determinable market value.

(2) Real estate or personal property, the value of which is agreed to by all parties in interest that are sui juris, or if not sui juris, the fiduciaries for such incompetents.

In all other cases, an appraisal shall be necessary, unless specifically excused by the Court.

(c) *Procedure for Appraisal.*

(1) If an appraisal is necessary, the Court shall appoint two appraisers in accordance with Section 3123 of the PEF Code. After appointment, the appraisers shall submit to the Court their appraisal within thirty (30) days of appointment. A copy of the appraisal shall be served by the appraisers on the personal representatives, or if there is no personal representative, then as the Court shall direct. Such person shall immediately give notice to all parties in interest who would be adversely affected by the allowance of the exemption. Interested parties shall have ten (10) days from the date of notice to file objections with the Court. If objections are filed, the matter shall be referred to the Court for further disposition.

(2) Upon the filing of the appraisal, notice thereof shall be given to the personal representative, and to the next of kin, and if there be neither personal representative nor the next of kin, to the Attorney General. The notice shall contain a copy of the petition and the appraisal, and a statement that nisi confirmation of the appraisal and the

setting apart of the real estate to the surviving spouse will be requested and may be allowed by the Court at a stated time, and unless exceptions are filed thereto, confirmed absolutely ten (10) days thereafter. Said notice shall be given not less than ten (10) days prior to the date set for nisi confirmation. If the address or whereabouts of any of the next of kin is unknown, notice shall be given in such manner as the Court shall direct.

(3) *Confirmation and Setting Apart of Allowance.* Unless exceptions are filed to the nisi confirmation, the appraisal and award of real estate shall be confirmed absolutely by the Clerk without further order of Court.

(4) *Exceptions.* Exceptions to an appraisement shall be filed with the Clerk within ten (10) days after nisi confirmation. Copies of the exceptions shall be served on the fiduciary, if any, and on the spouse or the attorney for the spouse, within five (5) days after filing. If exceptions are filed, the matter may be placed on the Argument list in accordance with the Local Rules of Civil Procedure of the 37th Judicial District.

Rule O.C.L12.1.2. Family Exemption. Voluntary Distribution.

When the personal representative, at his/her own risk delivers assets of the estate in satisfaction of the exemption, he/she shall set forth the same as a credit in the account. The same may be the subject of objection by any claimant or party in interest.

Rule O.C.L12.2.1. Allowance to Surviving Spouse of Intestate. Additional Requirements.

(a) *Contents of Petition.* In addition to complying with the Pa.O.C. Rules, a petition for the allowance to the surviving spouse of an intestate shall also set forth in separate paragraphs:

(1) The information required in a petition for family exemption under O.C.L. Rule 12.1.1, as far as appropriate; and

(2) That ten (10) days prior notice of the intended presentation of the petition has been given to the personal representative; or, if no personal representative has been appointed, to those interested as next of kin; and, if there be no next of kin, to the Attorney General.

(b) *Exhibits.* The following exhibits shall be attached to the petition;

(1) A copy of the inventory and appraisement; and

(2) An affidavit or verification of service/return of notice.

Rule O.C.L12.2.2. Allowance to Surviving Spouse of Intestate. Conclusiveness of Averments.

If the averments of the petition are contested by any party in interest as to the right of the spouse to the allowance being claimed, the matter may be referred to an auditor, or to a Hearing Judge.

Rule O.C.L12.2.3. Allowance to Surviving Spouse of Intestate. Appraisal. Notice. Practice and Procedure.

The appraisers shall, within thirty (30) days after their appointment, file with the Clerk an appraisal of the property claimed.

Rule O.C.L12.2.4. Allowance to Surviving Spouse of Intestate. Revocation, Vacating and Extension of Time for Filing of Surviving Spouse's Election.

(a) A petition for extension of time in which the surviving spouse may file an election to take against the

will or other conveyances shall be in paragraph form alleging facts relied upon to justify the extension.

(b) The Petition shall be filed with the Clerk and petitioner shall give at least ten (10) days written notice of intention to request the extension to all persons adversely affected thereby who do not join in the prayer of the petition.

Rule O.C.L12.5.1. Appointment of a Guardian for the Estate or Person of a Minor. Guardian of Minors. Appearance Before the Court.

If the minor is over fourteen (14) years of age, the minor shall appear in person at the presentation of the petition and verify his/her nomination of a guardian as set forth in the petition. The Court may excuse the minor's appearance upon good cause shown.

Rule O.C.L12.5.2. Appointment of a Guardian for the Estate or Person of a Minor. Information Required from Counsel.

In addition to the information required by the Pa.O.C. Rules, the petition for the appointment of a guardian shall contain the following information:

(a) The total amount of the assets; and

(b) Whether or not the minor resides in the same household with the proposed guardian.

Rule O.C.L12.5.3. Appointment of a Guardian for the Estate or Person of a Minor. Minor's Estate. Allowance.

When a petition is necessary for an allowance from a minor's estate, the petition shall set forth:

(a) The manner of the guardians' appointment and qualification, and the dates thereof;

(b) The age and residence of the minor, whether the minor's parents are living, the name of the person with whom the minor resides, and the name and age of the minor's spouse and children if any;

(c) The value of the minor's estate, real and personal, where located and the net annual income;

(d) The circumstances of the minor, whether employed or attending school, and, if the minor's parents are living, the reason why the parents are not discharging their duty of support or able to pay the requested allowance for the minor;

(e) The date and amount of any previous allowance by the Court;

(f) The financial requirements of the minor and the minor's family unit, in detail, and the circumstances making such allowance necessary, including whether there is adequate provision for the support and education of the minor, spouse and children; and

(g) If the petition is presented by someone other than the guardian, that demand was made upon the guardian to act, and the reason, if known, for the guardian's failure to do so, together with proof of notice to the guardian of the filing of the petition.

Rule O.C.L12.6.1. Appointment of a Trustee. Exhibits.

The following exhibits shall be attached to the petition:

(a) A copy of the trust instrument; and

(b) The written consent of the trustee or trustees.

Rule O.C.L12.7.1. Discharge of a Fiduciary and Surety. Additional Provisions.

(a) *Affidavit or Verification.* The affidavit or verified statement to the petition shall include an averment that the parties who have signed the consents to discharge are all the parties interested in the estate, or the reason for the failure of any party to consent. If any party shall fail to consent, the Court may, if the circumstances require, direct the issuance of notice by citation or otherwise.

(b) *Exhibits. Consents.* Written consent of all parties in interest, and of the surviving or successor fiduciary, shall be attached to the petition. Such consent may be included in a satisfaction of award attached to the petition.

(c) *Discharge of a Personal Representative.* When the value of the gross real and personal estate of a decedent does not exceed the value of the statutory limitation, the personal representative, after the expiration of one (1) year from the first complete advertisements of the grant of letters, may present a petition to the Court with an account attached under the provisions of Section 3531 of the PEF Code (20 Pa.C.S.A. § 3531). The petition shall conform as far as practicable to the requirements of a petition under Pa.O.C. Rule 12.7.

Rule O.C.L12.9.1. Public Sale of Real Property. Contents of Petition. Additional Requirements.

(a) *Personal Representative.* A petition by a personal representative to sell real property at public sale, under Section 3353 of the PEF Code shall set forth in separate paragraphs:

(1) The name, residence and date of death of the decedent, whether the decedent died testate or intestate and the date of the grant of letters;

(2) That the personal representative is not otherwise authorized to sell by the PEF Code, or is not authorized or is denied the power to do so by the Will, or that it is desirable that the sale have the effect of a judicial sale, stating the reasons;

(3) Whether an inventory and appraisal have been filed, the total value of the property shown therein, and the value at which the real property to be sold was included therein;

(4) If the personal representative entered bond with the Register, the name of the surety and the amount of such bond;

(5) The names and relationships of all parties in interest, a brief description of their respective interests, whether any of them are minors, adjudicated incapacitated or deceased, or, if so, the names and the record of the appointment of their fiduciaries, if any;

(6) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value if applicable and current common level ratio value; and

(7) Sufficient facts to enable the Court to determine that the sale is desirable for the proper administration and distribution of the estate.

(b) *Trustee.* A petition by a trustee to sell real property at public sale, under PEF Code § 3353, shall also set forth in separate paragraphs:

(1) How title was acquired, stating the date and place of probate of the Will or recording of the deed;

(2) A recital of the relevant provisions of the Will or deed pertaining to the real property to be sold, and the history of the trust;

(3) The names and relationships of all parties in interest; a brief description of their respective interest; whether any of them are minors, adjudicated incapacitated or deceased, and if so, the names and record of appointment of their fiduciaries if any;

(4) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value if applicable and current common level ratio value;

(5) That the trustee is not otherwise authorized to sell by the PEF Code or is denied the power by the trust instrument or that it is advisable that the sale have the effect of a judicial sale, stating the reason; and

(6) Sufficient facts to enable the Court to determine that the proposed sale is for the best interests of the trust.

(c) *Guardian of Minor.* A petition by a guardian to sell real property at public sale, under PEF Code § 3353, shall set forth in separate paragraphs:

(1) The age of the minor;

(2) The names of the minor's next of kin and the notice given them of the presentation of the petition;

(3) How title was acquired, stating the date and place of probate of Will or recording of the deed;

(4) A recital of the provisions of the Will or deed relating to the real property to be sold;

(5) The nature and extent of the interest of the minor, of the guardian and of third persons in the real property;

(6) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current common level ratio value; and

(7) Sufficient facts to enable the court to determine that the proposed sale will be in the best interest of the minor.

(d) *Guardian of Incapacitated Person.* A petition by a guardian to sell real property at public sale, under PEF Code § 3353, shall set forth in separate paragraphs the same information as required for the sale by a guardian of a minor with sufficient additional facts to enable the Court to determine that the proposed sale will be in the best interest of the incapacitated person.

Rule O.C.L12.9.2. Public Sale of Real Property. Exhibits.

The following exhibits shall be attached to the petition by a personal representative, trustee or guardian to sell real property at public sale:

(a) Certification that ten (10) business days' notice has been given to those parties who do not consent or join; and

(b) Consent by any mortgagee whose lien would otherwise not be discharged by the sale.

Rule O.C.L12.9.3. Public Sale of Real Property. Notice.

After allowance of a petition for public sale of real estate, the petitioner shall, in addition to such notice as may be required to be given by law, give notice of the sale to each interested party, including every unpaid creditor by first class mail, if known. Such notice shall be given at least twenty (20) days prior to the date of the proposed sale. In addition, notice of the sale shall be advertised one (1) time in a newspaper of general circulation in the appropriate county and such notice shall contain:

(a) The size of the property, either by acreage or square feet if known, the street or road location and reference to any landmarks that may identify the property;

(b) A list of all improvements on the property and the nature thereof;

(c) A deed description or surveyor's description of the property, if any;

(d) The name of the grantee of the last recorded deed of the subject premises, together with the Deed Book and page of the record; and

(e) The recorded liens thereon and the identity of the secured party.

Rule O.C.L12.9.4. Public Sale of Real Property. Notice. Confirmation.

(a) *Notice.* After the allowance of a petition for public sale, notice in approved form of the proposed sale shall be given in the manner provided by Pa.O.C. Rule 5.1.

(b) *Confirmation.* If no objection is filed, the Court may enter a decree confirming the sale upon submission of a return of sale.

Rule O.C.L12.9.5. Public Sale of Real Property. Security.

On the return day of the sale, the Court, in the decree approving or confirming the sale, may fix the amount of security or additional security which the personal representative, trustee or guardian may be required to enter or will excuse the fiduciary from entering additional security.

Rule O.C.L12.10.1. Private Sale of Real Property or Options Therefor. Contents of Petition. Additional Requirements.

Where the power to sell real property is not granted by will, trust instrument or statute, a petition by a personal representative, trustee or guardian to sell real property at private sale shall also conform as closely as practicable to all requirements of these rules with regard to a petition to sell real property at public sale by the fiduciary.

Rule O.C.L12.10.2. Private Sale of Real Property or Options Therefor. Exhibits.

The following exhibits shall be attached to the petition by a personal representative, trustee or guardian to sell real property at private sale:

(a) Certification that twenty (20) business days notice has been given to those parties who do not consent or join;

(b) A copy of the agreement of sale; and

(c) Affidavits in the form required by Pa.O.C. Rule 12.10(b) unless otherwise ordered by the Court.

Rule O.C.L12.10.3. Private Sale of Real Property or Options Therefor. Security.

The Court, in the decree approving or confirming the sale, may fix the amount of security or additional security which the personal representative, trustee or guardian may be required to enter or may excuse the fiduciary from entering additional security.

Rule O.C.L12.10.4. Private Sale of Real Property or Options Therefor. Petition to Fix or Waive Additional Security. Personal Representatives.

(a) *Form of Petition.* In a sale, whether public or private, of real estate by a personal representative acting without benefit of an Order of Court, directing or authorizing such sale, but who was required to give bond, the

personal representative shall present a petition to the Court before the proceeds of the sale are paid by the purchaser setting forth:

- (1) The date of death of the decedent;
- (2) The date of the grant of letters to the petitioner;
- (3) The amount of the bond or bonds filed by the petitioner, the date of such filing and the name or names of the surety;
- (4) The total valuation of the personal estate as shown on the inventory and appraisal, if any, and the total proceeds of any real estate sold previously;
- (5) A short description of the real property sold, the name(s) of the purchaser(s), the amount of the consideration to be paid and the terms of the sale;
- (6) A list of all liens of record known to petitioner, including mortgages, delinquent taxes, judgments, etc. and the names and relationships of all parties in interest with a brief description of their respective interests; and
- (7) A prayer for an Order fixing the amount of additional security or for an Order excusing the filing of additional security.

(b) *Surety on Additional Bond.* The surety on any additional bond, except for cause shown, shall be the same as on the original bond.

Rule O.C.L.12.12.1. Inalienable Property.

In addition to the requirements of PEF Code Chapter 83 and Pa.O.C. Rule 12.12, in the case of:

- (a) *Public Sale.* The content of the petition, required exhibits, notices, confirmation and security shall conform to the requirements of O.C.L. Rules 12.9.1 through 12.9.4.
- (b) *Private Sale.* The content of the petition, required exhibits, provisions as to higher offers, security and petitions to fix or waive additional security shall conform to the requirements of O.C.L. Rules 12.10.1 through 12.10.4.

RULE O.C.L.13. DISTRIBUTION—SPECIAL SITUATIONS

Rule O.C.L.13.3.1. Report by Fiduciary.

The report contemplated by Pa.O.C. Rule 13.3 shall be submitted in compliance with the following requirements. Whenever the identity or whereabouts of a distributee is unknown, or that if distribution is made, the beneficiary would not have the actual benefit, use, enjoyment or control of the money or other property awarded, and the court is requested to withhold distribution or to make a provisional award thereof to the accountant, to the Clerk, or the State Treasurer through the Department of Revenue, or in a manner other than to the distributee or the nominee of said distributee, the fiduciary or counsel shall submit to the court or auditor, as the case may be, a written report outlining the investigation made and the facts upon which the request is based.

(a) *Unknown Distributee.* If it appears that the existence, identity or whereabouts of a distributee is unknown, or if there are no known heirs:

- (1) The report shall be filed together with a petition for rule to show cause, seeking permission of the Court to publish service by publication addressed to any known distributee(s), or if none are known, then to the heirs, beneficiaries, successors and assigns of the decedent, trust or fund. Publication, if authorized by the Court, shall be carried out in accordance with Pa.O.C. Rule 5.1(c). The return date and time of the rule to show cause

shall be included in the publication of notice. If persons shall appear in response to said notice, the Court may conduct an evidentiary hearing to determine the identity of the proper distributee(s).

(2) The contents of said report shall include:

- (i) The nature of the investigation made to locate the distributee(s) in full detail;
- (ii) If applicable to the determination of distributee(s) identity, a complete family tree in as much detail as possible, supported by as much documentary evidence as the petitioner has been able to obtain;
- (iii) A statement that investigation was made by as many of the following means as are available and feasible: questioning of members of the household of the decedent or settlor, and/or friends, neighbors and/or known relatives thereof; officers and members of groups, unions, social or fraternal organizations to which decedent or settlor belonged; contacting employers and/or co-workers; examining church, insurance, school and voters registration records; Veteran's Administration and Social Security records; naturalization records if not a native born citizen; telephone and electronic media such as internet listings; and such other sources as the circumstances suggest; and
- (iv) The petition and report shall be verified by the fiduciary and/or by counsel where counsel conducted the investigation.

(3) If, after notice by publication, such evidentiary hearing as the Court may choose to conduct, the distributee cannot be ascertained, the Court shall cause distribution to be made to the Clerk, with notice to the Attorney General of the Commonwealth and the fund shall be considered subject to escheat under 27 P.S. § 332 or such similar act as may then be in effect; or the Court may make such other distribution that is proper under the law and rules.

(b) *Non-resident or Foreign Distributee.* If the fiduciary determines that a non-resident distributee shall not be able to receive or to enjoy the actual benefit of the interest due thereto, the fiduciary shall submit a petition and report setting forth:

- (1) Identity, relationship and address for the distributee;
- (2) Such supporting information as the circumstances require, such as a family tree in as much detail as possible, supported by as much documentary evidence as the petitioner has been able to obtain;
- (3) Reason(s) for the request that distribution be withheld or postponed, together with a proposed plan for the securing of the fund, identity of a continuing fiduciary and when possible, the time or event the occurrence of which will make distribution possible;
- (4) To the extent possible, notice shall be given to the distributee or where applicable, to the guardian, parent, next friend or party having custody of the distributee, and any other party required by rule or statute; and
- (5) Continuing custody or distribution shall be decided in keeping with 20 Pa.C.S.A. § 4111 and 4112 and/or such other act as may then be in effect.

Upon filing of such petition the Court shall cause the distribution to be made to the Clerk in the name of the proposed distributee with notice to the Attorney General of the Commonwealth and the funds shall be considered for distribution under the escheat laws of the Commonwealth if they cannot otherwise be delivered to the

distributee or, as the law may provide, on the distributee's death to the distributee's heirs.

RULE O.C.L14.

GUARDIANSHIP OF INCAPACITATED PERSONS

Rule O.C.L14.2.1. Adjudication of Incapacity and Appointment of a Guardian of the Person and/or Estate of an Incapacitated Person. Petition.

A petition to adjudicate a person incapacitated and to appoint a guardian shall set forth:

- (a) All matters required by Pa.O.C. Rule 14.2;
- (b) Whether the petition seeks limited or plenary guardianship, and what powers are sought for a limited guardian;
- (c) Whether the proposed guardian wishes approval of any initial expenditures of funds at the hearing;
- (d) Whether the alleged incapacitated person executed a durable Power of Attorney and the name and current address of the attorney in fact;
- (e) Whether the alleged incapacitated person executed a Will or other testamentary document and the location of the original document;
- (f) Whether the alleged incapacitated person executed a Living Will, advance health care directive or similar document and the location of the original document;
- (g) The name of the attorney who has represented the person in the recent past; and

(h) Where appropriate state therein the name of the proposed guardian and if an individual, the relationship, if any, to the alleged incompetent; any fee arrangements and costs to be paid the proposed fiduciary and any interest the proposed fiduciary may have to the incompetent's estate, if any.

Rule O.C.L14.2.2. Adjudication of Incapacity and Appointment of a Guardian of the Person and/or Estate of an Incapacitated Person. Hearing.

The Court shall fix a date for hearing which shall not be less than ten (10) days after the service of the petition and citation.

The petition shall comply with all of the mandates of Pa.O.C. Rule 14.2; however, if it is alleged that the incompetent is unable to attend court for any reasons, the petitioner, at time of hearing, must make a part of the record a physician's report dated within ten (10) days of the hearing that the physician has examined the alleged incompetent and in the medical opinion of the physician the incompetent is not physically able to attend the hearing or if did attend would not be communicative or recognize the nature of the proceedings.

At the hearing the Court shall determine the amount, if any, of a bond to be placed by the fiduciary with the Court and the nature thereof.

Rule O.C.L14.2.3. Adjudication of Incapacity and Appointment of a Guardian of the Person and/or Estate of an Incapacitated Person. Qualifications of the Guardian.

(a) The class of persons from which a guardian may be appointed shall be as set forth at 20 Pa.C.S.A. § 5511(f).

(b) Non-residents: The Court, except in special circumstances, will not appoint non-residents as guardians of the estate of incapacitated persons residing within the county.

Rule O.C.L14.3.1. Review Hearing. Petition.

A petition to adjudicate whether there has been any significant change in the capacity of a person who was formerly adjudicated to be incapacitated shall set forth:

- (a) All matters required by Pa.O.C. Rule 14.3;
- (b) The name and location of the court which adjudicated incapacity; and
- (c) Whether the former incapacitated person is capable of conducting his/her own affairs and whether he/she would be beyond reach of designing persons.

The petitioner may be the incapacitated person, the guardian, the spouse of the incapacitated person, a relative, a creditor, a debtor, or any person interested in the welfare of the incapacitated person.

Rule O.C.L14.3.2. Review Hearing. Hearing.

A hearing shall be set by the court not less than twenty (20) days after service of the petition and notice of hearing.

**RULE O.C.L15.
ADOPTIONS**

Rule O.C.L15.1.1. Local Rules. Practice and Procedure.

(a) All papers in adoption matters including petitions for voluntary and involuntary relinquishment shall be filed with the Clerk who shall thereafter submit the appropriate order to the Court Administrator to fix a hearing date on the proceedings.

(b) All adoption petitions shall be filed with the Clerk forty-five (45) days prior to the scheduled hearing date.

(c) No petition for adoption shall be presented by the Clerk for hearing thereon if it is not in conformity with and have attached thereto all mandatory information of abuse of children record or other information required.

Note: See 23 Pa.C.S.A. § 2530 as to requirements for Home Study and Preplacement Report; see also 23 Pa.C.S.A. § 2531 as to requirements for Report of Intention to Adopt; see also 23 Pa.C.S.A. § 2711 as to requirements for Consents Necessary to Adoption. Notice does not need to be provided to any parent whose parental rights have been terminated by petition to confirm adoption. See 23 Pa.C.S.A. § 2535, § 2724 and § 2533.

(d) At time of hearing counsel shall attach a copy of all costs and counsel fees, as well as any other expenses incurred, to be paid by the adoptors.

(e) The adoptee (adoptees) shall be available for court review at the time of adoption.

Rule O.C.L15.5.1. Adoption.

A petition for adoption shall have attached thereto a proposed preliminary order scheduling the adoption hearing. At the time of the hearing, the attorney for petitioner shall submit to the Court a proposed decree of adoption.

Rule O.C.L15.6.1. Notice: Method and Time.

(a) In proceedings under Pa.O.C. Rule 15.4 the attorney for petitioners shall make a good faith effort to determine the address and identity of each parent and to provide notice of the proceedings. In adoption proceedings under Pa.O.C. Rule 15.5 notice of the proceedings shall also be given to any persons who have custody pursuant to a valid Court Order.

(b) Notice of the involuntary termination petition and hearing shall be served on the natural or putative father

whose identity and/or whereabouts cannot be ascertained or on a mother whose identity and/or whereabouts cannot be ascertained by publication in the form and manner approved by the Court following presentation of a separate Motion for Service by Publication and Affidavit of Diligent Search as required by Pa.R.C.P. 430.

(c) A motion for service by publication upon a natural or putative father must aver that the natural mother does not know the identity and/or whereabouts of the natural or putative father; must include his last known address, if known; and must also specify all attempts made by the petitioner to determine the correct identity and/or address of the natural or putative father. See also 23 Pa.C.S.A. § 2512(c).

(d) Publication shall include, as a minimum, the contents of the notice required by 23 Pa.C.S.A. § 2513(b). Proof of publication shall be submitted to the Court prior to the hearing.

APPENDIX TO RULE O.C.L3.4.1(h)(2)

NOTICE

You are hereby notified that the attached motion will be presented by me on _____ 20 ____ .

() to the Court Administrator as an uncontested matter;

() has been listed for Argument on _____ 20 ____ .

CERTIFICATION OF NOTICE AND SERVICE

The undersigned represents that a copy of this motion and proposed order have been served by () first class mail posted five days prior to the presentation and by () fax or () hand delivery at least two (2) days prior to the date of presentation. Notice was given on the _____ day of _____ 20 ____ upon all parties or their counsel of record.

INFORMATION FOR COURT ADMINISTRATOR

- A. Is this an original filing in this case?
B. Has any judge heard this matter previously?
C. If yes, name of judge who presided over previous matter:
D. Estimated court time required if this matter is granted:
E. Is this motion opposed by another party?

UNCONTESTED MOTION CERTIFICATION

- The undersigned represents that:
1. All parties or counsel have consented.
2. Consents of all parties or counsel are attached.
3. The Order seeks only a return hearing or argument date and no other relief.
4. The Order seeks only the appointment of a master, auditor or the like and no other relief.

Opposing Counsel:
(if opposing party is unrepresented, list his/her current address and telephone):

(Phone)
I HEREBY CERTIFY ALL OF THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

By: _____

Attorney for: _____

APPENDIX TO RULE O.C.L6.1.1(b)(9)

CERTIFICATE

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF WARREN

Personally came _____, the Accountant(s) herein named, who being duly sworn say(s):

- (1) That letters were granted and advertised more than four (4) months before filing of the account;
(2) That all of the disbursements claimed have been made or shall be made to the parties entitled thereto;
(3) That the within account as stated is true and correct; and
(4) That a copy of the account and notice of filing have been given to everyone required mandated by the Pennsylvania Supreme Court Orphans' Court Rules and Local Orphans' Court Rules of the 37th Judicial District.

ACCOUNTANT

Sworn to or affirmed and subscribed before me this _____ day of _____, 20____ .

Notary Public

CERTIFICATE

The ___ day of _____, 2011, (attorney's name), the undersigned, hereby certifies that he/she has examined the foregoing account and that it is in accordance with the Local Orphans' Court Rules of the 37th Judicial District as to form and arrangement and that the account is true and correct according to the best of his/her judgment and belief.

ATTORNEY

ESTATE OF _____

No. _____ in the office of the Register of Wills of _____ County, Pennsylvania.

No. _____ Term 20____ in the Court of Common Pleas of the 37th Judicial District of Pennsylvania, _____ County Branch, Orphans' Court Division

Account of _____ (First, Partial, Final)

_____, 20____ filed, examined, allowed and passed.
_____, 20____ account advertised
_____, 20____ account certified to Orphans' Court.

Register

_____, 20____ account confirmed nisi by the Court.

Clerk of the Orphans' Court

_____, 200____ account with statement of proposed distribution confirmed absolute by the Court.

Clerk of the Orphans' Court

D PG

**APPENDIX TO RULE O.C.L6.3.1(a)
NOTICE OF FILING ACCOUNT**

You are hereby notified in accordance with the provisions of Section 3503 of the Probate, Estate and Fiduciaries Code and Rule 6.3 of the Pennsylvania Supreme Court Orphans' Court Rules that the First and Final Account of _____, executor of the Estate of _____, deceased, has been filed in the Office of the Register of Wills of _____ County, Pennsylvania, as of _____, 20____, will be confirmed nisi on _____, 20____, and will be confirmed absolute on _____, 20____, unless exceptions are filed in writing with the Clerk of the Orphans' Court five (5) days before said absolute confirmation.

Enclosed herewith is a copy of said First and Final Account which account includes a Statement of Proposed Distributions.

Attorney for Accountant

[Pa.B. Doc. No. 12-1258. Filed for public inspection July 6, 2012, 9:00 a.m.]

**WASHINGTON COUNTY
Local Rules; No. 2012-1**

Order

And Now, this 11th day of June, 2012; *It Is Hereby Ordered* that the previously stated Washington County Local Civil Rules be adopted/amended as follows.

These rules will become effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

DEBBIE O'DELL SENECA,
President Judge

L-708. Violation of Probation, Intermediate Punishment, or Parole: Hearing and Disposition.

(A) When it is alleged that an offender is in violation of the conditions of his/her probation/parole or Intermediate Punishment sentence, a Gagnon I Hearing shall be held before a member of the Washington County Probation/Parole Office designated as a hearing officer; typically, the Washington County Chief of Probation/Parole. The hearing shall be held within three (3) Court business days if the offender is incarcerated as a result of the violation(s). The designated hearing officer shall be responsible for advising the offender of all information required at a Gagnon I Hearing. Should the hearing officer, at the Gagnon I Hearing, find that a prima facie case exists, the procedure in paragraph B shall be followed.

(B) The supervising probation/parole officer shall petition the court within (3) business days to schedule a Gagnon II Hearing after the Gagnon I Hearing if the bases of the hearing are allegations that the offender engaged in technical violation(s) of the conditions or special conditions of his/her probation/parole or Intermediate Punishment sentence; and within three (3) business days after a preliminary hearing if the basis of the hearing are allegations that the offender engaged in

substantive violation(s) of the conditions or special conditions of his/her probation/parole or Intermediate Punishment sentence. The Petition shall indicate whether the allegations are contested or whether a Gagnon II Hearing shall be for disposition purposes only. The offender shall have the right to representation by an attorney at his/her own expense, or if indigent and upon his/her application, the appointment of the Public Defender for the Gagnon II Hearing.

(C) At the Gagnon I Hearing should a determination be made by the hearing officer that the offender should be returned to continued supervision at liberty, the offender, if incarcerated, shall be released from custody, and continue under his/her probation/parole or Intermediate Punishment sentence.

L-709 Adult Probation Office Fees.

(A) All offenders subject to supervision by the Washington County Adult Probation Office shall be assessed a supervision fee of \$50.00 per month for the length of their probation or parole term.

(B) In addition to the supervision fee found in paragraph (A) above, offenders are subject to the following monitoring fees:

(1) A daily monitoring fee of \$10.00 flat rate per day for any monitoring service which shall include, but not be limited to: Electronic Home Monitoring, Electronic Home Monitoring with cellular service, and Global Positioning Monitoring.

(2) A one-time administrative installation fee of \$50.00 shall be assessed for any monitoring service at the inception of monitoring supervision.

(3) Offenders placed on a monitoring service that claim indigence shall be required to complete community service work at the prevailing Commonwealth minimum wage rate for all fines, fees, and costs associated with their respective cases, including monitoring fees owed. Offenders shall begin community service work within five (5) business days of being placed on a monitoring service.

(a) Offenders who have a verified and reasonable physical or mental handicap shall be exempt from the payment of the monitoring fee. However, if the offender is receiving disability benefits, the offender shall be responsible for the minimum cost of the monitoring service.

(C) In addition, offenders subject to monitoring via the Secure Continuous Remote Alcohol Monitoring (SCRAM) or similar device are responsible for the costs of such monitoring. These costs are payable directly to the vendor.

(D) The Washington County Clerk of Courts Office and the Court of Common Pleas Community Service Program shall apply the prevailing Commonwealth minimum wage rate to calculate the amount of fines, costs and fees an offender worked off.

L-710. Arrest and Processing of Probation/Parole Violators.

(A) When a duly appointed probation/parole officer has conducted an investigation which reveals that a violation(s) of conditions of probation/parole has been committed by the offender, that offender may be arrested by a probation /parole officer or by any Peace Officer in the Commonwealth authorized to make arrests, or in the case of an offender who has absconded the Commonwealth, an arrest warrant shall be submitted to the proper police agency for processing as per normal procedures. Following arrest, the filing probation/parole officer shall request

a Gagnon I Hearing before the hearing officer, which shall be held within three (3) Court business days if the offender is committed to the Washington County Correctional Facility. The procedure set forth in Local Rule 708 shall then be followed.

(B) Should the filing probation/parole officer determine that there was a violation of the offender's probation/parole but an arrest is not warranted, a Gagnon I Hearing shall be scheduled as soon as possible following discovery of the violation(s), and the procedure set forth in Local Rule 708 shall then be followed. Notice of the Gagnon I Hearing, and the hearing date, shall be served upon the offender by the filing probation/parole officer within 10 business days.

L-711. Probation/Parole General Rules and Regulations.

The Court, whenever sentencing a defendant to probation or granting parole, shall state in its order that, in addition to the statutory requirements, the general rules, regulations, and conditions governing probation and parole in Washington County apply to the sentenced offender. The Court shall also inform the offender that all special and/or additional conditions of probation and parole as set forth in these rules, and which are within the authority of the probation/parole officers to enforce, shall be applicable and all of the following shall apply unless specifically deleted by the Court in its order or in a subsequent order:

(A) The offender shall be in the legal custody of the Court until the expiration of his/her probation/parole or the further order of Court, and the probation/parole officer has the authority any time during this period, in case of violation by the offender of any of the conditions of his/her probation/parole, to detain the offender in a county prison and make a recommendation to the Court, which may result in the revocation of probation/parole and commitment to a penal or correctional institution for service of the sentence.

(B) The offender shall report at times as ordered/directed to the Washington County Probation/Parole Office, or at a satellite location, or in the offender's home or place of employment, or report in writing. The offender must reply to any communication from the Court or the Washington County Probation/Parole Office.

(C) The offender shall reside at an address provided by him/her and approved by the Washington County Probation/Parole Office and may not change the residence without prior permission from the Washington County Probation/Parole Office.

(D) The offender shall not travel outside of Washington County or the Commonwealth of Pennsylvania without prior permission from the Court or his/her probation/parole officer. An offender who has been convicted of a crime which would preclude the offender from being considered an "eligible offender" pursuant to 42 Pa.C.S.A. § 9801 et seq. (County Intermediate Punishment Act), may only travel outside the Commonwealth of Pennsylvania pursuant to Court Order.

(E) The offender shall not violate any township, municipal, county, state or federal criminal laws, and shall abide by any written instructions of his/her probation/parole officer. Pursuant to this rule any such instruction shall be considered a special condition of supervision imposed by the Court. Such instructions shall be designed to assist the offender in his/her rehabilitation and re-assimilation into the community and to protect the public. The offender shall immediately notify his/her Probation/

Parole Officer of any arrest or investigation by law enforcement agencies. The offender shall be of good behavior generally.

(F) If the offender is unemployed, he/she shall make every effort to obtain and maintain employment and support his/her dependents, if any. If the offender loses his/her job, he/she shall immediately notify his/her probation/parole officer and cooperate in any effort he/she may make to obtain employment for the offender.

(G) The offender shall abstain from the use or possession of illegal substances, and from abusing prescribed medications. Offenders prescribed medications obtained from a legitimate medical source for a legitimate medical need shall provide a written release to his/her probation/parole officer in order to verify compliance with the medical provider's directions. The offender shall also abstain from abusing over-the-counter (OTC) non-prescription medications.

(H) Offenders placed under the supervision of the Washington County Probation/Parole Office shall not be allowed to possess any firearms or dangerous/offensive weapons. Any matters involving the carrying of a sidearm for personal protection necessary for employment shall require an order of Court and a valid license to carry a firearm issued by the County Sheriff.

(I) The offender may not use or possess alcoholic beverages, and may not enter a "drinking establishment" as that term is defined in 35 Pa.C.S.A. § 637.2, unless this condition is totally or partially granted by the sentencing Judge.

(J) All fines, costs, fees, and restitution imposed upon the offender by the Court must be paid immediately or in accordance with any schedule set forth by the Court or by the Clerk of Courts. An offender may perform community service in lieu of cash payments of costs, fines, and fees; or in conjunction with cash payments of fines, costs, and fees. Community Service may not be performed in lieu of restitution payments. Community service may also be court-ordered as part of a sentence. The Washington County Clerk of Courts Office and the Court of Common Pleas Community Service Program shall apply the prevailing Commonwealth minimum wage rate to calculate the amount of fines, costs and fees an offender worked off.

(K) The offender shall attend any therapeutic program or obtain assessments offered by a recognized agency when directed to do so by his/her probation/parole officer. The offender shall pay all costs and fees associated with the therapeutic program or assessment. The offender shall also obey any and all rules of said facility/program while attending treatment, classes, or assessments. The offender shall sign a confidential release for all treatment providers to permit the Court and/or the probation/parole officer to monitor his/her attendance and progress.

(L) The offender shall participate in the electronic monitoring/house arrest program if ordered to do so by the sentencing Judge. If the offender agrees in writing to participate in the electronic monitoring/house arrest program during the course of a Gagnon I hearing rather than proceed to a Gagnon II hearing, electronic monitoring/house arrest shall automatically become a special condition of the offender's probation/parole. An offender on supervision for, or alleged to have committed an offense which would preclude him/her from being considered an "eligible offender" pursuant to 42 Pa.C.S.A. § 9801 et seq. (County Intermediate Punishment Act), shall not be permitted to enter such an agreement. The offender shall be responsible to pay the

costs of the program pursuant to Local Rule 709. The offender shall abide by all conditions, instructions, rules and directives of the electronic monitoring/house arrest program and maintain an appropriate telephone line and electricity. A probation/parole officer may give approval to an offender to leave the residence for verified employment, counseling, treatment, medical appointments, and funerals. The offender shall be financially responsible for all lost, discarded, or damaged equipment other than damage resulting from normal wear.

(M) The offender shall participate in a Continuous Alcohol Monitoring (CAM) program or an on-demand alcohol monitoring program if specifically ordered by the Court or required by his/her probation/parole officer in an effort to ensure the offender does not ingest alcohol as a reasonable response related to the offender's rehabilitation and the protection of the community. This decision shall be based on the offender's alcohol abuse history, including any alcohol use in violation of the conditions of the offender's probation/parole, the nature of the offense(s) for which the offender is on probation/parole, and the need to protect the public. The offender shall be responsible to pay the costs of the program pursuant to Local Rule 709.

(N) The offender shall submit to random and periodic testing to determine the use and presence of any illegal substances and/or alcoholic beverages. Any offender refusing to submit to testing or who provides an invalid or adulterated sample shall be in violation of the conditions of his/her probation/parole and which may lead to the revocation of his/her probation/parole. In addition, if an offender provides an adulterated sample, he/she could face criminal charges.

(O) The offender shall report to the Washington County Probation/Parole Office within 24 hours or the next business day after being released from any institution. For purposes of this rule, the term "institution" includes penal and correctional institutions, and inpatient treatment/rehabilitation centers.

(P) The offender shall comply with any curfew imposed by his/her probation/parole officer.

(Q) The offender shall always be truthful and accurate in any written or oral statements he/she makes to all staff members of the Washington County Probation/Parole Office and all law enforcement agencies. Specifically, any statements concerning the offender's eligibility for and/or conditions of probation/parole, probation/parole status, and statements made in response to questions concerning the offender's identity must be truthful and accurate.

(R) The offender shall not at any time display assaultive or threatening behavior. The offender shall be prohibited from annoying, harassing, intimidating, any witness or victim of his/her crime. The offender must abide any and all conditions imposed regarding protection from abuse orders.

(S) The offender shall receive a copy of these general terms and conditions of probation/parole at or about the time supervision commences.

(T) Pursuant to 42 Pa.C.S.A. § 9912(d)(1), the offender shall be subject to warrantless searches of his/her person, property, vehicle, or residence and the seizure and appropriate disposal of any contraband found, if it is reasonably suspected that offender is in possession of contraband or other evidence of violations of the conditions of his/her probation/parole.

The existence of reasonable suspicion to search shall be determined in accordance with constitutional search and

seizure provisions as applied by judicial decision. In accordance with such case law, the following factors, where applicable, may be taken into account:

- (i) The observations of officers.
- (ii) Information provided by others.
- (iii) The activities of the offender.
- (iv) Information provided by the offender.
- (v) The experience of officers with the offender.
- (vi) The experience of officers in similar circumstances.
- (vii) The prior criminal and supervisory history of the offender.
- (viii) The need to verify compliance with the conditions of supervision.

(U) Unless otherwise established by Court order, the frequency with which the offender reports to his/her probation/parole officer shall be determined by the assigned probation/parole officer, who shall utilize an evidence based risk assessment tool, and the officer's professional judgment and experience. The probation/parole officer shall base such determinations on the need to assist the offender in his/her rehabilitation and re-assimilation into the community, and to protect the public.

(V) If the offender believes that his/her rights have been violated as a result of probation/parole supervision, and the offender has evidence to support the alleged violation, the offender may submit a timely complaint in writing, first to the Chief Probation/Parole Officer. If the complainant is not satisfied with the result they may then submit a complaint to the President Judge of Washington County at the Washington County Courthouse.

L-712. Intermediate Punishment General Rules and Regulations.

(A) All of the general Rules and Regulations for Probation/Parole authorized pursuant to Local Rule 711 apply to Intermediate Punishment (Intensive Supervision). The following additional Rules and Regulations shall also apply to Intermediate Punishment supervision including those associated with Intermediate Punishment options associated with Driving under the Influence (DUI) and the Restrictive Intermediate Punishment Program Offender Day Partial Program (ODPP).

(B) Intermediate Punishment sentences may include electronic monitoring/house arrest, continuous alcohol monitoring (CAM), on-demand alcohol monitoring, intensive supervision, curfews, assessments, treatment, or any combination of the above.

(1) The offender shall abide by all of the rules, regulations and conditions of Washington County Correctional facility while serving the Jail/Work Release portion of the Intermediate Punishment sentence.

(2) Offenders while on Intermediate Punishment shall abide by all the standard rules, regulations and conditions of the Washington County Probation/Parole Office as set forth in Local Rule 711. Intermediate Punishment (Intensive Supervision) shall require a higher volume of contacts than general supervision cases. Step-down from intensive supervision status shall be decided through a supervisor via administrative reviews which occur monthly.

(3) Offenders placed into the Washington County Offender Day Partial Program (ODDP) shall be required to

adhere to the standard rules, regulations and conditions of the Washington County Probation/Parole Office along with any additional conditions imposed by the sentencing Judge or required by the participants in the program which may include in-patient treatment, out-patient treatment, electronic monitoring/house arrest, community service, and administrative reviews.

L-713. Specialty/Problem Solving Courts General Rules and Regulations.

All of the established general Rules and Regulations of Washington County Probation/Parole in Local Rule 711 apply to all Washington County Specialty/Problem Solving Court participants. The term "Specialty/Problem Solving Courts" includes, but is not limited to: Treatment Court, Mental Health Court, and Veterans Court. Specialty Courts/Problem Solving Courts may utilize a combination of assessments, treatments, evaluations, curfews, electronic monitoring/house arrest, community service, and continuous alcohol monitoring (CAM) to meet the needs of the offender; and shall impose such requirements as special conditions of the offender's probation/parole.

L-714. Sex Offender Conditions and Supervision.

(A) Any sex offender sentenced to probation/parole under the supervision of the Washington County Probation/Parole Office shall be required to follow the standard rules and regulations of probation/parole supervision as set forth in Local Rule 711 and may be required to adhere to curfews and conditions prohibiting the participation of the offender in certain activities that allow for access to children.

(B) All living arrangements of sex offenders shall be approved by the Washington County Probation/Parole Office. Arrangements not meeting the standard of community safety as decided by the Washington County Probation/Parole Office shall be deemed not acceptable. A sex offender supervised through the Washington County Probation/Parole Office shall be in violation of the condition(s) of supervision if he/she fails to adhere to any rules and/or regulations regarding Megan's Law/Adam Walsh Law, address registration, evaluations, and treatment. Other special conditions that may be imposed are as follows, possible restrictions on non-approved Internet sites, possible restrictions on participation in activities and or organizations which lend access to children, possible restrictions on participation in holiday events that lend access to children, possible restrictions on employment if it may lend access to children, possible restrictions regarding patronage at certain establishments, such as a strip club, if in the best interest of community safety, and restrictions on any form of commu-

nication, publication, or pornographic material if needed. The Washington County Probation/Parole Office shall petition the Court to request the imposition of any such special conditions, unless the defendant/offender agrees to the special conditions.

L-715. Early Release/Parole/Re-Entry.

All of the general Rules and Regulations for Probation/Parole set forth in Local Rule 711 apply to participants in the Early Release/Parole/Re-entry Program. The following additional rules of law and regulations shall also apply to Early Release/Re-entry/Parole participants. The Court shall state at time of sentencing whether or not an offender is eligible to participate in a (county) Re-entry Program. No offender shall be eligible for the Early Release Program without a re-entry plan. The parole/re-entry plan shall be completed by a probation/parole officer prior to the offender being considered for parole/early release/reentry from the Washington County Correctional Facility. Any condition(s) recommended in the parole/re-entry plan by the probation/parole officer who has performed the parole/re-entry/early release plan shall become a special condition(s) of his/her parole unless otherwise excluded by the sentencing Judge.

L-716. Interstate Compact.

(A) The Commonwealth of Pennsylvania/Washington County is a member of the federal compact involving the interstate transfer of offenders known as the Interstate Compact. Interstate Compact rules mandate that any offender seeking to relocate to another state who has been convicted of a felony offense and what is known as transferable misdemeanor offenses must be processed through the Interstate Compact. Offenders released from incarceration or sentenced to probation/parole that are mandated transferable may be eligible for reporting instructions. However, if the offender does not complete the reporting instructions via the Washington County Probation/Parole Office within seventy-two hours (72) of release or sentence, they shall become ineligible for reporting instructions. It should be noted that not all offenders will be eligible for reporting instructions. For example, the offender must have had a residence or family residing within the accepting state at the time the offense occurred to be eligible for reporting instructions.

(B) Full transfers of cases may take up to ninety days. The offender may be required to remain in the sentencing state pending application and possible acceptance for transfer.

[Pa.B. Doc. No. 12-1259. Filed for public inspection July 6, 2012, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Health

The Executive Board approved a reorganization of the Department of Health effective June 21, 2012.

The organization chart at 42 Pa.B. 4182 (July 7, 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. 12-1260. Filed for public inspection July 6, 2012, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective June 21, 2012.

The organization chart at 42 Pa.B. 4183 (July 7, 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. 12-1261. Filed for public inspection July 6, 2012, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

The Executive Board approved a reorganization of the Department of Public Welfare effective June 21, 2012.

The organization chart at 42 Pa.B. 4184, 4185 (July 7, 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. 12-1262. Filed for public inspection July 6, 2012, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of State

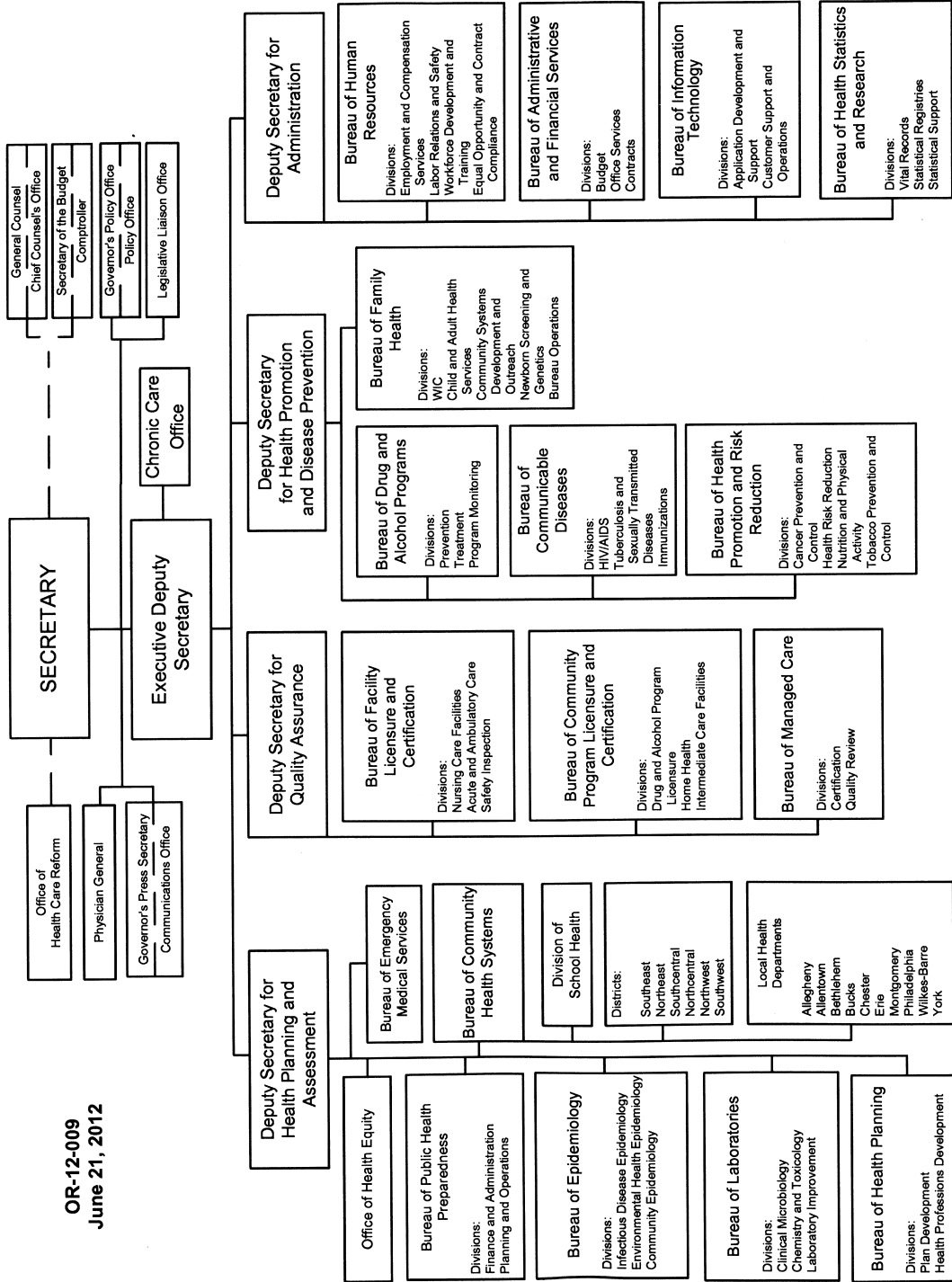
The Executive Board approved a reorganization of the Department of State effective June 21, 2012.

The organization chart at 42 Pa.B. 4186 (July 7, 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.)

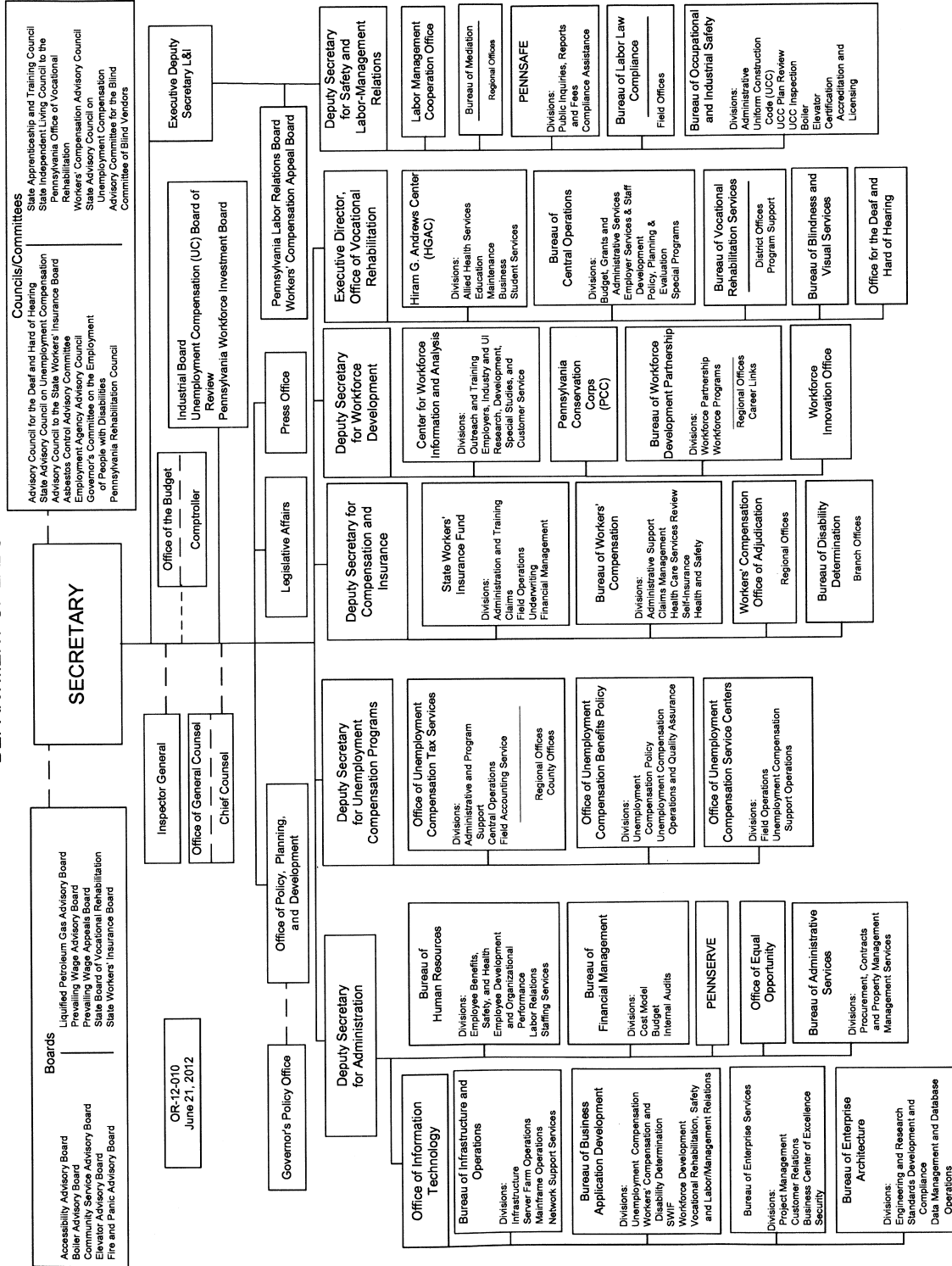
[Pa.B. Doc. No. 12-1263. Filed for public inspection July 6, 2012, 9:00 a.m.]

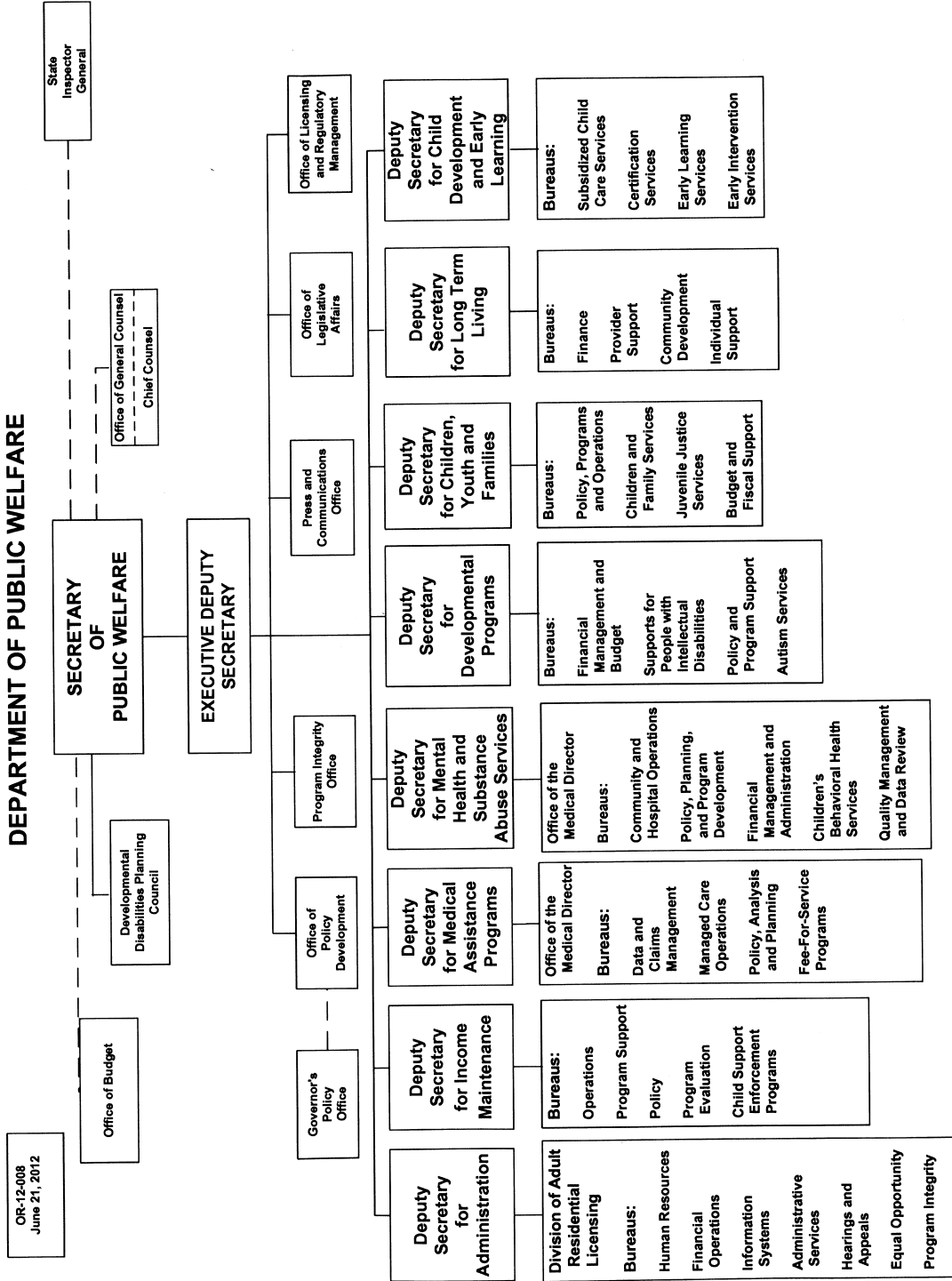
DEPARTMENT OF HEALTH



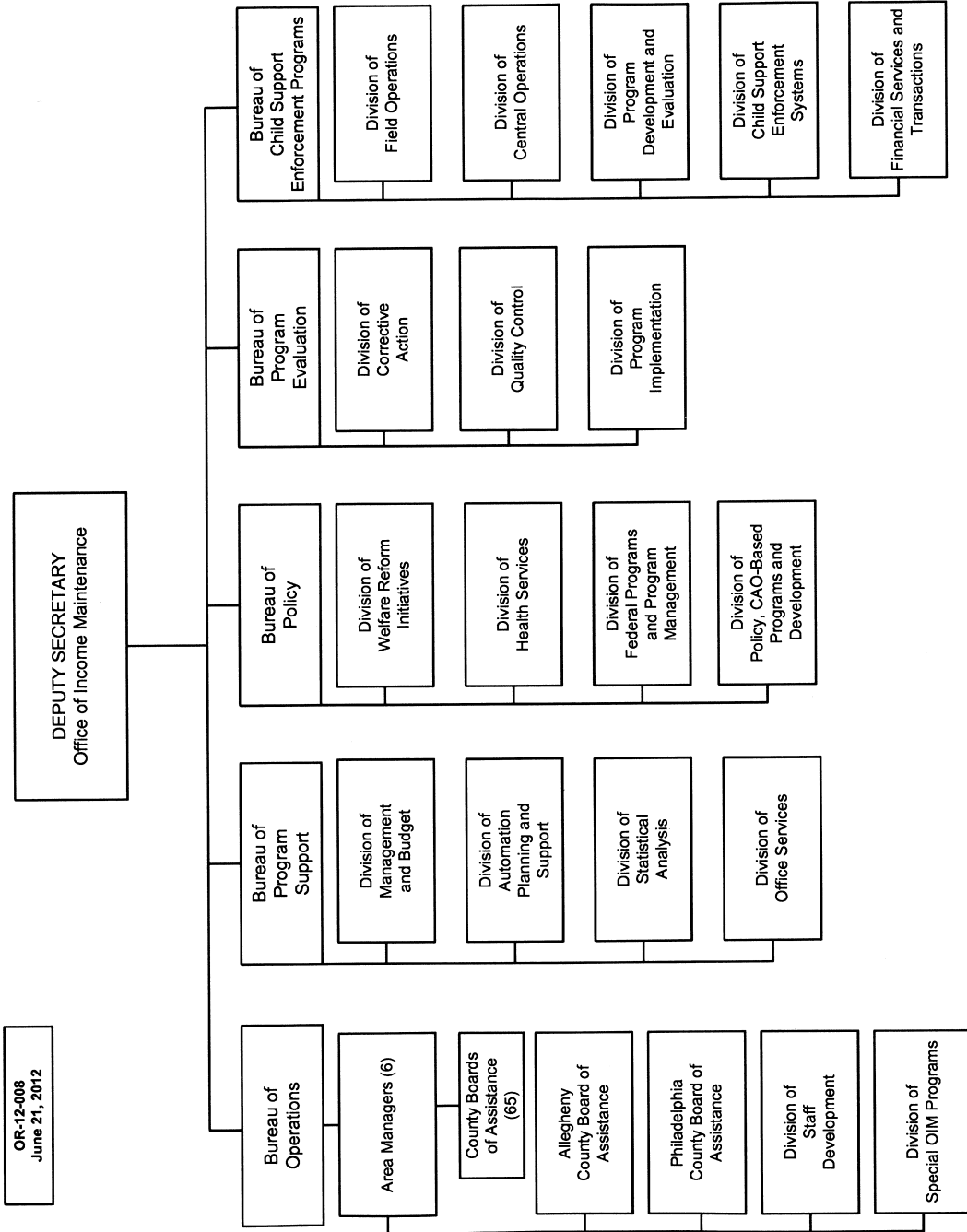
OR-12-009
June 21, 2012

DEPARTMENT OF LABOR AND INDUSTRY

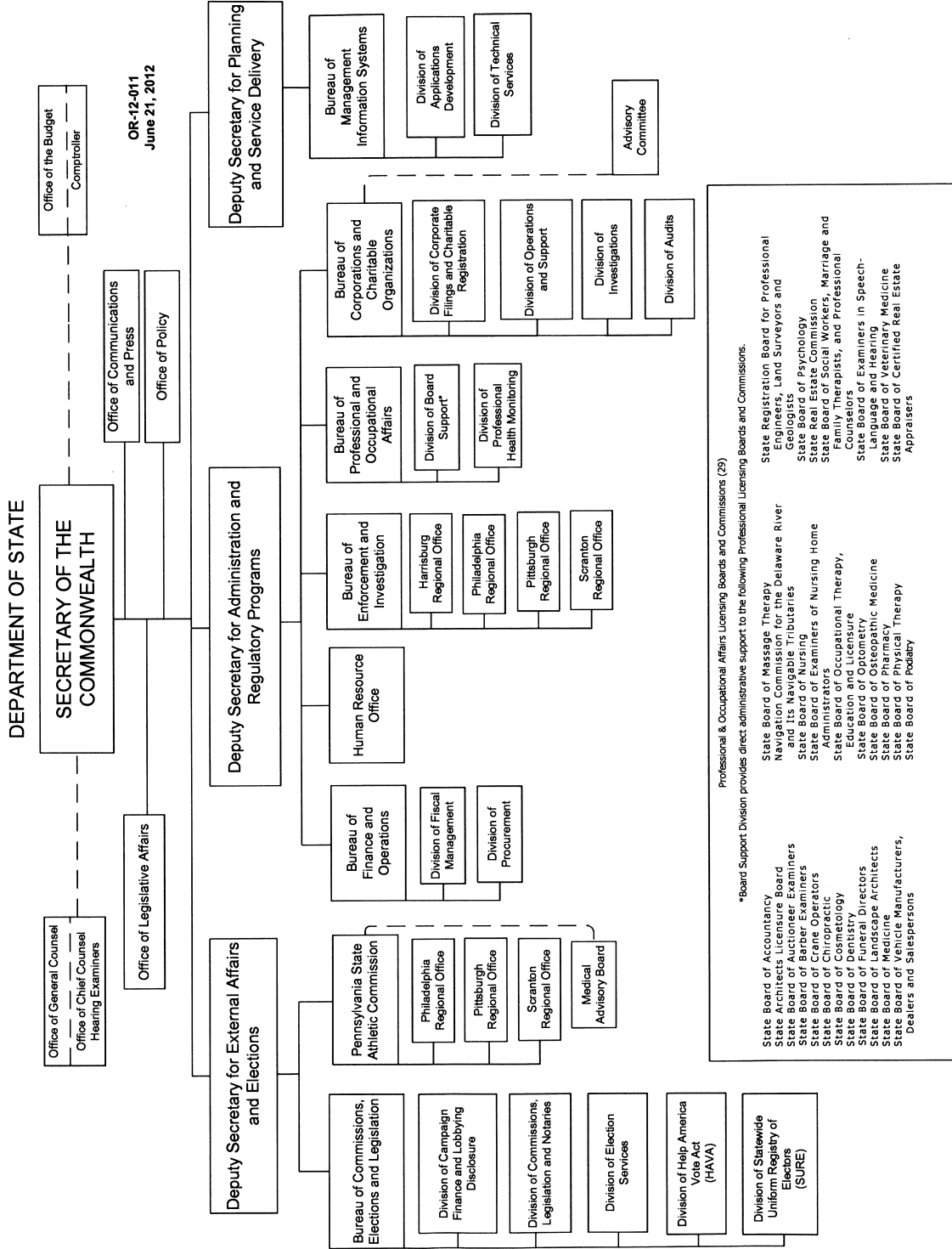




**DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR INCOME MAINTENANCE**



OR-12-008
June 21, 2012



DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 16]

Water Quality Toxics Management Strategy

The Department of Environmental Protection (Department) is proposing to amend to Chapter 16 (relating to water quality toxics management strategy—statement of policy). The proposed amendments compliment the triennial review of water quality standards and revisions associated with the concurrent proposed rulemaking for Chapter 93 (relating to water quality standards).

The Commonwealth's water quality standards, which are set forth in part in Chapters 16 and 93 and Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), implement sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313). Water quality standards consist of the uses of the surface waters in this Commonwealth, the specific numeric and narrative criteria necessary to achieve and maintain those uses and an antidegradation policy. Chapter 16 is a water quality policy for regulating toxic pollutants. It sets forth the guidelines for development of criteria for toxic substances and currently lists site-specific water quality criteria and analytical methods and detection limits for toxic substances. Chapter 16 is directly referenced as a supporting policy document in the toxic substances regulations in §§ 93.8a and 93.8c (relating to toxic substances; and human health and aquatic life criteria for toxic substances).

Contact Persons

For further information, contact Rodney A. Kime, Chief, Division of Water Quality Standards, Bureau of Point and Non-Point Source Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Availability of Proposed Statement of Policy

Copies of the proposed statement of policy may be obtained from the contact persons previously listed. The proposed statement of policy is also available through the Department's web site at www.dep.state.pa.us (DEP Keyword "Public Participation, Participate" then choose "Proposals Currently Open for Comment").

Summary of Proposed Amendments

The proposed amendments will update sections of Chapter 16 to be consistent with the proposed amendments to Chapter 93 as related to the Commonwealth's triennial review of water quality standards.

The proposed amendments are comprised of the following:

- Removing the substances listed in Appendix A, Table 1A (relating to site-specific water quality criteria for toxic substances) since the listed site-specific human health and aquatic life criteria for 1,4-dioxane and acrylamide are proposed to be updated and added to § 93.8c, Table 5 (relating to water quality criteria for toxic substances) as Statewide criteria.

- Updating and correcting approved analytical methods in Tables 2A and 2B (relating to approved EPA analytical methods and detection limits: inorganics; and approved EPA analytical methods and detection limits: organics). The titles of these tables will also be corrected to reflect that several analytical methods listed are Department accredited.

Public Comments

Comments and suggestions regarding the proposed statement of policy should be addressed to Rodney A. Kime at the previous address or submitted electronically to RA-WQS@state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments must be received by August 21, 2012. Comments submitted by facsimile will not be accepted.

Public Hearing

The Department will hold a public hearing for the purpose of accepting comments on the proposed statement of policy. The public hearing will be held on the same date and at the same location where the Environmental Quality Board will conduct a public hearing at 4 p.m. on the proposed amendments to Chapter 93. The public hearing for the proposed amendments to the statement of policy will be held as follows:

August 8, 2012 Department of Environmental Protection
1 p.m. Rachel Carson State Office Building
Conference Room 105
400 Market Street
Harrisburg, PA 17105

Persons wishing to present testimony at the Chapter 16 public hearing are requested to contact Amy Musa at (717) 787-5017 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness, and one designated witness for each organization. Witnesses are requested to submit three written copies of their testimony to the hearing chairperson.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service of other accommodation in order to participate should contact Amy Musa at the previous telephone number or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how their needs may be accommodated.

MICHAEL L. KRANCER,
Secretary

(Editor's Note: For the proposed rulemaking relating to this proposed statement of policy, see 42 Pa.B. 4367 (July 7, 2012).)

[Pa.B. Doc. No. 12-1264. Filed for public inspection July 6, 2012, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

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

Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-14-2012	<p><i>From:</i> The Gratz National Bank Gratz Dauphin County</p> <p><i>To:</i> The Gratz Bank Gratz Dauphin County</p> <p>Application for approval to convert from a National banking association to a Pennsylvania State-chartered bank.</p>	Approved

Mutual Holding Company Reorganizations

<i>Date</i>	<i>Name of Bank</i>	<i>Action</i>
6-19-2012	<p>Indiana First Savings Bank Indiana Indiana County</p> <p>Indiana First Savings Bank, a mutual savings bank, proposes to reorganize into a two-tier, mutual holding company structure.</p>	Filed

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-14-2012	<p>Susquehanna Bank Lititz Lancaster County</p> <p>Application for approval to purchase assets and assume liabilities of one branch of Community First Bank, Pikesville, Maryland, located at:</p> <p>3725 Old Court Road Pikesville Baltimore County Maryland</p>	Approved
6-14-2012	<p>The Bryn Mawr Trust Company Bryn Mawr Montgomery County</p> <p>Application for approval to purchase assets and assume liabilities of one branch of First Bank of Delaware, Wilmington, Delaware, located at:</p> <p>1000 Rocky Run Parkway Wilmington New Castle County Delaware</p>	Filed

**Branch Applications
Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-14-2012	Northwest Savings Bank Warren Warren County	553 Market Street Johnsonburg Elk County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-14-2012	Incol Credit Union Old Forge Lackawanna County Application for approval to merge N.M.H. Federal Credit Union, Wyoming, with and into Incol Credit Union, Old Forge.	Approved

**Branch Applications
Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-21-2012	Belco Community Credit Union Harrisburg Dauphin County	Brady Hall-HBG Hospital Harrisburg Dauphin County	Effective

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 12-1265. Filed for public inspection July 6, 2012, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges 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.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0062588	Pennsylvania American Water Company Ceasetown WTP Jackson Township, PA 18708	Luzerne County Jackson Township	Pikes Creek HQ_CWF (5E)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PAG123735 (CAFO)	Edward Horst Hog Farm 251 West Bunker Hill Road Womelsdorf, PA 19567	Heidelberg Twp Berks County	UNT Tulpehocken Creek / 3-C / TSF	Y
PAG123734 (CAFO)	Mount Rock Jerseys, LLC 473 Mount Rock Road Newville, PA 17241	West Pennsboro Twp Cumberland County	Mount Rock Spring Creek / 13-C WWF	Y
PAG123730 (CAFO)	Steven Hykes 1239 Hykes Road Greencastle, PA 17225	Antrim Township Franklin County	Conococheague Creek / 7-B / WWF	Y
PAG123540 (CAFO)	MACH Farm 651 Pine Road Palmyra, PA 17078	East Hanover Twp Lebanon County	Swatara Creek / 7-D / WWF	Y
PAG123538 (CAFO)	Swatara Swine Farm 1921 Blacks Bridge Road Annville, PA 17003	East Hanover Twp Lebanon County	UNT to Swatara Creek / 7-D / WWF	Y
PA0029335 (Sew)	PA Lions Beacon Lodge Camp Inc. 114 SR 103 South Mount Union, PA 17066	Mifflin County Wayne Township	Sugar Valley Run / 12-A / CWF	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N ?
PA0033901 (Sewage)	Willow Bend MHP 1309-100 Bend Road Mercer, PA 16137	Mercer County Lackawannock Township	Unnamed Tributary to Little Neshannock Creek (20-A)	Y

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

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

PA0261009, SIC Code 4952, **Fletcher, Robert D.**, 6836 Old Harrisburg Pike, York Springs, PA 17372. Facility Name: Robert Fletcher Residence. This existing facility is located in Huntington Township, **Adams 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, Unnamed Tributary to Bermudian Creek, is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report
COD ₅	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
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 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.

Southwest Regional Office: Regional Manager, Clean Water, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000

PA0218073, SIC Code 1389, **Keyrock Energy LLC**, 417 Oxford Court, Kingsport, TN 37663-4214. Facility Name: Scottdale Treatment Facility.

This existing facility is located in East Huntingdon Township, **Westmoreland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated coalbed methane production water.

The receiving stream(s), Jacobs Creek, is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.6 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	XXX	0.6	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	59.55	109.6	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Acidity, Total (as CaCO ₃)	XXX	XXX	XXX	Report	Report	XXX
Alkalinity, Total (as CaCO ₃)						
Effluent Net	XXX	XXX	0	XXX	XXX	XXX
Alkalinity, Total (as CaCO ₃)	XXX	XXX	XXX	Report	Report	XXX
Total Cadmium (µg/L)						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.592	0.923	XXX
Dissolved Iron	XXX	XXX	XXX	Report	Report	XXX
Total Iron	XXX	XXX	XXX	3.5	XXX	7.0
Total Mercury (µg/L)						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.109	0.171	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX

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

• Toxics Reduction Evaluation (TRE), Chemical Additives and Total Dissolved Solids- Chapter 95.10 Discharge Loadings

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0253499, Sewage, **Janice K. Polito**, 256 Park Lane, Darlington, PA 16115. Facility Name: Polito Property Single Residence STP. This existing facility is located in Big Beaver Borough, **Beaver County**.

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

The receiving stream(s), Unnamed Tributary of Clarks Run, located in the North Fork Little Beaver Creek, is located in State Water Plan watershed 20-B 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 0.0005 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly		
Flow (MGD)	0.0005	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	20	XXX	40
Fecal Coliform (CFU/100 ml)						
May 1 - Oct 31	XXX	XXX	XXX	200	XXX	1,000
Nov 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean 5.0	XXX	10.0

The EPA Waiver is in effect.

PA0253201, Sewage, **East Franklin Township**, 106 Cherry Orchard Avenue, Kittanning, PA 16201. Facility Name: Tarrtown Sewage Treatment Plant. This existing facility is located in East Franklin Township, **Armstrong 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) of Allegheny River, is located in State Water Plan watershed 17-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.018 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Inst. Minimum	Daily Maximum		
Flow (MGD)	Monitor and Report			XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
%Removal (CBOD-5 Day & SS)	Refer to Part C					
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10000
				Geo Mean		

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications Under the Clean Streams Law (35 P. S. §§ 691.1—91.1001)

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

WQM Permit No. 3212202, Industrial Waste, **EME Homer City Generation, LP**, 1750 Power Plant Road, Homer City, PA 15748-8009

This proposed facility is located in Center & Blacklick Townships, **Indiana County**

Description of Proposed Action/Activity: Application for the construction and operation of a dewatering treatment facility.

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

WQM Permit No. 4399201, Industrial Waste, **Amend No. 1, John Maneely Company d/b/a JMC Steel Group**, P. O. Box 608, Wheatland, PA 16161-0608

This proposed facility is located in Wheatland Borough, **Mercer County**.

Description of Proposed Action/Activity: Application for a permit amendment to expand the amount of industrial wastewater treated.

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
PAI01511203	JERC Partners XVI, LP 171 State Route 173, Suite 201 Asbury, NJ 08802	Philadelphia	City of Philadelphia	Non-Tidal Schuylkill River (WWF-MF)

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

Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023912009	Peter & Gayle Gaumer PO Box 53 Macungie, PA 18062	Lehigh	Borough of Macungie	Little Lehigh Creek, HQ-CWF, MF

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

Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, X 4

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI045312001	Headwaters Water Reclamation LLC 4 Windham Hill Mendon NY 14506	Potter	Ulysses Township	Luddington Run CWF, HQ

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.

A & M Hibbard 1H/3H Well Site, State Route 29, 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, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by VOCs, SVOCs, metals, and ethylene glycol due to a release from the reserve pit and a release from the mud shelf. The applicant proposes to meet the residential Statewide Health Standard and the Background Standard for soil. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. A Final Report was simultaneously submitted.

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

456 Old York Road, New Cumberland, PA 17070, Fairview Township, **York County**. Patriot Environmental Management, LLC, PO Box 629, Douglassville, PA 19518, on behalf of Orrstown Bank, 2695 Philadelphia Avenue, Chambersburg, PA 17201, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline from an abandoned vehicle. The site will be remediated to the Residential Statewide Health standard and remain residential.

Homes at Thackston Park, 335 West College Avenue, York, PA 17401, City of York, **York County**. SSM Group, Inc., 1047 North Park Road, Reading, PA 19610, on behalf of Thackston Park, LP, 31 South Broad Street, York, PA 17403, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents and #2 fuel oil. The site will be developed for public housing. The applicant seeks to remediate the site to a combination of the Residential Statewide Health and Site Specific standards.

Millerstown Municipal Authority Waste Water Treatment Plant (WWTP), 110 West Juniata Parkway (SR 1015), Millerstown, PA 17062, Greenwood Township, **Perry County**. Advantage Engineers, LLC, 910 Century Drive, Mechanicsburg, PA 17055, on behalf of Millerstown Municipal Authority, 44 North High Street, Millerstown, PA 17062, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with #2 fuel oil. The site will be remediated to the Statewide Health Standard. Future use of the site is unknown.

334 North Cedar Street, Lititz, PA 17543, Lititz Borough, **Lancaster County**. Liberty Environmental, 50

North Fifth Street, 5th Floor, Reading, PA 19601, on behalf of Sovereign Bank, N.A. 75 State Street, MAI SST 04-11, Boston, MA 02109, submitted a Notice of Intent to Remediate soils contaminated with #2 fuel oil. The site will be remediated to the Residential Statewide Health standard and remain residential.

Donegal Springs Airport, 186 Airport Road, Marietta, PA 17547-9105, East Donegal Township, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of N71, Incorporated, PO Box 269, Dameron, MD 20626, submitted a Notice of Intent to Remediate site soils contaminated with trimethylbenzenes. The site will be remediated to the Residential Statewide Health standard and remain an airport.

Hershey 19 East Facility—The Hershey Company, 19 East Chocolate Avenue, Hershey, PA 17033, Derry Township, **Dauphin County**. Langan Engineering and Environmental Services, PO Box 1569, Doylestown, PA 18901, on behalf of The Hershey Company, 100 Crystal Drive, Hershey, PA 17033, submitted a Notice of Intent to Remediate soils and groundwater contaminated with VOCs, SVOCs, pesticides and inorganics. The site will be remediated to the Site Specific and Residential Statewide Health standards. Future use of the site is for residential and commercial purposes.

Environmental Recovery Corporation (ERC), 1076 Old Manheim Pike, Lancaster, PA 17601, Manheim Township, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Lancaster Oil Company dba ERC, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with diesel fuel and gasoline. The site will be remediated to the Site Specific standard. Future use of the site is for industrial purposes.

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.

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

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

24-131Q: SGL Carbon LLC (900 Thersia Street, St Marys, PA 15857) for replacement of two (2) control devices used in the chemical vapor deposition process under Plan Approval 24-131Q for their facility in the City of St Marys, **Elk County**.

43-359A: GE Transportation—UX Facility (1503 West Main Street Extension, Grove City PA, 16531) for installation of a surface coating process at 660 Barkleyville Road, in Pine Township, **Mercer County**. A dry filter device will be used to control particulate matter emissions.

61-220A: EQT Gathering, LLC (625 Liberty Ave., Pittsburgh, PA 15222) for construction of a natural gas transmission compressor station in Pine Grove Township, **Venango 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

38-03001B: Lebanon Chemical Corp. (1600 East Cumberland Street, Lebanon, PA 17042) for replacement of the Norblo baghouse with a new Donaldson Torit baghouse on Line 5. Also, on Line 5 the replacement of the current two (2) Munson mixers with two (2) new Munson mixers. On Line 3 the replacement of the Sackett

Triton mixer with the two (2) Munson mixers removed from Line 5. This project will be implemented at the Lebanon Chemical Corporation in South Lebanon Township, **Lebanon 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. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

The company shall be subject to and comply with 25 Pa. Code § 123.13 particulate matter emission limit. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The expected actual air emissions from the proposed project are 3.45 tpy of PM. The estimated HAPs are 0.00057 lbs/hr of Carbaryl, 0.0003 lbs/hr of Chlorothanilil and 0.00086 lbs/hr of Trifluralin.

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.

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

Plan approvals issues 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.

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

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

49-00043A: Shamokin Filler Co., Inc. (PO Box 568, Venn Access Road, Shamokin, PA 17872) for the proposed construction and operation of a natural gas fired rotary coal dryer and associated material handling equipment at their facility located in Coal Township, **Northumberland County**. The air contaminant emissions from the rotary coal dryer and the associated material handling equipment will be controlled by separate air cleaning devices (fabric collectors).

The Department's review of the information contained in the application submitted by Shamokin Filler Co., Inc. indicates that the rotary dryer, material handling system and the fabric collectors will comply with all applicable

air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12, the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the visible emission limitation of 25 Pa. Code § 123.41, and 40 CFR 60, Subpart Y requirements related to Standards of Performance for Coal Cleaning Facilities. The plan approval, if issued, will subsequently be incorporated in an operating permit via an administrative amendment in accordance with 25 Pa. Code § 127.450 at a later date.

Based upon this finding, the Department proposes to issue a plan approval for the construction of a rotary dryer and associated material handling equipment. The following is a summary of the types of conditions the Department intends to place in the plan approval to ensure compliance with applicable regulatory requirements.

1. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P201 is a Heyl & Patterson, Inc. manufactured rotary dryer which will be equipped with a 25 MMBtu per hour Maxon Kinedizer natural gas fired burner. The particulate matter emissions from the rotary dryer shall be controlled by a MAC Processes manufactured model #120MCF416 Style III fabric collector.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P202 is a material handling equipment which consist of a crusher, a screen, bucket elevators, conveyors, screw feeders, truck and rail car loading spouts. The particulate matter emissions from the material handling equipment of Source ID P202 shall be controlled by a MAC Processes manufactured model #120MCF416 Style III fabric collector.

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the rotary dryer shall only be fired on natural gas.

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the rotary dryer shall not be operated in excess of 7,000 hours in any 12 consecutive month period.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the total particulate matter emission from the exhaust of the fabric collector associated with the rotary dryer shall not exceed 0.005 grains per dry standard cubic foot.

6. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the total particulate matter emission from the exhaust of the fabric collector associated with the material handling equipment of Source ID P202 shall not exceed 0.005 grains per dry standard cubic foot.

7. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the nitrogen oxides (NO_x) emissions from the rotary dryer shall not exceed 0.9 pounds per hour (lbs/hr) and 3.15 tons in any 12 consecutive month period.

8. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the carbon monoxide (CO) emissions from the rotary dryer shall not exceed 0.74 lbs/hr and 2.59 tons in any 12 consecutive month period.

9. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the volatile

organic compounds (VOC) emissions from the rotary dryer shall not exceed 0.5 lbs/hr and 1.75 tons in any 12 consecutive month period.

10. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the fabric collector associated with the rotary dryer and the material handling system shall be equipped with instrumentation which continuously monitors the pressure drop across the collector.

11. The permittee shall record the pressure drop reading across the fabric collector associated with the rotary dryer and the material handling system at least once per day in a log book or other acceptable recording device. These records shall be retained for a minimum of five years and be presented to the Department upon request.

12. Within 180 days of startup of operation the rotary dryer the permittee shall perform stack testing upon the exhaust for nitrogen oxides, carbon monoxide, volatile organic compounds and particulate matter in order to verify compliance with the emission limitations established in this plan approval.

13. The permittee shall maintain monthly records of the amount of hours the rotary dryer is operated, the amount of coal and other carbon products processed and the amount of natural gas burned. These records shall be retained for a minimum of five years and be presented to the Department upon request.

14. The permittee shall take all reasonable actions immediately including, but not limited to, enclosing the belt conveyor, reducing the drop height of the transfer points, installing a wind barrier at the feeders and around stockpiles etc. to control the fugitive dust emissions from the open material transfer points located at the upstream of the rotary dryer.

15. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, a vacuum sweeper and an operable water truck equipped with a pressurized spray bar and nozzle must be available on site at all times for control of fugitive particulate matter from plant roadways and stockpile areas. Additionally, such equipment and materials as are necessary to take reasonable action (including but not necessarily limited to the application of water, oil or chemicals) shall be available at all times and shall be used for the prevention and control of fugitive air contaminant emissions becoming airborne resulting from the use of any roadways and/or stockpiling operations.

16. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, If at any time, the Department determines that air contaminant emissions from the equipment of ID P201 are in excess of any applicable air contaminant emission limitation, the permittee shall immediately install additional pickup points and/or take such other control measures as are necessary to reduce the air contaminant emissions to within the applicable limitations.

17. The permittee shall keep on hand a sufficient quantity of spare fabric collector bags for IDs C201 and C202 associated with Source IDs P201 and P202, respectively in order to be able to immediately replace any bags requiring replacement due to deterioration.

18. The rotary dryer (Source ID P201) and the material handling equipment (Source ID P202) are subject to 40 CFR Part 60, Subpart Y. The permittee shall comply with all applicable requirements of 40 CFR Part 60, Subpart Y, Sections 60.250 through 60.258.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

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

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

10-284F: Seneca Landfill, Inc. (PO Box 1080, Mars, PA 16046), for the permitting of alternative compliance procedures at their facility in Jackson Township, **Butler County**.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 10-284F to Seneca Landfill, Inc. for the addition of alternative compliance procedures in accordance with 40 CFR 60.753(c) at their existing municipal solid waste landfill in Jackson Township, Butler County. The Plan Approval will subsequently be incorporated into a Title V Operating Permit.

Plan Approval No. 10-284F is for the addition of alternative compliance procedures in accordance with 40 CFR 60.753(c) at their existing municipal solid waste landfill in Jackson Township, Butler County. This will allow for alternate work practice and monitoring requirements for specific categories of gas extraction wells as noted below:

Alternative 1: Wells in uncapped areas and leachate collection piping used for gas extraction may be operated at an oxygen level as high as 15 percent (volumetric basis), since the majority of the air intrusion occurs directly from the ground surface and not through the waste mass. Documentation of extraction point readings shall be performed as required to insure that the higher operating value does not cause an adverse reaction or combustion within the waste mass, and that degradation of the anaerobic decomposition process is not occurring. In the event that monitoring data for an Alternative 1 well indicates temperatures above 55°C (131°F), the well will be shut down. If the temperature does not subside to an acceptable level within 5 days, carbon monoxide monitoring (to ensure a carbon monoxide level below 100 ppmv) will be conducted to verify that combustion within the waste mass is not occurring.

Alternative 2: A well may be placed on an inactive list if it exhibits a methane quality that is consistently below 40 percent by volume and an oxygen level that is consistently above 5 percent while the throttle is either closed or slightly open with a negative pressure applied to the well of less than one-inch of water column. During the period of inactivity and while on the inactive list, the well will be exempt from oxygen concentration and negative pressure requirements. If at any time the landfill observes conditions that warrant the operation of a well on the inactive list, the well shall be reactivated and normal default operational standards shall apply.

Alternative 3: A well in an area of active waste placement that is inaccessible due to its casing height (generally having a casing height of five feet or greater) may be temporarily placed on the inactive list, whereby

the well would be exempt from wellhead monitoring requirements until landfilling around the well allows for safe access.

Alternative 4: A well may be operated at temperatures higher than 55°C (131°F), provided the following steps are taken:

(a) Upon observation of a well temperature greater than 55°C (131°F), the initial course of action shall be to adjust the valve to either reduce or eliminate the vacuum applied to the well. This corrective action shall be taken within 5 days of the observation of an elevated reading.

(b) If the reduction of vacuum favorably lowers the temperature but appears to be detrimental to gas collection, the operator shall adjust the well to the benefit of gas collection. If, as a result, the temperature climbs above 55°C (131°F), or if the temperature remained elevated throughout the well adjustments, carbon monoxide monitoring (to ensure carbon monoxide levels below 100 ppmv) will be conducted to verify that combustion within the waste mass is not occurring. In addition to measuring the temperature and carbon monoxide levels, the operator shall visually inspect the area around the well for signs of settlement or distressed vegetation, and shall inspect the wellhead for soot or other indications of combustion.

(c) If the elevated temperatures persist at a well, and there are no signs of combustion or detrimental effects on anaerobic activity, the operator shall consider the well to be an Alternative 4 well and shall place the well under a period of observation. The observation period shall be characterized by the inclusion of carbon monoxide monitoring with the regular monthly monitoring events. This monitoring is in addition to the regular measurement of gauge pressure, temperature, and oxygen or nitrogen levels. Visual inspection of the wellhead and the area immediately surrounding the well will also be conducted.

(d) At such time when the landfill has acquired sufficient background data, a new maximum operating temperature shall be selected for the well. The new temperature and supporting data shall be provided to PADEP and USEPA through a notification letter. If no objections are received from the regulatory agencies within 15 days of the letter submittal date, the landfill may conclude that the alternative temperature is acceptable. At that time, routine carbon monoxide monitoring of the well will be discontinued. However, visual inspection of the wellhead and the area immediately surrounding the well shall be included with the regular monthly monitoring events throughout the entire period of time that a well is operated under Alternative 4.

The Plan Approval will result in no change in emission limits associated with this facility. The facility will continue to be subject to 40 CFR 60 Subpart WWW and 40 CFR 63 Subpart AAAA, and all requirements of their existing Title V Operating Permit No. 10-00284.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person

submitting comments, identification of the proposed Plan Approval; No. 10-284F and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

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

46-00251: Anders Detweiler Funeral Home (130 East Broad Street, Souderton, PA 18964) for renewal of a State Only Operating Permit for a human crematory in Souderton Borough, **Montgomery County**. This Operating Permit renewal includes emission restrictions, monitoring, and recordkeeping requirements designed to ensure this facility complies with all applicable air quality regulations.

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

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

36-05139: AFP Advanced Food Products, LLC (158 West Jackson Street, New Holland, PA 17557) for their food processing operations in New Holland Borough, **Lancaster 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 Operating Permit renewal for the abovementioned facility.

The subject facility has actual emissions of 22.0 tpy of CO, 10.2 tpy of SO₂, 3.6 tpy of NO_x, 1.7 tpy of VOCs, and 1.0 tpy of PM. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units and 40 CFR Part 63, Subpart JJJJJ—Boiler MACT requirements for area sources.

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 plan approval, or may provide the Department with additional information

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

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

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

67-05075: York Memorial Hospital (P. O. Box 15118, York, PA 17405) for their hospital in Spring Garden 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 a renewal of an Air Quality Operating Permit for the abovementioned facility.

The subject facility had the following actual emissions in 2011: 2.6 tons NO_x; 0.6 ton CO; 0.2 ton PM₁₀; 0.1 ton VOC; 1,900 tons CO₂; and 1,913 tons CO₂e. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all 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.

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

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 appli-

cable 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

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

32120102 and NPDES No. PA0269026. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, commencement, operation and restoration of a bituminous surface and auger mine in Center and Brushvalley Townships, **Indiana County**, affecting 80.0 acres. Receiving stream(s): unnamed tributaries to Laurel Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. The application includes a stream encroachment to install and maintain a stream crossing (no. 1) within the barrier area of unnamed tributary no. 5; to install and maintain a stream crossing (no. 2) within the barrier area of unnamed tributary no. 8; to install and maintain a stream crossing (no. 3) within the barrier area of unnamed tributary no. 7; to install and maintain a stream crossing (no. 4) within the barrier area of unnamed tributary no. 2; to install and maintain a stream crossing (no. 5) within the barrier area of unnamed tributary no. 1; to install and maintain a stream crossing (no. 6) within the barrier area of unnamed tributary no. 9; to install and maintain a stream crossing (no. 7) within the barrier area of unnamed tributary no. 5; to install

and maintain a stream crossing (no. 8) within the barrier area of unnamed tributary no. 10; to conduct support activities within the barrier area of unnamed tributary no. 1 to Laurel Run; to conduct support activities within the barrier area of unnamed tributary no. 2 to Laurel Run; to conduct support activities within the barrier area of unnamed tributary 5 and 9 to Laurel Run; to conduct support activities within the barrier area of unnamed tributary no. 10 to Laurel Run; to conduct support activities within the barrier area of unnamed tributary no. 11 to Laurel Run; to conduct support activities within the barrier area of unnamed tributary no. 12 to Laurel Run; to conduct support activities within the barrier area of unnamed tributary no. 13 to Laurel Run; to conduct support activities within the barrier area of unnamed tributary no. 14 to Laurel Run. The application also includes a request for a Section 401 Water Quality Certification. Application received: May 12, 2012.

56120110 and NPDES No. PA0269069. Berwind Coal Sales, 509 15th Street, Windber, PA 15963, commencement, operation and restoration of a bituminous surface and coal refuse reprocessing mine in Shade Township, **Somerset County**, affecting 279.3 acres. Receiving stream(s): unnamed tributaries to Miller Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. The application includes stream encroachments to divert unnamed tributaries 'A', 'E', and 'F' into a replacement channel which will flow into unnamed tributary 'C' and then into unnamed tributary 'B' and then into Miller Run. Unnamed tributary 'A' will also be encroached upon for mining activities within 100 feet. A section 620 feet in length will be encroached upon for construction of collection ditch CD-4A. Another section of unnamed tributary 'A' will be encroached upon for the purpose of removing an abandoned coal refuse pile; unnamed tributary 'B' will be encroached upon for the purpose of a haul road crossing. Application received: May 21, 2012.

56120112 and NPDES No. PA0269077. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541 commencement, operation and restoration of a bituminous surface and auger/highwall mine in Somerset Township, **Somerset County**, affecting 177.3 acres. Receiving stream(s): unnamed tributaries to/and Kimberly Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. The application includes a stream encroachment to install and maintain a stream crossing within the barrier of an Unnamed Tributary to Kimberly Run. Application received: May 30, 2012.

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

49970202R3. Susquehanna Coal Company, (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 808.0 acres, receiving stream: North Branch Shamokin Creek, classified for the following uses: cold water and migratory fishes. Application received: May 31, 2012.

54-305-026GP12. Northeastern Power Co., (P. O. Box 7, McAdoo, PA 18237), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54960201 in Kline, Hazle and Banks Townships, Schuylkill, **Luzerne and Carbon Counties**. Application received: May 31, 2012.

54071301R. Kimmel's Mining, Inc., (P. O. Box 1, Wiconisco, PA 17097), renewal of an existing anthracite underground mine operation in Porter, Williams and Wiconisco Townships, **Schuylkill** and **Dauphin Counties** affecting 26.4 acres, receiving stream: Wiconisco Creek. Application received: June 1, 2012.

Noncoal Applications Received

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

48870301C8 and NPDES Permit No. PA0593893. Haines & Kibblehouse, Inc., (PO Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Mt. Bethel Township, **Northampton County**, receiving streams: Mud Run, classified for the following use: cold water fishes and Delaware River, classified for the following use: warm water fishes. Application received: June 1, 2012.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for

<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

<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*		greater than 6.0; less than 9.0	
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,

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:

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:

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. PA0249157 (Mining permit no. 56020102), Croner, Inc., P. O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for bituminous surface mine in Brothersvalley and Summit Townships, **Somerset County**, affecting 170.8 acres. Receiving stream(s): unnamed tributaries to Blue Lick Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Casselman River TMDL. Application received: May 22, 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 Blue Lick Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
004	N
005	N
006	N

Noncoal NPDES Draft Permits

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

NPDES No. PA0594148 on Surface Mining Permit No. 8173SM1C15. Hanson Aggregates Pennsylvania, LLC, (7660 Imperial Way, Allentown, PA 18195), revised NPDES Permit for a Limestone Quarry operation in East Caln and West Whiteland Townships, **Chester County**, affecting 303.62 acres. Receiving streams: unnamed tributary to Valley Creek, classified for the following uses: cold water fishes and migratory fishes (TMDL for PCB's). Application received: May 10, 2011.

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

The outfall(s) listed below discharge to unnamed tributary to Valley Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
1	No	O.D.

(Increase Average Discharge Rate from 2.0 MGD to 4.0 MGD)

NPDES No. PA0595322 on Surface Mining Permit No. 7773SM1A2C10. Reading Materials, Inc., (PO Box 1467, Skippack, PA 19474), renewal of an NPDES Permit for a Argillite/Diabase Quarry operation in Douglass Township, **Berks County**, affecting 335.0 acres. Receiving streams: unnamed tributary to Schuylkill River, classified for the following use: warm water fishes (TMDL for PCB's). Application received: May 30, 2012.

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

The outfall(s) listed below discharge to unnamed tributary to Schuylkill River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
PTD-001	No	O.D. (Pit Discharge)

NPDES No. PA0612871 on Surface Mining Permit No. 8274SM2C10. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc., (4401 Camp Meeting Road, Center Valley, PA 18034), renewal of an NPDES Permit for a Limestone Quarry operation in West Cocalico Township, **Lancaster County**, affecting 309.0 acres. Receiving stream: unnamed tributary to Indian Run Creek, classified for the following use: trout stock fishery. Application received: May 31, 2012.

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

The outfall(s) listed below discharge to unnamed tributary to Indian Run Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	O.D. (Pit Discharge)

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 Common-

wealth 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

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E49-321. PA Department of Conservation and Natural Resources, PO Box 8451, Harrisburg, PA 17105-8451. Shikellamy State Park Marina Building in Upper Augusta Township, **Northumberland County**, ACOE Baltimore District (Northumberland, PA Quadrangle Latitude: 40-52-53.76; Longitude: 76-47-40).

The PA Department of Conservation and Natural Resources is applying for a Chapter 106 Floodplain Management permit to renovate and create a 1300 square foot addition on an existing building to facilitate The Susquehanna River Heartland Coalition for Environmental Studies to occupy this space. The majority of the changes in the floodplain are grading changes to facilitate safe access to the building by the general public. This project is located at the downstream tip of Packers Island at the confluence of the West Branch and North Branch of the Susquehanna River.

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

E5729-036: Carrizo Marcellus, LLC, 251 Drainlick Road, P. O. Box 231, Drifting, PA 16834, Fox Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain a permanent access road crossing using an 18 inch diameter smooth lined

corrugated plastic pipe impacting 70 linear feet of an unnamed tributary to Schrader Creek (EV) (Grover, PA Quadrangle 41°34'44"N, 76°48'00"W)

The project will result in 58 linear feet of permanent stream impacts and 12 linear feet of temporary stream impacts for the purpose of installing an access road for Marcellus well development in Fox Township, Sullivan County.

E5829-014: Bluestone Pipeline Company of Pennsylvania, LLC, One Energy Plaza, 1722 WCB, Detroit, Michigan, 48226-1211, Harmony, Jackson, New Milford, and Thompson Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain the Bluestone Gathering System-Phase II natural gas pipeline project, which includes the following impacts:

1) 129.0 linear feet of a UNT to Cascade Creek (CWF, MF) and 8,300 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via boring and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°59'54.9", W75°32'26.7");

2) 10,900 square feet of temporary impacts and 9,150 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°59'51.3", W75°32'36.0");

3) 86.0 linear feet of a UNT to Little Roaring Brook (CWF, MF) and 1,750 square feet of temporary impacts and 1,350 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°59'49.3", W75°32'37.8");

4) 4,400 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°59'07.9", W75°32'59.1");

5) 12.0 linear feet of a UNT to Pigen Creek (CWF, MF) and 1,300 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°59'04.0", W75°32'59.2");

6) 70.0 linear feet of a UNT to Pigen Creek (CWF, MF) via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'59.8", W75°32'58.7");

7) 54.0 linear feet of a UNT to Pigen Creek (CWF, MF) and 2,600 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'54.1", W75°33'0.2");

8) 8,700 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'24.6", W75°32'25.5");

9) 86.0 linear feet of a UNT to Little Roaring Brook (CWF, MF) via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'22.3", W75°32'21.0");

10) 79.0 linear feet of Little Roaring Brook (CWF, MF) via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'21.7", W75°32'18.9");

11) 307.0 linear feet of a UNT to Little Roaring Brook (CWF, MF) for a construction access road (Susquehanna, PA Quadrangle, N41°58'17.4", W75°32'23.9");

12) 900 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'11.4", W75°31'53.9");

13) 1,000 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'12.3", W75°31'43.7");

14) 83.0 linear feet of Roaring Run (CWF, MF), 400 square feet of temporary impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands, and 3,050 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'12.9", W75°31'30.3");

15) 69.0 linear feet of a UNT to Roaring Run (CWF, MF), 450 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, and 150 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°58'11.9", W75°31'22.8");

16) 76.0 linear feet of a UNT to Hemlock Creek (CWF, MF) via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'42.2", W75°31'19.3");

17) 83.0 linear feet of Hemlock Creek (CWF, MF) via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'40.83", W75°31'18.1");

18) 231.0 linear feet of UNTs to Starrucca Creek (CWF, MF), 2,600 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands, and 2,200 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'28.6", W75°30'56.1");

19) 77.0 linear feet of a UNT to Starrucca Creek (CWF, MF), 1,050 square feet of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands, 250 square feet of permanent impacts to PSS Wetlands, and 250 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'18.4", W75°30'57.0");

20) 4,350 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands and 1,300 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'13.7", W75°30'55.2");

21) 87.0 linear feet of a UNT to Starrucca Creek (CWF, MF) via open cut trenching and temporary timber mat-

ting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'11.1", W75°30'54.7");

22) 83.0 linear feet of a UNT to Starrucca Creek (CWF, MF) via open cut trenching and temporary timber matting for one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'08.6", W75°30'54.4");

23) 900 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands for via open cut trenching and temporary timber matting one 20-inch steel gasline (Susquehanna, PA Quadrangle, N41°57'05.7", W75°30'56.4");

24) 78.0 linear feet of a UNT to Starrucca Creek (CWF, MF), 3,900 square feet of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands, and 900 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°56'41.3", W75°30'48.3");

25) 92.0 linear feet of Starrucca Creek (CWF, MF) via boring and 50 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°56'43.6", W75°30'48.1");

26) 79.0 linear feet of a UNT to Starrucca Creek (CWF, MF) and 150 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°56'29.2", W75°30'48.4");

27) 104.0 linear feet of a UNT to Starrucca Creek (CWF, MF) and 1,750 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°56'26.2", W75°30'47.9");

28) 31.0 linear feet of a UNT to Starrucca Creek (CWF, MF) for a construction access road via temporary timber matting (Susquehanna, PA Quadrangle, N41°56'18.7", W75°30'42.6");

29) 84.0 linear feet of a UNT to Starrucca Creek (CWF, MF) for a construction access road via temporary timber matting (Susquehanna, PA Quadrangle, N41°56'16.9", W75°30'41.6");

30) 87.0 linear feet of a UNT to Starrucca Creek (CWF, MF) and 250 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°56'10.1", W75°30'40.7");

31) 81.0 linear feet of a UNT to Starrucca Creek (CWF, MF) and 5,650 square feet of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°56'08.6", W75°30'40.1");

32) 172.0 linear feet of UNTs to Starrucca Creek (CWF, MF) and 5,350 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°56'02.6", W75°30'37.6");

33) 150 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands

for a construction access road via temporary timber matting (Susquehanna, PA Quadrangle, N41°55'39.2", W75°30'01.3");

34) 1,300 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°55'36.0", W75°30'57.6");

35) 78.0 linear feet of a UNT to Wildcat Run (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°55'32.9", W75°31'01.3");

36) 350 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands for a construction access road via temporary timber matting (Susquehanna, PA Quadrangle, N41°55'29.07", W75°30'54.51");

37) 60.0 linear feet of UNTs to Wildcat Run (CWF, MF) for a construction access road via temporary timber matting (Susquehanna, PA Quadrangle, N41°55'27.17", W75°30'54.80");

38) 127.0 linear feet of a UNT to Wildcat Run (CWF, MF) and 4,350 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°55'20.8", W75°31'08.2");

39) 1,300 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°55'16.1", W75°31'12.5");

40) 75.0 linear feet of a UNT to Wildcat Run (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°55'13.3", W75°31'16.9");

41) 81.0 linear feet of a UNT to Wildcat Run (CWF, MF) via boring and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°55'05.7", W75°31'22.3");

42) 13,050 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via boring and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°54'36.8", W75°31'52.3");

43) 10,900 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°54'31.6", W75°32'15.3");

44) 91.0 linear feet of East Branch Canawacta Creek (CWF, MF) and 1,300 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°54'30.2", W75°32'18.4");

45) 101.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°54'20.7", W75°32'38.8");

46) 85.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) and 2,600 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and

temporary timber matting for one 16-inch steel gasline (Susquehanna, PA Quadrangle, N41°54'17.4", W75°33'03.3");

47) 151.0 linear feet of South Branch Canawacta Creek (CWF, MF), 850 square feet of temporary impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands, and 1,450 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°54'21.5", W75°33'29.8");

48) 2,200 square feet of permanent impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands for a construction access road via temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°54'11.0", W75°33'28.8");

49) 2,200 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°54'19.9", W75°33'40.2");

50) 1,550 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°54'12.9", W75°33'43.4");

51) 95.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) and 150 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°54'07.4", W75°33'46.4");

52) 111.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) and 2,600 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'57.4", W75°33'52.4");

53) 120.0 linear feet of UNTs to South Branch Canawacta Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'55.9", W75°33'50.8");

54) 76.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) and 1,300 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'52.0", W75°33'41.3");

55) 99.0 linear feet of South Branch Canawacta Creek (CWF, MF) and 27,000 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel

gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'47.7", W75°33'38.6");

56) 79.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'40.7", W75°33'32.1");

57) 75.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) and 850 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'25.7", W75°33'36.8");

58) 103.0 linear feet of South Branch Canawacta Creek (CWF, MF), 4,350 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, 1,300 square feet of permanent impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands, and 5,250 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via boring and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'17.4", W75°34'00.6");

59) 81.0 linear feet of South Branch Canawacta Creek (CWF, MF) and 21,800 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'08.0", W75°34'14.8");

60) 1,000 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands and 1,300 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°53'01.8", W75°34'14.4");

61) 30.0 linear feet of a UNT to South Branch Canawacta Creek (CWF, MF) for a construction access road via a temporary crossing (Susquehanna, PA Quadrangle, N41°52'53.14", W75°34'57.2");

62) 32.0 linear feet of South Branch Canawacta Creek (CWF, MF) for a construction access road via a temporary crossing (Susquehanna, PA Quadrangle, N41°53'01.5", W75°34'49.0");

63) 8,700 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°52'32.5", W75°35'03.2");

64) 800 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, 3,100 square feet of temporary impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands, and 1,500 square feet of permanent impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°52'31.6", W75°35'08.4");

65) 88.0 linear feet of Tunkhannock Creek (CWF, MF) and 10,000 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°52'33.2", W75°35'19.6");

66) 94.0 linear feet of Drinker Creek (CWF, MF), 12,200 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands, and 7,400 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°52'41.4", W75°35'47.9");

67) 89.0 linear feet of a UNT to Drinker Creek (CWF, MF) and 4,350 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Thompson, PA Quadrangle, N41°52'27.1", W75°36'17.0");

68) 76.0 linear feet of Drinker Creek (CWF, MF) and 3,850 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Thompson, PA Quadrangle, N41°52'28.6", W75°36'37.3");

69) 850 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Thompson, PA Quadrangle, N41°52'27.0", W75°36'52.3");

70) 7,850 square feet of permanent impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands and 3,900 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°52'38.3", W75°35'59.5");

71) 1,750 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°52'41.9", W75°37'05.8");

72) 1,150 square feet of temporary impacts to Exceptional Value (EV) Palustrine Open Water (POW) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Susquehanna, PA Quadrangle, N41°52'43.8", W75°37'25.3");

73) 150 square feet of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands and 400 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'51.2", W75°37'36.1");

74) 25.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch

steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'53.4", W75°37'39.0");

75) 111.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) via boring and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°53'05.7", W75°37'58.7");

76) 94.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) via boring and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°53'06.4", W75°38'0.7");

77) 149.0 linear feet of UNTs to Salt Lick Creek (HQ-CWF, MF) and 900 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°53'02.6", W75°38'22.5");

78) 117.0 linear feet of UNT's to Salt Lick Creek (HQ-CWF, MF) and 14,350 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°53'01.3", W75°38'24.3");

79) 1,300 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'57.6", W75°38'30.3");

80) 233.0 linear feet of UNTs to Salt Lick Creek (HQ-CWF, MF) and 850 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'54.8", W75°38'37.5");

81) 116.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'56.1", W75°39'05.9");

82) 95.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'53.1", W75°39'08.9");

83) 81.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'50.4", W75°39'11.9");

84) 188.0 linear feet of UNTs to Salt Lick Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'48.9", W75°39'13.7");

85) 81.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'46.0", W75°39'17.6");

86) 2,700 square feet of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands and 800 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Great Bend, PA Quadrangle, N41°52'27.9", W75°39'24.2");

87) 1,750 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°52'25.8", W75°39'30.7");

88) 21,800 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°52'21.8", W75°39'32.0");

89) 78.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) and 150 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°52'17.9", W75°39'32.8");

90) 850 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°52'24.7", W75°40'20.0");

91) 84.0 linear feet of a UNT to East Lake Creek (HQ-CWF, MF) via boring and 11,750 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°52'23.7", W75°40'38.1");

92) 30.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) and 2,600 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands for a construction access road via temporary timber matting (Harford, PA Quadrangle, N41°51'56.5", W75°41'26.8");

93) 300 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands for a construction access road via temporary timber matting (Harford, PA Quadrangle, N41°51'55.2", W75°41'26.1");

94) 850 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands for a construction access road via temporary timber matting (Harford, PA Quadrangle, N41°51'53.6", W75°41'25.4");

95) 3,050 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'56.7", W75°41'35.6");

96) 77.0 linear feet of a UNT to Salt Lick Creek (HQ-CWF, MF) and 200 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via boring for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'53.7", W75°41'32.5");

97) 76.0 linear feet of Salt Lick Creek (HQ-CWF, MF) via boring for one 16-inch steel gasline, one 12-inch steel

gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'51.8", W75°41'32.7");

98) 2,600 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'47.3", W75°41'48.5");

99) 50.0 linear feet of a UNT to Salt Lick Creek via boring for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA, Quadrangle, N41°51'48.1", W75°41'54.0");

100) 3,500 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'46.2", W75°42'01.5");

101) 150 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'47.1", W75°42'08.8");

102) 11,750 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline, one 12-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'36.6", W75°42'28.1");

103) 1,550 square feet of permanent impacts to Palustrine Emergent (PEM) Wetlands via the placement of fill within the wetland for the construction of a natural gas compressor station (Harford, PA Quadrangle, N41°51'33.3", W75°42'44.5");

104) 17,100 square feet of permanent impacts to Palustrine Emergent (PEM) Wetlands via the placement of fill within the wetland for the construction of a natural gas compressor station (Harford, PA Quadrangle, N41°51'30.7", W75°42'48.3"); and

105) 60.0 linear feet of a UNT to Wellmans Creek (HQ-CWF, MF), 5,950 square feet of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands, and 1,850 square

feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 12-inch steel gasline and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'35.1", W75°42'54.3").

The project will result in the following: 6,262.0 linear feet of stream impacts; 95,900 square feet (2.20 acres) of temporary impacts to Palustrine Emergent (PEM) Wetlands; 32,050 square feet (0.74 acre) of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands; 18,650 square feet (0.43 acre) of permanent impacts to Palustrine Emergent (PEM) Wetlands; 20,200 square feet (0.46 acre) of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands; 66,500 square feet (1.53 acres) of permanent impacts to Palustrine Forested (PFO) Wetlands; 102,600 square feet (2.36 acres) of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands; 6,550 square feet (0.15 acre) of temporary impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands; 10,650 square feet (0.24 acre) of permanent impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands; 18,100 square feet (0.42 acre) of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands; and 1,150 square feet (0.03 acre) of temporary impacts to Exceptional Value (EV) Palustrine Open Water (POW) Wetlands; all for the purpose of installing two steel natural gas lines, one HDPE water line, a natural gas compressor station, and associated access roadways for the development of Marcellus Shale natural gas. A contingency plan may be utilized for bored crossings in the event an inadvertent return occurs during the boring operations.

DAM SAFETY

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

D15-029. Westtown School, 975 Westtown Road West Chester, PA 19382-5700. To modify, operate, and maintain the Westtown Dam across the Hickman Run (TSF), impacting 100 linear feet of the stream channel, for the purpose of increasing spillway capacity to comply with Department regulations. (West Chester, PA Quadrangle N: 13.65 inches; W: 11.15 inches) in Westtown Township, **Chester County**.

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.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0060020 (Sewage)	Milford Sr. Care & Rehab Center 264 Route 6 & 209 Milford, PA 18337	Pike County Westfall Township	Delaware River (1-D)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0248223 (Sew)	Douglas R. Elsasser 83 Douglas Drive Cocolamus, PA 17014	Juniata County Fayette Township	Cocolamus Creek / 12-B	Y
PA0082651 (Sew)	Landisburg Municipal Authority 202 East Main Street Landisburg, PA 17040	Perry County Tyrone Township	Montour Creek / 7-A	Y
PAS603505 (Stormwater)	J & K Salvage, Inc. 1099 Kings Mill Road York, PA 17403	York County Spring Garden Township	Codorus Creek & UNT to Codorus Creek / 7-H	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0228419 (CAFO)	Ideal Family Farms, LLC 89 BP Finishing Lane Beaverton, PA 17813	Snyder County Beaver Township	Wetzel Run (06A)	N

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

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

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

WQM Permit No. 2112402, Sewerage, **Wormleysburg Borough**, 20 Market Street, Wormleysburg, PA 17043.

This proposed facility is located in Wormleysburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the construction / modification of sewage facilities consisting of the existing Wormleysburg Pumping Station No. 1 and a new force main to convey flows to East Pennsboro's conveyance 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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151134	Ms. Anna Chamness 13 Green Gable Lane New Square, PA 19073	Chester	East Whiteland Township	Valley Creek (EV)
PAI01 231202	Tyler Arboretum 515 Painter Road Media, PA 19063-4424	Delaware	Middletown Township	Ridley Creek (HQ-TSF-MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024503021R	First National Community Bank 200 S. Blakely Street Dunmore, PA 18512	Monroe	Middle Smithfield Township	Sand Hill Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044112002	Sam Marranta Shumbat Partnership LP 41 S Main St Pittston PA 18640	Lycoming	Old Lycoming Township	Lycoming Creek EV, WWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

*General Permit Type—PAG-02**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Liberty Township
Adams County

PAG02000112016

Rick Fuller
Mid-Atlantic Soaring Assn.
5257 Buckeystown Pike
PO Box 181
Frederick, MD 21704

Flat Run/WWF

Adams Co.
Conservation
District
670 Old Harrisburg
Rd, Suite 201
Gettysburg, PA
17325
717.334.0636Oxford Township
Adams County

PAG02000111018

Harry P. McKean
New Age Associates, Inc.
126 Onyx Road
New Oxford, AP 17350South Branch of
Conewago Creek/
WWFAdams Co.
Conservation
District
670 Old Harrisburg
Rd, Suite 201
Gettysburg, PA
17325
717.334.0636Cumberland
Township
Adams County

PAG02000110015R

Michael Robinson
1403 Gridley Lane
Silver Spring, MD 20902Tributary to Rock
Creek/WWFAdams Co.
Conservation
District
670 Old Harrisburg
Rd, Suite 201
Gettysburg, PA
17325
717.334.0636Oxford Township
Adams County

PAG02000105010R

T. Wayne Stefanovich
Integrity Bank
3314 Market Street
Camp Hill, PA 17011UNT to South
Branch Conewago
Creek/07F,
Conewago Creek/
WWFAdams Co.
Conservation
District
670 Old Harrisburg
Rd, Suite 201
Gettysburg, PA
17325
717.334.0636Bethel Township
Berks County

PAG02000608069(1)R

Joseph Horning
901 South College Street
Myerstown, PA 17067UNT to Little
Swatara Creek/
CWFBerks County
Conservation Dist.
1238 County Welfare
Rd, Ste 200
Leesport, PA
19533-9710
610.372.4657,
Ext. 142Derry Township
Dauphin County

PAG02002209008(1)R

Derry Township School District
PO Box 898
Hershey, PA 17033Spring Creek
(East)/WWFDauphin Co
Conservation
District
1451 Peters
Mountain Rd
Dauphin, PA 17018
717.921.8100Peters Township
Franklin County

PAG02002812010-1

Stanley Morgan
Tuscarora School District
JBHS Athletic Field
118 East Seminary Street
Mercersburg, PA 17236UNT to
Conococheague
Creek/TSF, MFFranklin Co
Conservation
District
185 Franklin Farm
Lane
Chambersburg PA
17201
717.264.5499

NOTICES

4211

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Rapho Township Lancaster County	PAG02003607055R	G & L Developers 1003 Cornerstone Drive Mount Joy, PA 17552	UNT Little Chickies Creek/ TSF, MF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717.299.5361, Ext. 5
Brecknock Township Lancaster County	PAG02003610036R	Martin Bros. Builders 119 Furlow Road Reinholds, PA 17569	UNT Muddy Creek/TSF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717.299.5361, Ext. 5
Mount Joy Borough Lancaster County	PAG02003610039R	The Florin Hill Partnership 114 Foxshire Drive Lancaster, PA 17601	Donegal Creek/ CWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717.299.5361, Ext. 5
Manheim Township Lancaster County	PAG02003610044R	Presbyterian Homes, Inc. One Trinity Drive, Suite 201 Dillsburg, PA 17019	UNT Conestoga River/WWF, MF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717.299.5361, Ext. 5
Clay Township Lancaster County	PAG02003612016	Refreshing Mountain Camp, Inc. 455 Camp Road Stevens, PA 17578	UNT Middle Creek/TSF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717.299.5361, Ext. 5
East Lampeter Twp. Lancaster County	PAG02003612036	John E. Lapp 2522 Meadow Lane Ronks, PA 17572	UNT Mill Creek/ WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717.299.5361, Ext. 5
Manor Township Lancaster County	PAG02003612037	Star Rock Dairy, Inc. 175 Chestnut Grove Road Conestoga, PA 17516	Frys Run/WWF, MF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717.299.5361, Ext. 5
Granville Township Mifflin County	PAG02004407002R(2)	First Quality Baby Products, LLC 80 Cuttermill Road, Suite 500 Great Neck, NY 11021	Juniata River/ WWF	Mifflin Co. Conservation District 20 Windmill Hill #4 Burnham, PA 17009 717.248.4695
Carroll Township York County	PAG02006712024-1R	Mark DeSouza Old York Homes, Ltd. 225 North Presidential Avenue Bala Cynwyd, PA 19004	Fishers Run/CWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701
570.327.3636

Facility Location:

*Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Troy Township
Bradford County

PAG02000812022

Mark Stenseger
Guthrie Health Systems
1 Guthrie Sq
Sayre PA 18840

Sugar Creek TSF

Bradford County
Conservation
District
Stoll Natural
Resource Center
200 Lake Rd Ste E
Towanda PA 18848
(570) 265-5539
X 120

Lower Augusta Twp
Northumberland
County

PAG02004907007R

Susquehanna Rail Works LLC
7347 SR 147
Sunbury PA 17801

Susquehanna River
WWF, MF

Northumberland
Cnty Conservation
Dist
441 Plum Creek Rd
Sunbury PA 17801
(570) 286-7114
Ext. 4

Rush Twp
Northumberland
County

PAG02004912004

Timothy Newswanger
402 Elysburg Rd
Danville PA 17821

UNT Logan's Run
CWF, MF

Northumberland
Cnty Conservation
Dist
441 Plum Creek Rd
Sunbury PA 17801
(570) 286-7114
Ext. 4

Coal Twp
Northumberland
County

PAG02004912005

Coal Township
805 W Lynn St
Coal Township PA 17866

UNT Shamokin
Creek CWF, MF

Northumberland
Cnty Conservation
Dist
441 Plum Creek Rd
Sunbury PA 17801
(570) 286-7114
Ext. 4

Sharon Twp
Potter County

PAG02005312001

Gas Field Specialists Inc
Greg West
2107 SR 448
Shinglehouse PA 16748

Wildcat Creek CWF

Potter County
Conservation
District
107 Market St
Coudersport PA
16915
Phone: (814)
274-8411 ext. 4

E Buffalo Township
Union County

PAG02006012003

Vito Mazzamuto
2593 Old Turnpike Rd
Lewisburg PA 17837

Limestone Run
WWF

Union County
Conservation
District
Union County
Government Center
155 N 15th St
Lewisburg PA 17837
(570) 524-3860

Summit Township
Erie County

PAG02002512011

Loyal Christian Benefit
Association
PO Box 13005
Erie PA 16512-1305

Walnut Creek /
Lake Erie CWF; MF

Erie County
Conservation
District
814-825-6403

Port Allegany
Borough
McKean County

PAG02004212003

Port Allegany School District
20 Oak Street
Port Allegany PA 16743

Lillibridge Creek
CWF

McKean County
Conservation
District
814-887-4001

Jenner &
Quemahoning
Townships
Somerset County

PAG-02 105612006

BAMR
P. O. Box 8461
Harrisburg, PA 17105-8461

Two Mile Run
(CWF) to
Quemahoning
Creek (CWF) to
Stony Creek River
(TSF)

BAMR
P. O. Box 8461
Harrisburg, PA
17105-8461
717-783-7924

*General Permit Type—PAG-03**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant's Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Telephone No.</i>
Bensalem Township Bucks County	PAR230062	General Electric Betz, Inc. 4636 Somertown Road Trevose, PA 19053	Poquessing Creek - 3J	Southeast Region Clean Water Program 484.250.5970
Ridley Township Delaware County	PAR210017	Fizzano Bros. Concrete Products 1776 Chester Pike Crum Lynne, PA 19022	Crum Creek - 3G	Southeast Region Clean Water Program 484.250.5970
City of Philadelphia Philadelphia County	PAR800167	USPS 7500 Lindbergh Boulevard Philadelphia, PA 19176	Mingoo Creek to Schuylkill River - 3F	Southeast Region Clean Water Program 484.250.5970

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
City of Sharon Mercer County	PAR218328	RW Sidley, Inc. PO Box 150 436 Casement Avenue, Painesville, OH 44077	Unnamed Tributary to the Thornton Run 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Ellwood City Borough Lawrence County	PAR118332	Heraeus Electro-Nite Company, LLC 3 Fountain Avenue Ellwood City, PA 16117	Drainage swales to Slippery Rock Creek 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-04

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Jackson Township Butler County	PAG041070	Jeffrey J. Mattys 104 Oakridge Trail, Evans City, PA 16033-9530	Unnamed Tributary to Breakneck Creek 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
		Larry Sergi 100 Oakridge Trail, Evans City, PA 16033-9350		
		William Cone 110 Timberview Trail, Evans City, PA 16033-9530		

*General Permit Type—PAG-10**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office & Phone No.</i>
Philadelphia County	PAG100034	Westway Terminal Co., LLC 2900 East Allegheny Avenue Philadelphia, PA 19134	Delaware River-3J	Southeast Region Clean Water Program 484-250-5970

*General Permit Type—PAG-15**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Falls Township Bucks County	PAG150001	Penn Warner Club 1111 Bordentown Road Morrisville, PA 19067	Van Sciver Lake -2E	Southeast Region Clean Water Program 484-250-5970
Falls Township Bucks County	PAG150002	Penn Warner Club 1111 Bordentown Road Morrisville, PA 19067	Manor Lake to Delaware River-2E	Southeast Region Clean Water Program 484-250-5970
Benton Township Lackawanna County	PAG152204	Baylor's Lake Association PO Box 130 Fleetville, PA 18420-0130	Baylor's Lake (on an Unnamed Tributary to South Branch Tunkhannock Creek) - 4-F	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2553

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.

<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>
Creek Bottom Farms Mike Snook 1510 White Church Road Middleburg, PA 17842	Snyder	320 Acres	558.82	Swine, Dairy Heifers and Calves	N/A	Action
Hummel Family Farms, LLC Jonathan and Pauline Hummel 3493 Middle Road Middleburg, PA 17842	Snyder	88.4	682.85	Swine	N/A	Action

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

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448

Permit No. 4111503—Operation Public Water Supply.

Applicant	Lycoming County Water and Sewer Authority
[Township or Borough]	Muncy Township
County	Lycoming
Responsible Official	Ms. Christine Weigle Lycoming County Water and Sewer Authority P. O. Box 186 Montoursville, PA 17754
Type of Facility	Public Water Supply
Consulting Engineer	David M. Swisher, P.E. Herbert, Rowland & Grubic, Inc. 474 Windmere Drive State College, PA 16801
Permit Issued	June 22, 2012
Description of Action	Operation of the high service pump station and 3 interconnections to the Lycoming Mall system.

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

Lonza Inc., Upper Merion Township, **Montgomery County**. Michael Gonshor, Roux Associates, 1222 Forest Parkway Suite 190, West Deptford, PA 08066, Peter Sieracki, Lonza, Inc., 90 Boroline Road, Allendale, NJ 07401 on behalf of Peter McGinnis, Johnson Matthey, 900 River Road, Conshohocken, PA 19428 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 Site Specific Standard.

Cohrae Site, Lower Pottstown Township, **Montgomery County**. Justin Lineman, Lewis Environmental, Inc., P. O. Box 639, 155 Railroad Plaza, Royersford, PA 19468 on behalf of Janet Cohrae, 3000 East High Street, Lot 101, Sanatoga, PA 19464 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.

Printworks/Nash Printing, Montgomery Township, **Montgomery County**. Alexander Ulmer, Barry Isett & Associates, Inc., PO Box 147, Trexlertown, PA 18087, Bill Kunsch, J&J Environmental Inc. PO Box 370 Blue Bell, PA 19422 on behalf of Martin Wolfe, Marlin Properties, LP, 1617 North Line Street, Lansdale, PA 19446 has submitted a Final Report concerning remediation of site soil contaminated with unleaded gasoline and leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

901 West Berks Street, City of Philadelphia, **Philadelphia County**. Bill Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104, Rose V. Gray, Asociacion Puertorriquenos En Marcha, 600 West Diamond Street, Philadelphia, PA 19122 on behalf of Joanna Cuevas, Jonathan Rose Companies, 551 5th Avenue, 23rd Floor, New York, PA 10176 has submitted a Final Report concerning remediation of site soil contaminated with metals. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Dubow Residence, Lower Merion Township, **Montgomery County**. Douglas B. Schott, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19380, Kurt Spiess, EMG Remediation Services, PO. Box 129, Edgemont, PA 19028 on behalf of Mr. and Mrs. Stephan Dubow, 635 Revere Road, Merrion Station, PA 19066 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.

45 West Haines Street Property, City of Philadelphia, **Philadelphia County**. Thomas Hippensteel, Environsearch Consultants Inc., PO Box 940, Springhouse, PA 19477 on behalf of David Plane, Lafayette School LP, 4220 Main Street, Philadelphia, PA 19127 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with heating oil. The report is intended to document remediation of the site to meet the statewide Health Standard.

Chapel Steel, Borough of Pottstown, **Montgomery County**. Craig Herr, RT Environmental Services Inc., 215 West Church Road, King of Prussia, PA 19406, Patrick Jones, Chapel Steel, 590 North Bethlehem Pike, Lower Gwynedd, PA 19002 on behalf of Jay Bown, Pottstown Industrial Complex, L.P. PO Box 128, Ambler, PA 19022 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Gwynedd Mercy School, Lower Gwynedd Township, **Montgomery County**. Staci Cottone, J&J Spill Service and Supplies, Inc., PO Box 370, Blue Bell, PA 19422 on behalf of Kevin O'Flaherty, Gwynedd Mercy College, PO Box 901, Gwynedd Valley, PA 19437 has submitted a 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.

1636 & 1646 2nd Street Pike, Northampton Township, **Bucks County**. Bill Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104 on behalf of Susan Peck, Sovereign Bank, N.A., 1130 Berkshire Blvd, Wyomissing, PA 19610 has submitted a Final Report concerning remediation of site soil contami-

nated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

12 Catfish Lane, Lower Providence Township, **Montgomery County**. Staci Cottone, J&J Environmental, PO Box 370, Blue Bell, PA 19422 on behalf of Joe Carbone, Valley Forge Group, Inc., LP, 31200 Northwestern Highway, Farmington Hills, MI 48334 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.

Rehoric Property, Media Borough, **Delaware County**. Charles Burger, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, Jim McMahan, Allstate Insurance Company Inc., 1200 Atwater Drive, Suite 110, Malvern PA 19355 on behalf of Zelko Rehoric, 435 South Orange Street, Media, PA 19063 has submitted a 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.

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

A & M Hibbard 1H/3H Well Site, State Route 29, 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, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by VOCs, SVOCs, metals, and ethylene glycol due to a release from the reserve pit and a release from the mud shelf. The report was submitted to document attainment of the residential Statewide Health Standard and the Background Standard for soil. A Notice of Intent to Remediate was simultaneously submitted.

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

Fillings Dry Cleaners, 3885 Columbia Avenue, Mountville, PA 17554, West Hempfield and Manor Townships, **Lancaster County**. Geological Services, Inc., PO Box 578, Rock Hall, MD 21661, on behalf of Fillings Clothing, 681 Harrisburg Avenue, Lancaster, PA 17603, submitted a Remedial Investigation Report concerning site soils and groundwater contaminated with Stoddards Solvent. The site is being remediated to meet the Site-Specific Standard.

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

Safeguard Properties/Diane Traver Residence, Greenwood Township, **Columbia County**. Black Rock Environmental, LLC, PO Box 288, Nazareth, PA 18064 on behalf of Ms. Diane Traver, 1520 Old State Road, Millville, Pa 17846 has submitted a Final Report concerning remediation of site soils contaminated with benzene, ethylbenzene, cumene, MTBE, naphthalene, toluene, 1,2,4-TMB, 1,3,5-TMB. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Goodman Tank Lines, Intersection on Interstate 99 Northbound on ramp and North Atherton Street, Patton Township, **Centre County**. Mountain Research LLC, 825

25th Street, Altoona, Pa 16601 on behalf of PennDot District 2-0, 1054 Ridge Road, Mill Hall, PA 17751 has submitted a Final Report concerning remediation of site soils contaminated with unleaded gasoline compounds including Benzene, Toluene, Ethylbenzene, Xylenes, Cumene, Naphthalene, Methyl-tert-butyl-ether (MTBE), 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401

Gwynedd Mercy College, Lower Gwynedd Township **Montgomery County**. Staci Cottone, J&J Spill Service and Supplies Inc. PO Box 370, Blue Bell, PA 19422 on behalf of Kevin O'Flaherty, Gwynedd Mercy College, PO Box 901, Gwynedd Valley, PA 19437 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with heating oil. The 90 day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 11, 2012.

Chapel Steel Borough of Pottstown **Montgomery County**. Matt Martelli, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Patrick Jones, Chapel Steel, 590 Bethlehem Pike, Lower Gwynedd, PA 19002, Jay Bown, Pottstown Industrial Complex, LP, PO Box 128, Ambler, PA 19022 has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 11, 2012

CSX Locomotive 6149, City of Philadelphia, **Philadelphia County**. Megan Kellner ARCADIS, 114 Benfield Boulevard, Suite A, Millersville, MD 21108 on behalf of William Parry, CSX Transportation, Inc., One Bell Crossing Road, Albany, NY 12158 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with no. diesel fuel. The 90 day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 9, 2012.

US Steel Fairless Works 37.96 Acre Facility, Falls Township **Bucks County**. Colleen Costello, Langan Engineering and Environmental Service Inc., 2700 Kelly Road, Suite 200, Warrington, PA 18976 on behalf of Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15219 has submitted a Final Report concerning the remediation of site soil contaminated with other organics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 23, 2012

Delaware Emergency Service Training Center, Delaware Township and Folcroft Borough **Delaware County**. Frank Aceto, Stantec Consulting Corporation, 1060 Andrew Drive Suite 140, West Chester, PA 19380 on behalf of Marianne Grace, County of Delaware, 201 West Front Street, Media, PA 19063 has submitted a Final Report concerning the remediation of site groundwater contaminated with undetermined contaminants. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on March 30, 2012.

Rehoric Property, Media Borough **Delaware County**. Charles Burger, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, Jim McMahon, Allstate Insurance Company, 1200 Atwater Drive, Suite 110, Malvern, PA 19355 on behalf of Zelko Rehoric, 435 South Orange Street, Media, PA 19063 has submitted a Final Report concerning the remediation of site soil contaminated with heating soil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 23, 2012.

Keenan Valley View Inn/Green Woods Charter School, City of Philadelphia, **Philadelphia County**. Toby J. Kessler, Kessler, P.G. Gilmore & Associates, Inc. 65 East Avenue, Suite 100, New Britain, PA 18901 on behalf of Green Wood Chapter School, 8480 Hagys Mill Road, Philadelphia, PA 19128, Donna Lee, Sickenberger, Keenan Valley View Inn, 468 Domino Lane, Philadelphia, PA 19128 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site groundwater contaminated with benzo, arsenic and lead. The Cleanup Plan and Remedial Investigation Report were approved by the Department on May 14, 2012.

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 the remediation of site groundwater and soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 5, 2012.

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 Jeffery W. Franz, FTP Feasterville Plaza, LP, 1138 Swell Lane, Jenkintown, PA 19046 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with inorganics and chlorinated solvents. The Final report was withdrawn on May 21, 2012.

Krashny Residence, Lower Makefield Township **Bucks County**. Thomas Hippensteal, Environsearch Consultants Inc., PO Box 940, Springhouse, PA 19477 on behalf of Scot Krasny, 1007 Yardley Road Yardley, PA 19067 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 15, 2012.

Apfelbaum Residence, Cheltenham Township **Montgomery County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ed Applegate, State Farm Insurance, Pennsylvania Fire Claims, PO Box, 10610, Atlanta, GA 30348-6110 on behalf of Sharon Hicson-Camack, 210 Paxson Avenue, Glenside, PA 19038 has submitted a Final Report concerning 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 May 23, 2012

777 South Broad Street, City of Philadelphia, **Philadelphia County**. Paul Martino, 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 the remediation of site soil and groundwater contaminated with lead, benzo and unleaded gasoline. The Final report was withdrawn on May 24, 2012.

Dansko Distribution Center, Penn Township **Chester County**. Jennifer Risser, Reliance Environmental, Inc. 130 East Chester Street, Lancaster, PA 17601 on behalf of Daria Payne Cobot Kjellerup Realty Trust, 8

Federal Road, West Grove PA 19390 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 May 14, 2012.

Florig Equipment Company Inc., Plymouth Township **Montgomery County**. Craig Herr, RT Environmental Service, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Alicia M. Lyskanyca, Florig Equipment Company, Inc., 906 Ridge Pike, Conshohocken, PA 19428 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 16, 2012.

375 Commerce Drive, Upper Dublin Township **Montgomery County**. Michael A. Christie, Penn Environmental & Remediation, 2755 Bergey Road, Hatfield, PA 19440 on behalf of marc Weinberg, Weinberg Family Trust, 803 Camarillo Road, Suite C, Camarillo, CA 93012, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinate solvents. The Final report was withdrawn on December 17, 2011

Manill Mill Road Company, Upper Merion Township **Montgomery County**. Waler Hungarter, III, RT Environmental Services, Inc. 215 West Church Road, King of Prussia, PA 19406 on behalf of Annunzio Calvarese, Mancill Road Company, 50 Barndon Road, Jeffersonville, PA 19043 has submitted a Cleanup Plan concerning the remediation of site soil contaminated with asbestos. The Cleanup Plan was approved by the Department on February 23, 2012.

5526-5548 Vine Street, City of Philadelphia, **Philadelphia County**. Charlene Drake, REPSG, Inc. 6901 Kingsessing Avenue, 2nd Floor, Philadelphia, PA 19142, Susan Shourds, REPSG, Inc. 6901 Kingsessing Avenue, 2nd Floor, Philadelphia, PA 19142, Bruce Conus, Liberty Resources, Inc., 714 Market Street, Suite 100, Philadelphia, PA on behalf of Robert La Brum, Redevelopment Authority of the City of Philadelphia, 1234 Market Street, 16th Floor Philadelphia, PA 19106 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site soil contaminated with inorganics. The Cleanup Plan and Remedial Investigation Report were approved on August 11, 2011.

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

Lebanon Seaboard Corporation, 1600 East Cumberland Street, Lebanon, PA 17042, South Lebanon Township, **Lebanon County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Lebanon Seaboard Corporation, 1600 East Cumberland Street, Lebanon, PA 17042, submitted a Final Report concerning remediation of site soils and groundwater contaminated with pesticides and VOCs. The Final Report demonstrated attainment of the Site Specific standard, and was approved by the Department on June 20, 2012.

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

Penske, Delaware Township, **Northumberland County**. Northridge Group, Inc., on behalf of Penske has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Napthalene, 1,3,5-Trimethylbenz-

ene, 1,2,4-Trimethylbenzene, and Methyl Tertiary Butyl Ether for a site located at Interstate 180 MM5E. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 12, 2012.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Babich # 3 Gas Well Site, Sewickley Township, **Westmoreland County**. Environmental Coordination Services and Recycling, 3237 Highway 19, Cochranon, PA 16314 on behalf of Atlas Resources, LLC, Park Place Corporate Center One, 1000 Commerce Drive, Pittsburgh, PA 15275-1011 has submitted a Final Report concerning the remediation of site soil contaminated with spilled diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 14, 2012.

Beaver Valley Industrial Park Site, (Former Teledyne Vasco Colonial Plant), Monaca Borough, **Beaver County**. R.A.R. Engineering Group, Inc., 1135 Butler Avenue, New Castle, PA 16101 on behalf of Beaver Valley Industrial Park Corporation, 1 Industrial Park Road, Monaca, PA 15061 has submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with metals. The Baseline Environmental Report was approved by the Department on June 20, 2012.

Beazer East Bridgeville Facility AOE-1, South Fayette Township **Allegheny County**. Civil and Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, Pennsylvania 15205-1751 on behalf of Newbury Development Associates, 100 Emerson Lane, Suite 1509, Bridgeville, PA 15017 has submitted a Final Report concerning the remediation of site soil and ground water contaminated with metals and Naphthalene. The Final report demonstrated attainment of the Site Specific and Non-Residential Statewide Health standards for AOE-1 was approved by the Department on June 20, 2012.

RESIDUAL WASTE GENERAL PERMITS

Permits Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.

General Permit No. WMGR081D034. Commonwealth Computer Recycling LLC. This permit is for the beneficial use of electronic equipment and components by sorting, disassembling or mechanical processing. The permit was issued by Central Office on June 19, 2012.

Persons interested in reviewing the general permit may contact Scott Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

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 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. 101680. Waste Management Disposal Services of Pennsylvania, Inc., (GROWS North Landfill), 1000 New Ford Mill Road, Morrisville PA 19067. This minor permit modification is to make permanent a temporary leachate forcemain currently being used to connect the Cell IIB Riser House to the leachate storage tanks at GROWS North Landfill. The GROWS North Landfill is a municipal waste landfill located in Falls Township, **Bucks County** The permit was issued by the Southeast Regional Office on June 15, 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

GP3-46-0105: Haines & Kibblehouse, Inc. (Route 29, Skippack, PA 19426) on June 21, 2012, to operate a portable nonmetallic mineral processing plant in Skippack Township, **Montgomery County**.

GP9-46-0060: Haines & Kibblehouse, Inc. (Route 29, Skippack, PA 19426) on June 21, 2012, was authorized to operate (4) four diesel-fired internal combustion engines in Skippack 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

GP3-67-03124E: Codorus Stone & Supply Co., Inc. (135 Mundis Race Road, York, PA 17406-9723) on June 15, 2012, to install and operate a portable nonmetallic mineral processing plant at the Codorus Stone Quarry in East Manchester and Manchester Townships, **York County**.

GP11-67-03124E: Codorus Stone & Supply Co., Inc. (135 Mundis Race Road, York, PA 17406-9723) on June 19, 2012, to install and operate a non-road diesel engine under GP11 to power portable nonmetallic stone crushing equipment at their Codorus Stone Quarry in East Manchester and Manchester Townships, **York County**.

GP3-06-03155A: Kinsley Construction, Inc. (PO Box 2886, York, PA 17405) on June 20, 2012, for portable nonmetallic mineral processing equipment under GP3 at the Western Berks Landfill in Cumru Township, **Berks County**.

GP9-06-03155A: Kinsley Construction, Inc. (PO Box 2886, York, PA 17405) on June 20, 2012, for three diesel-fired internal combustion engines under GP9, to

power portable nonmetallic mineral processing equipment, at the Western Berks Landfill in Cumru Township, **Berks County**.

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

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

GP3-59-184: FS Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732-1232) on May 30, 2012, to operate a portable crushing operation pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the EWR Plant No. 20 facility in Lawrence Township, **Tioga County**.

GP3-59-184: FS Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732-1232) on May 30, 2012, to operate two (2) diesel engines to power a portable crushing operation pursuant to the General Plan Approval and/or General Operating Permit for Diesel or #2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at the EWR Plant #20 facility located in Lawrence Township, **Tioga County**.

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

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

GP5-26-00593: Mountain Gathering LLC, 810 Houston Street, Fort Worth, Texas 76102, on June 19, 2012, to install and operate one (1) Caterpillar G3306 TA, 4SRB gas fired compressor engine, rated at 203 bhp, one (1) Exterran Triethylene Glycol dehydrator (TEG) rated at 15 MMscfd attached to a reboiler rated at 0.50 MMBtu/hr, and one (1) condensate storage tank with a capacity of 16,800 gallons (400 bbl) at their Hall Compressor Station in Springfield Township, **Fayette County**.

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

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

GP5-20-308A: Kastle Resources Enterprises, Inc. (Mill Grove Road, Springboro, PA 16435) on June 15, 2012, to operate one (1) lean burn, 2 stroke natural gas engine, Ajax Model rated 296 bhp at 440 rpm; one (1) 4,200 gallon produced water/residual compressor oil storage tank (BAQ-GPA-GP-5) in Spring Township, **Crawford County**.

GP3-42-194A: Glenn O. Hawbaker, Inc.—Shinglehouse Plant 8 (497 Horserun Rd, Shinglehouse, PA 16748), on June 12, 2012, for the operation of a Portable Nonmetallic Mineral Processing Plant (Nordberg LT213 Track Mounted Impact Plant, 440 tph) (BAQ-GPA-GP-3) in Ceres Township, **McKean County**. This is a relocation from Clinton County, previously permitted under General Permit No. GP3-18-205C.

GP11-42-194B: Glenn O. Hawbaker, Inc., Shinglehouse Plant # 8 (497 Horserun Rd, Shinglehouse, PA 16748), on June 12, 2012, for the operation of a Caterpillar, Model No. C-12 DITA Nonroad Engine (BAQ-GPA-GP-11) in Ceres Township, **McKean County**. This is a relocation from Clinton County, previously permitted under General Permit No. GP11-18-205C.

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.

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

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

40-399-066A: Acton Technologies, Inc. (100 Thompson Street, Pittston, PA 18640) on June 18, 2012, to install a Regenerative Thermal Oxidizer (RTO) to control VOC and NH₃ emissions and a new film processing line at the facility in Jenkins Township, **Luzerne 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

36-05156A: L & S Sweeteners, Inc. (388 East Main Street, Leola, PA 17540-1925) on June 18, 2012, for construction and temporary operation of two (2) landfill gas-fired engine generator sets at the facility in Upper Leacock Township, **Lancaster County**.

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.

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

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

23-0108C: Barry Callebaut USA, LLC. (903 Industrial Highway, Eddystone, PA 19022) on June 21, 2012, to operate a regenerative thermal oxidizer (RTO) in Eddystone Borough, **Delaware 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

36-05015D: Dart Container Corp. of PA (60 East Main Street, Leola, PA 17540) on June 21, 2012, to install and operate a new combined heat and power (CHP) project incorporating the use of two landfill gas-fired turbines with electric generators and waste heat recovery steam generators, at the expandable polystyrene container manufacturing facility located in Upper Leacock Township, **Lancaster County**. The plan approval was extended.

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

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

20-304A: Ernst Biomass LLC (9006 Mercer Pike, Meadville, PA 16335) on June 30, 2012, for the construction of a wood and switchgrass pellet manufacturing plant at their facility in Union Township, **Crawford County**.

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

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

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

49-00014: Jeraco Enterprises (135 Sodom Road, Milton, PA 17847-9232) on June 20, 2012, for renewal of their Title V Operating Permit for their facility in Milton Borough, **Northumberland County**. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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 17404-3533) on June 20, 2012, for their snack food manufacturing facility on Zinns Quarry Road in West Manchester Township, **York County**. The State-only permit was renewed.

28-03011: ATI Landis Threading Systems (360 South Church Street, Waynesboro, PA 17268-2610) on June 20, 2012, for their machine tool manufacturing facility in Waynesboro Borough, **Franklin County**. The State-only permit was renewed.

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

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

41-00069: Fisher Mining Co. (40 Choate Circle, Montoursville, PA 17754-9791) on June 13, 2012, issued a state only operating permit for their facility in Williamsport, **Lycoming County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

57-00002: Haines and Kibblehouse, Inc. (PO Box 196, Skippack, PA 19474-0196) on June 20, 2012, issued a permit for their Dushore Materials facility in Cherry Township, **Sullivan County**. The facility's major sources include four (4) stone crushers, three (3) screening units, and six (6) diesel-fired engines each rated between 99 and 890 horsepower. The facility has the potential to emit all criteria pollutants below the major emission thresholds. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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.

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

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

59-00004: Ward Manufacturing, LLC (117 Gulick Street, Blossburg, PA 16912), issued an amendment of Title V operating permit on June 21, 2012 for their facility located in Blossburg Borough, **Tioga County**. This operating permit amendment incorporates all terms and conditions specified in Plan Approval 59-00004G.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Actions

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

4673SM15 and NPDES Permit No. PA0258237 (5510 State Park Road, Penfield, PA 15849) Renewal of an existing bituminous surface mine in Jay Township, **Elk County** affecting 173.8 acres. Receiving streams: Two unnamed tributaries to Spring Run. This renewal is issued for reclamation only. Application received: February 23, 2012. Permit Issued: June 20, 2012.

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

14960101 and NPDES No. PA 0220388. River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847). Renewal permit issued for reclamation only to an existing bituminous surface mine located in Snow Shoe Township, **Centre County**, affecting 48.5 acres. Receiving streams: Unnamed Tributaries to Black Moshannon Creek and Unnamed Tributaries to North Fork Beech Creek, classified as High Quality Cold Water Fishery and Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 9, 2012. Permit issued: June 19, 2012.

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

54960101R3 and NPDES Permit No. PA0223743. Moutaintop Coal Mining, Inc., (PO Box 183, Elysburg, PA 17824), renewal of an existing anthracite surface mine and refuse disposal operation in Barry and Foster Townships, **Schuylkill County** affecting 255.18 acres, receiving stream: Hans Yost Creek. Application received: July 7, 2011. Renewal issued: June 19, 2012.

Noncoal Permits Actions

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

37020306 and NPDES Permit No. PA0259241. The East Fairfield Coal Company (P. O. Box 217, 10900 South Avenue, North Lima, OH 44452) Revision to an existing large industrial minerals mine to add 23.3 acres to the surface mining permit in North Beaver Township, **Lawrence County** affecting 202.6 acres. Receiving streams: Honey Creek. Application received: November 21, 2011. Permit Issued: June 20, 2012.

61122804. Lester C. Henry (1555 Route 208, Emlenton, PA 16373) Commencement, operation and restoration of a small industrial minerals mine in Cranberry Township, **Venango County** affecting 6.0 acres. Receiving streams: East Sandy Creek. Application received: April 6, 2012. Permit Issued: June 20, 2012.

61122804-GP-104. Lester C. Henry (1555 Route 208, Emlenton, PA 16373) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 61122804 in Cranberry Township, **Venango County**. Application received: April 6, 2012. Permit Issued: June 20, 2012.

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

08100303 and NPDES No. PA0257419. Robert Johnson Flagstone, Inc. (3658 Old Stage Coach Road, Wyalusing, PA 18853). Commencement, operation and restoration of an overburden, shale, and bluestone quarry located in Herrick and Wyalusing Townships, **Bradford County** affecting 47.2 acres. This quarry replaced small noncoal 08030801. Receiving streams: Camp Creek and Wyalusing Creek, classified as: Warm Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 4, 2010. Application issued: June 14, 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

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

30124002. Sheehen Pipe Line Construction Co. (2431 E. 61st St., Suite 700, Tulsa, OK 74136). Blasting activity permit for the construction of the M3 Appalachia Gathering System—natural gas pipe line, located in Perry, Wayne, Whitely, Franklin & Jefferson Townships, **Greene County**. The duration of blasting is expected to last two months days. Blasting permit issued: June 18, 2012.

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

36124132. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Farmdale Elementary School in West Hempfield Township, **Lancaster County** with an expiration date of June 14, 2013. Permit issued: June 19, 2012.

52124104. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Hemlock Farms in Porter, Blooming Grove and Dingman Town-

ships, **Pike County** with an expiration date of June 30, 2013. Permit issued: June 19, 2012.

36124133. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Village in Paradise in Paradise Township, **Lancaster County** with an expiration date of June 30, 2013. Permit issued: June 21, 2012.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-1075. Skippack Township, 1108 North Bethlehem Pike, Suite 5, Lower Gwynedd Township, **Montgomery County,** ACOE Philadelphia District.

To construct and maintain an approximately 4,400 linear feet of 8-foot wide paved walking trail along the 100-year floodplain of the Pekiomen Creek. This work includes construction and maintenance of five outfall structures, and stabilization of approximately 310 linear feet of stream bank.

The site is located approximately 3 miles northwest of the intersection of Skippack Pike (SR 0073) and Bridge Road (SR 0113), (Collegeville, PA USGS Quadrangle N: 18.5 inches; W: 13.5 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)].

E15-825. RT/TC Atwater, L.P., 300 Conshohocken State Road, Suite 250, Conshohocken, PA 19428, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain an 18-foot high by 48-foot long by 80 foot wide closed loop of GEO-cooling system at a depth of 140 feet below the water surface elevation of the existing Atwater Lake (quarry), a tributary of Valley Creek (EV, MF), associated with cooling the proposed building at Lot 14 of Atwater office building development. The proposed system will be located at Atwater Drive (Malvern, PA USGS map, N: 5.6 inches; W: 6.5 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)].

E09-960. Pennsylvania Department of Transport, District 6, 7000 Geerdes Blvd, King of Prussia, PA 19406, Springfield Township, **Bucks County**, ACOE Philadelphia District

To perform the following water obstruction and encroachment activities associated with the replacement of the existing bridge that carries S. R. 0412, Section 53M (Hellertown Road) over an unnamed tributary (UNT) of Cooks Creek (EV, MF):

1. To remove the existing bridge and to construct and maintain, in its place, a single span open bottom arch culvert and associated wingwalls. This project temporarily impacts approximately 0.003 acre of wetlands (Palustrine Emergent). The proposed culvert will be approximately 36-foot long, 24-foot wide and will have a 6-foot crown height at upstream face. This work includes removal of the accumulated sediment at the upstream of the existing bridge, associated with maintenance of the bridge's hydraulic opening and the stream's conveyance channel.

2. To stabilize approximately 100 linear feet of streambank. This work includes installation and maintenance of rock cross vanes and step pools, associated with stream enhancement, at approximately 70 feet upstream of the proposed culvert.

The project will permanently impact approximately 144 linear feet of the stream and temporarily impact approximately 116 linear feet of the stream. The site is located approximately 278 feet northeast of the intersection of Moyer Road and Hellertown Road in Springfield Township, Bucks County (Hellertown, PA USGS Quadrangle N: 8.31 inches; W: 7.45 inches).

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E22-567: Ronald and Patricia Burkholder, 1403 Farmhouse Lane, Middletown, Pennsylvania 17057, in Lower Swatara Township, **Dauphin County**, ACOE Baltimore District

To remove the existing structure and restore the streambed and banks: 1) an existing 21.0-foot long, 24.0-inch corrugated plastic pipe in an unnamed tributary (UNT) to Swatara Creek (WWF, MF); 2) two 21.0-foot long, 12.0-inch diameter corrugated plastic pipes in a UNT to Swatara Creek (WWF, MF), temporarily impacting 0.01 acre of palustrine emergent wetland; 3) a 14.0-foot long, 10.0-inch diameter corrugated metal pipe in a UNT to Swatara Creek (WWF, MF), temporarily impacting 0.01 acre of palustrine emergent wetland; 4) a 20.0-foot long, 12.0-inch diameter reinforced concrete pipe in a UNT to Swatara Creek (WWF, MF), temporarily impacting 0.01 acre of palustrine emergent wetland;

To construct and maintain: 1) a 79.0-foot long, 1.0-foot depressed, 12.0-foot wide by 5.5-foot high reinforced concrete box culvert with concrete endwalls and an R-6 riprap apron in a UNT to Swatara Creek (WWF, MF) and associated wetlands, permanently impacting 0.04 acre of palustrine emergent wetland; 2) an 18.0-inch HDPE stormwater pipe outfall with an R-5 riprap apron; 3) a 6.0-foot long Type-C inlet in the floodway of a UNT to Swatara Creek (WWF, MF); 4) an 18.0-inch diameter, 33.0-foot long HDPE stormwater pipe and outfall in the floodway of a UNT to Swatara Creek (WWF, MF); 5) an 8.0-inch diameter ductile iron water line in and across a UNT to Swatara Creek (WWF, MF); 6) a 4.0-inch diameter PVC natural gas line inside of a 6.0-inch diameter PVC conduit in and across a UNT to Swatara Creek (WWF, MF); 7) an electrical utility line contained in a 4.0-inch diameter PVC conduit in and across a UNT to Swatara Creek (WWF, MF); 8) two 1.5-inch PVC conduits containing telephone and cable utilities in and across a UNT to Swatara Creek (WWF, MF); 9) a 4.0-inch diameter ductile iron sanitary sewer force main with concrete encasement in and across a UNT to Swatara Creek (WWF, MF) and associated wetlands, temporarily impacting 0.01 acre of palustrine emergent wetland; 10) an 8.0-inch diameter ductile iron sanitary sewer line with concrete encasement in and across a UNT to Swatara Creek (WWF, MF) and associated wetlands, temporarily impacting 0.01 acre of palustrine emergent wetland; 11) an 8.0-inch diameter ductile iron water line in and across a UNT to Swatara Creek (WWF, MF) and associated wetlands, temporarily impacting 0.01 acre of palustrine emergent wetland; 12) a sanitary sewer manhole with a water-tight frame and cover in the floodway of a UNT to Swatara Creek (WWF, MF); 13) an 8.0-inch PVC sanitary sewer line in the floodway of a UNT to Swatara Creek (WWF, MF); 14) a 42.0-foot wide single span bridge having a normal span of 44.0 feet and an underclearance of 5.7 feet across a UNT to Swatara Creek (WWF, MF) and associated wetlands, temporarily impacting 0.01 acre of palustrine emergent wetland; 15) a 24.0-inch diameter HDPE stormwater pipe outfall with a concrete endwall and an R-5 riprap apron in the floodway of a UNT to Swatara Creek (WWF, MF); 16) a 24.0-inch diameter HDPE stormwater pipe outfall with a concrete endwall and an R-5 riprap apron in the floodway of a UNT to Swatara Creek (WWF, MF); 17) an 18.0-inch diameter HDPE stormwater pipe outfall with a concrete endwall and an R-5 riprap apron in the floodway of a UNT to Swatara Creek (WWF, MF); 18) a 24.0-inch diameter HDPE stormwater pipe outfall with a concrete endwall and an R-5 riprap apron in the floodway of a UNT to Swatara Creek (WWF, MF); and 19) 1,165.0 square feet of a

proposed assisted living facility in the floodway of a UNT to Swatara Creek (WWF, MF); and

To place and maintain: 1) 800.0 cubic yards of fill in the floodway of a UNT to Swatara Creek (WWF, MF); 2) 87.0 cubic yards of fill in the floodway of a UNT to Swatara Creek (WWF, MF); and 3) 4,101.0 cubic yards of fill in the floodway of a UNT to Swatara Creek (WWF, MF), all for the purpose of constructing a proposed subdivision with mixed commercial and residential uses. The project is located approximately 700.0 feet east of the intersection of Longview Drive and Strites Road (Steelton, PA Quadrangle N: 21.30 inches, W: 0.60 inch; Latitude: 40°14'33", Longitude: -76°45'15") in Lower Swatara Township, Dauphin County.

E36-888: Little Britain Township Board of Supervisors, 323 Green Lane, Quarryville, Pennsylvania 17566, in Little Britain Township, **Lancaster County**, ACOE Baltimore District

To: 1) install and maintain two 18.0-inch diameter HDPE stormwater outfalls, including end-walls and R-4 riprap aprons, discharging to an unnamed tributary to Reynolds Run (HQ-CWF, MF); 2) install and maintain an 18.0-inch diameter HDPE stormwater outfall, including an endwall and R-4 riprap apron, discharging to an unnamed tributary to Reynolds Run (HQ-CWF, MF); 3) replace and maintain three 18.0-inch diameter HDPE stormwater outfalls, each including Type-D endwalls and R-4 riprap aprons, discharging to Reynolds Run (HQ-CWF, MF); and 4) replace and maintain an 18.0-inch diameter culvert in an unnamed tributary to Reynolds Run (HQ-CWF, MF). The project is located on Kirks Mill Road just east of its intersection with Little Britain Road (Start: Wakefield, PA Quadrangle; N: 0.60 inch, W: 0.15 inch; Latitude: 39°45'12", Longitude: -76°07'33.9"; End: Kirkwood, PA Quadrangle; N: 0.96 inch, W: 14.98 inches; Latitude: 39°45'19.1", Longitude: -76°06'23.8") in Little Britain Township, Lancaster County.

The purpose of the project is to improve site distance and increase the safety of the roadway.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.

E25-744, Greg Ganzer, 2101 Chapline Street, Wheeling, WV 26003. (Erie North, PA Quadrangle N: 42°, 7', 43.4"; W: 80°, 6', 22") in the City of Erie, **Erie County**.

To construct and maintain a private pile supported watercraft lift and dock together measuring approximately 40 feet by 14 feet and an adjacent floating dock measuring approximately 40 feet by 8 feet located at a point on the northeastern corner of the Niagara Pier within Lake Erie's Presque Isle Bay.

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

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 1501 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 3773 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 18870 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 4649 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 11516 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 21199 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 2814 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 4408 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 7316 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 4846 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 26025 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 1254 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 42826 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 14326 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 15754 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 1834 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 4621 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 6826 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 27125 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 1656 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.

E5829-016: Williams Field Services Company, LLC, 1605 Coraopolis Heights Road, Moon Township, PA 15108-4310, Brooklyn Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 10 inch steel gas gathering line and a temporary road crossing impacting 50 lineal feet of an unnamed tributary to Horton Creek (CWF-MF) (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 47", Longitude: -75° 50' 15");

2) a 10 inch steel gas gathering line and a temporary road crossing impacting 55 lineal feet of an unnamed tributary to Horton Creek (CWF-MF) (Hop Bottom, PA Quadrangle; Latitude: 41° 44' 02", Longitude: -75° 49' 32");

3) a 10 inch steel gas gathering line and a temporary road crossing impacting 58 lineal feet of Horton Creek (CWF-MF) (Hop Bottom, PA Quadrangle; Latitude: 41° 44' 07", Longitude: -75° 48' 58");

4) a 10 inch steel gas gathering line and a temporary road crossing impacting 436 square feet of a PEM wetland (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 47", Longitude: -75° 50' 16");

5) a 10 inch steel gas gathering line and a temporary road crossing impacting 4,356 square feet of a PFO wetland (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 44", Longitude: -75° 50' 11");

6) a 10 inch steel gas gathering line and a temporary road crossing impacting 871 square feet of a PFO wetland (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 54", Longitude: -75° 49' 54");

7) a temporary road crossing impacting 871 square feet of a PEM wetland (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 55", Longitude: -75° 49' 53");

8) a 10 inch steel gas gathering line and a temporary road crossing impacting 3,049 square feet of a PEM wetland (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 57", Longitude: -75° 49' 40");

9) a 10 inch steel gas gathering line and a temporary road crossing impacting 436 square feet of a PEM wetland (Hop Bottom, PA Quadrangle; Latitude: 41° 44' 03", Longitude: -75° 49' 33");

10) a 10 inch steel gas gathering line and a temporary road crossing impacting 4,356 square feet of a PSS wetland (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 57", Longitude: -75° 49' 29");

11) a 10 inch steel gas gathering line and a temporary road crossing impacting 10,019 square feet of a PEM wetland (Hop Bottom, PA Quadrangle; Latitude: 41° 44' 08", Longitude: -75° 48' 59");

12) a 10 inch steel gas gathering line and a temporary road crossing impacting 27,443 square feet of a PEM wetland (Hop Bottom, PA Quadrangle; Latitude: 41° 44' 03", Longitude: -75° 48' 52").

The purpose of the project is for the conveyance of natural gas from the Corbin well site for 2.10 miles to the Post Natural Gas Pipeline. The project will result in 163 linear feet of temporary stream impacts, 51,836 square feet (1.19 acres) of temporary wetland impacts, and 9,583 square feet (0.22 acre) of permanent wetland impacts.

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.

Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701

ESCP # 5312802
Applicant Name National Fuel Gas Supply Corp
Contact Person
Address SR 244 (Rose Lake Rd)
City, State, Zip Genesee, PA 16923
County Potter
Township(s) Allegany Township
Receiving Stream(s) and Classification(s) Rose Lake Run
HQ

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—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.

SSIP

Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
12-39-008	St. Luke's University Hospital 801 Ostrum Street Bethlehem, PA 18015 Attn: David Alban	Lehigh	Fountain Hill Borough	1 AST storing diesel fuel	25,000 gallons

SPECIAL NOTICES

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

Request for Section 401 Water Quality Certification

17110105. AMFIRE Mining Company LLC (One Energy Place, Latrobe, PA 15650). Request for Section 401 Water Quality Certification for a temporary stream crossing in Girard Township, **Clearfield County**, LeContes Mills, PA USGS Quadrangle N: 40° 05' 48"; W: 78° 17' 24", ACOE Baltimore District.

Crossing will consist of one 48-inch diameter CPP pipe installed across Bald Hill Run. The crossing will be temporary. Upon completion of mining, the crossing will be removed and the site will be reclaimed to existing or better conditions. The stream is classified as CWF under 25 PA Code Chapter 93. Persons wishing to comment on or object to this request for Section 401 Water Quality Certification must submit comments or objections to the District Mining Office identified above within 30 days of the date of this public notice. Comments should contain the name, address and telephone number of the person commenting, the identification of the permit application to which the comments pertain, and a concise statement of the comments, objections or suggestions including relevant facts upon which they are based. The application describing the details of the proposed installation is available for review, by appointment, at the District Mining Office identified above.

[Pa.B. Doc. No. 12-1266. Filed for public inspection July 6, 2012, 9:00 a.m.]

Coastal Zone Grant Application Period for Federal Fiscal Year 2013 Grants

The Interstate Waters Office in the Department of Environmental Protection (Department) will be accepting applications beginning August 13, 2012, for Federal Fiscal Year 2013 Coastal Zone grants. Applications must be received no later than October 15, 2012.

Applicants must meet certain eligibility requirements (for example, the applicant must be an authority, a 501(c)(3) nonprofit organization, a political subdivision or an educational institution) and must be located within the Delaware Estuary Coastal Zone or the Lake Erie Coastal Zone. Proposals must also support the Coastal Zone Program's mission to protect and enhance coastal resources in this Commonwealth.

The Department and the Department of Conservation and Natural Resources have launched an electronic grant

application system called Environmental eGrants (eGrants), which standardizes the application process and provides an environmentally friendly way to submit a grant application through a secure internet connection.

Applications for Coastal Zone Management Program grants must be submitted electronically through the eGrants system. To access an online application go to <http://www.grants.dcnr.state.pa.us>, register as a user by clicking the "Log In/Register" link, click on "Find a Grant" to find this grant opportunity and then select the option to "Apply for This Grant." eGrants will guide applicants through the process of starting the electronic grant application.

To obtain more information concerning Coastal Zone grants, visit the Department web site at <http://www.dep.state.pa.us> and select "DEP Programs A - Z" tab, then choose "Coastal Zone" and then click on "Grants" or contact the Department of Environmental Protection,

Interstate Waters Office, 400 Market Street, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-4785.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1267. Filed for public inspection July 6, 2012, 9:00 a.m.]

Nutrient Credit Trading Program; Action

The Department of Environmental Protection (Department) provides notice of the following action under the Nutrient Credit Trading Program (Trading Program). The approval of this request is considered a final action of the Department. This action was taken under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Borough of Chambersburg. This approval is for a 3-year pilot program for the use of nitrogen and phosphorus credits that will be generated in the Susquehanna River Basin to meet National Pollutant Discharge Elimination System nitrogen and phosphorous annual effluent limits related to compliance with the Chesapeake Bay Total Maximum Daily Load at its waste water treatment facility (WWTF) located in the Potomac River Basin. Chambersburg asserts that there are insufficient certified credits within the Potomac River Basin to meet the projected nitrogen and phosphorous credit needs at its WWTF. This pilot program is valid until November 30, 2015, as long as the following requirements are met:

- Any certified, verified and registered credits generated in the Susquehanna River Basin must first be calculated in accordance with the procedures set forth in 25 Pa. Code § 96.8. The first step will be for Chambersburg to submit an application for the certification of the pollutant reduction activities to generate credits. The contents of this application are listed in 25 Pa. Code § 96.8(e) and on the Department's web site at www.dep.state.pa.us (DEP Programs: Nutrient Trading). The Department expects the certification application to include a comprehensive listing of all the locations where Chambersburg is installing practices to generate credits, a listing of the practices to be installed and the calculations used to estimate the amount of credits.

- Chambersburg will obtain an additional 5% of credits needed for permit compliance if the credits are obtained from the Susquehanna River Basin. The additional 5% percent must come from the Susquehanna River Basin. The Department will permanently retire these additional credits. The Department intends this factor to act as an incentive to Chambersburg to buy credits from the local river basin.

After November 30, 2015, approval for the continuation of inter-basin trading by Chambersburg would be based on the program requirements in place on the date the Department receives an application by Chambersburg to continue this program. Notice of the interbasin trading request was published for comment at 42 Pa.B. 2450 (May 5, 2012).

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457,

Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about this action or the Nutrient Credit Trading Program, contact Brian Schlauderaff, Bureau of Point and NonPoint Source Management, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8465, (717) 705-4090, bschlauder@pa.gov or visit the Department's web site at www.dep.state.pa.us (DEP Keywords: "Nutrient Trading").

The following certification requests have been approved by the Department.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1268. Filed for public inspection July 6, 2012, 9:00 a.m.]

Potomac Regional Water Resources Committee Meeting

The Potomac Regional Water Resources Committee, associated with the Department of Environmental Protection (Department), will meet on July 11, 2012, from 1 to 3 p.m. at the Adams County Agricultural Center, 670 Old Harrisburg Road, Gettysburg, PA 17325.

Questions concerning the schedule or agenda items can be directed to Heidi Moltz at (301) 274-8116 or hmoltz@icprb.org. This schedule, an agenda for the meeting and meeting materials will be available through the Public Participation Center on the Department's web site at <http://www.dep.state.pa.us>.

Persons with a disability who require accommodations to attend the previously listed meeting should contact the Department at (717) 783-2402 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1269. Filed for public inspection July 6, 2012, 9:00 a.m.]

DEPARTMENT OF HEALTH

Approved Drugs for ALS Ambulance Services

Under 28 Pa. Code § 1005.11(b) (relating to drug use, control and security), the following drugs are approved for use by ground advanced life support (ALS) ambulance services and may be administered by emergency medical technicians—paramedics, prehospital registered nurses and health professional physicians when use of the drugs is permitted by the applicable Department of Health (Department) approved regional medical treatment protocols:

1. Activated charcoal
2. Acetaminophen
3. Adenosine
4. Albuterol
5. Amiodarone
6. Antimicrobials—for interfacility transports only
7. Aspirin
8. Atropine sulfate
9. Benzocaine—for topical use only
10. Bivalirudin—for interfacility transports only
11. Calcium chloride
12. Calcium gluconate
13. Captopril
14. Dexamethasone sodium phosphate
15. Diazepam
16. Dilaudid—for interfacility transports only
17. Diltiazem
18. Diphenhydramine HCL
19. Dobutamine
20. Dopamine
21. Enalapril
22. Epinephrine HCL
23. Etomidate (only permitted for services approved by a regional EMS council and participating in the required QI program)
24. Fentanyl
25. Furosemide
26. Glucagon
27. Heparin by intravenous drip—for interfacility transports only
28. Hydrocortisone sodium succinate
29. Glycoprotein IIb/IIIa Inhibitors—for interfacility transports only
 - a. Abciximab
 - b. Eptifibatide
 - c. Tirofiban
30. Intravenous electrolyte solutions
 - a. Dextrose
 - b. Lactated Ringer's
 - c. Sodium chloride
 - d. Normosol

- e. Potassium—for interfacility transports only
31. Ipratropium Bromide
32. Isoproterenol HCL—for interfacility transports only
33. Levalbuterol—for interfacility transports only
34. Lidocaine HCL
35. Lorazepam
36. Magnesium sulfate
37. Methylprednisolone
38. Midazolam
39. Morphine sulfate
40. Naloxone HCL
41. Nitroglycerin (all forms/routes, but continuous intravenous infusion must be regulated by an infusion pump)
42. Nitrous oxide
43. Ondansetron
44. Oxytocin
45. Pralidoxime CL
46. Procainamide
47. Sodium bicarbonate
48. Sodium thiosulfate
49. Sterile water for injection
50. Terbutaline
51. Tetracaine—for topical use only
52. Total parenteral nutrition—for interfacility transport only
53. Verapamil

During interfacility transport, all medications given by continuous infusion (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) must be regulated by an electronic infusion pump. For prehospital transport, continuous infusions of crystalloid solutions containing medication (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) must be rate controlled by electronic IV pump or a manual flow control device capable of setting specific numeric flow rates.

This list supersedes the list of approved drugs published at 41 Pa.B. 2286 (April 30, 2011). The changes from the previous notice are:

1. The removal of heparin flush.
2. The addition of prehospital transport continuous infusions of crystalloid solutions containing medication (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) must be rate controlled by an electronic IV pump or a manual flow control device capable of setting specific numeric flow rates.

Ambulance services are not authorized to stock drugs designated "for interfacility transports only." However, paramedics and health professionals may administer a drug so designated if the facility transferring a patient provides the drug, directs that it be administered to the patient during the transfer, and the regional transfer and medical treatment protocols permit the administration of the drug by those personnel. See 28 Pa. Code § 1005.11(a)(3) and (d).

Section 1005.11 of 28 Pa. Code permits a ground ALS ambulance service, with Department approval, to stock drugs, under specified circumstances, in addition to those drugs on the approved list if a region's medical treatment protocols authorize their use within the region.

The list of drugs in this notice does not apply to air ambulance services. Under 28 Pa. Code § 1007.7(i)(2) (relating to licensure and general operating requirements), each air ambulance service is to develop its own medical treatment protocols that identify drugs that may be used by the air ambulance service. The air ambulance service is to then submit the protocols to the medical advisory committee of the appropriate regional emergency medical services council for the medical advisory committee's review and recommendations. Following its consideration of the recommendations and making further revisions if needed, the air ambulance service is to file the protocols with the Department for approval.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotope, Braille) should contact Robert Cooney, Department of Health, Bureau of Emergency Medical Services, Room 606, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-8740. Speech or hearing impaired persons may use 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. 12-1270. Filed for public inspection July 6, 2012, 9:00 a.m.]

Approved Prearrest and Evidential Breath Testing Devices

The Department of Health (Department) has statutory authority to approve both prearrest and evidential breath testing devices for use by law enforcement officials to determine the alcohol content of blood by analysis of a person's breath. This notice contains the combined lists of prearrest breath testing devices and evidential breath testing devices.

The Department approves prearrest breath testing devices as required by 28 Pa. Code §§ 5.101—5.104 (relating to equipment to determine blood alcohol content under the Vehicle Code and the Fish and Boat Code). Authority to promulgate these regulations is contained in the Vehicle Code, 75 Pa.C.S. § 1547(k) (relating to chemical testing to determine amount of alcohol or controlled substance), the Fish and Boat Code, 30 Pa.C.S. § 5125(k) (relating to chemical testing to determine amount of alcohol or controlled substance), the Game and Wildlife Code, 34 Pa.C.S. § 2502(j) (relating to chemical test to determine amount of alcohol), and section 2102(g) of The Administrative Code of 1929 (71 P. S. § 532(g)).

Prearrest breath testing devices approved under this authority may be used by police officers, waterways patrolmen and officers enforcing the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code in conducting preliminary determinations of the alcohol content of blood of persons suspected of driving, boating, hunting or furtaking, while under the influence of alcohol. Officers and patrolmen use these devices to assist them in determining whether or not a person should be placed under arrest for violation of 75 Pa.C.S. § 3802 (relating

to driving under influence of alcohol or controlled substance), for violation of 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance), for violation of 34 Pa.C.S. § 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance), or for any other criminal offense under the Vehicle Code, the Fish and Boat Code or the Game and Wildlife Code which involves operating a vehicle or boat, hunting or furtaking while under the influence of alcohol.

The National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation published model specifications for Screening Devices to Measure Alcohol in Bodily Fluids at 59 FR 39382 (August 2, 1994). These specifications established performance criteria and methods for testing alcohol screening devices to measure alcohol content. The NHTSA established these specifications to support state laws and the United States Department of Transportation's workplace alcohol testing program. The Department has elected to use the NHTSA criteria for approving devices for the prearrest testing of a person's breath to determine the alcohol content of the person's blood.

The NHTSA published a conforming products list (CPL) for screening devices at 59 FR 61923 (December 2, 1994), with corrections at 59 FR 65128 (December 16, 1994), identifying the devices that meet the NHTSA's Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids. Thereafter, the NHTSA updated the CPL at 60 FR 42214 (August 15, 1995), 66 FR 22639 (May 4, 2001), 70 FR 54972 (September 19, 2005), with corrections at 70 FR 72502 (December 5, 2005) and 72 FR 4559 (January 31, 2007).

The NHTSA published revised Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids at 73 FR 16956 (March 31, 2008). These specifications removed testing of interpretive screening devices (ISDs) because ISDs did not provide an unambiguous test result. These specifications also removed from use the Breath Alcohol Sample Simulator as it is not necessary for testing breath alcohol screening devices. All other performance criteria and test methods were maintained. The NHTSA published an additional update to the CPL at 74 FR 66398 (December 15, 2009). The current CPL was published at 77 FR 35745 (June 14, 2012). Since this notice lists only those devices which test breath, items on the NHTSA list that test saliva or other bodily fluids are not included in this notice.

The following list adds nine alcohol screening devices that have been evaluated by the NHTSA and found to conform to the Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids. One device is distributed by two different companies, so it has been listed twice, for a total of ten new entries.

(1) AK Solutions USA, LLC submitted the AlcoMate SafeGuard (Model AL-2500, aka: AlcoScan AL-2500) alcohol screening device. This is a handheld, battery powered device with a semiconductor sensor.

(2) Alcohol Countermeasure Systems Corp. submitted the DRIVESAFE alcohol screening device. This is a handheld, battery powered device with a fuel cell sensor.

(3) KHN Solutions, LLC submitted two screening devices for testing. Their trade names are: BACTRACK Element and the BACTRACK S75 Pro. Both devices are handheld, battery powered with fuel cell sensors.

(4) PAS Systems International, Inc. submitted the Alcovisor MARS screening device. This is a handheld, battery powered device with a fuel cell sensor.

(5) Q3 Innovations, Inc. submitted the CA2010 screening device. This is a handheld, battery powered device with a semiconductor sensor.

(6) Skyfine, Inc. Ltd. submitted three devices (AT577, AT578 and AT579). All three devices are hand-held, battery powered, and use fuel cell sensors. The AT578 is also distributed by Express Diagnostics, Int'l, Blue Earth, Minnesota under the trade name of AlcoCheck FC90, so it has been listed twice on the CPL, once under each of its distributors/manufacturers.

All of the previously listed devices meet the NHTSA Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids.

The Department approves evidential breath testing devices under the authority of the Motor Vehicle Code (75 Pa.C.S. § 1547(c)(1)), the Fish and Boat Code (30 Pa.C.S. § 5125(c)(1)), the Game and Wildlife Code (34 Pa.C.S. § 2502(c)) and section 2102(g) of The Administrative Code of 1929.

Evidential breath testing devices approved under this notice may be used by law enforcement officials to obtain test results which will be admissible in evidence in any summary or criminal proceeding in which the defendant is charged with a violation of 75 Pa.C.S. § 3802, or any other violation of the Vehicle Code arising out of the same action, or 30 Pa.C.S. § 5502, or any other violation of the Fish and Boat Code arising out of the same action, or 34 Pa.C.S. § 2501, or any other violation of the Game and Wildlife Code arising out of the same action. Law enforcement agencies should determine that an approved training program in the use of the equipment is available in accordance with the previously referenced statutes before purchasing any of the devices contained on this list.

The NHTSA published the Standards for Devices to Measure Breath Alcohol at 38 FR 30459 (November 5, 1973). A Qualified Products List of Evidential Breath Measurement Devices comprised of instruments that met this standard was first issued at 39 FR 41399 (November 21, 1974).

The NHTSA converted this standard to Model Specifications for Evidential Breath Testing Devices (Model Specifications), and published a CPL of instruments that were found to conform to the Model Specifications as Appendix D at 49 FR 48854 (December 14, 1984). Those instruments are identified in this notice with an asterisk.

The NHTSA published a notice to amend the Model Specifications at 58 FR 48705 (September 17, 1993) and to update the CPL. That notice changed the alcohol concentration levels at which instruments are evaluated, from 0.000, 0.050, 0.101 and 0.151 BAC to 0.000, 0.020, 0.040, 0.080 and 0.160 BAC, respectively. It also included a test for the presence of acetone and an expanded definition of alcohol to include other low molecular weight alcohols, for example methyl or isopropyl. Since that time, the CPL has been annotated to indicate which instruments have been determined to meet the Model Specifications published in 1984, and which have been determined to meet the Model Specifications, as revised and published in 1993. Thereafter, the NHTSA has periodically updated the CPL with those breath instruments found to conform to the Model Specifications.

The approval of evidential equipment listed in this notice updates the CPL published at 75 FR 11624 (March

11, 2010) for instruments that conform to the Model Specifications for Evidential Breath Alcohol Measurement Devices dated September 17, 1993. The current CPL was published at 77 FR 35747 (June 14, 2012).

This list adds nine new instruments that have been evaluated by the NHTSA and found to conform to the Model Specifications, as amended on September 17, 1993, for mobile and nonmobile use. One instrument is distributed by two different companies, so it has been listed twice, for a total of ten new entries on this CPL. In alphabetical order by company, they are:

1) The "SAF'IR Evolution" manufactured by Alcohol Countermeasure Systems, Corp. Toronto, Ontario, Canada. This is a hand-held instrument intended for use in stationary or mobile operations. It uses an infrared sensor and powered by internal batteries.

2) The "Intoxilyzer 600" manufactured by CMI, Inc., Owensboro, Kentucky. This is a hand-held instrument intended for use in stationary or mobile operations. It uses a fuel cell sensor and powered by an internal battery. The Intoxilyzer 600 is also distributed as the Alcolmeter 600 by Lion Laboratories outside the US, so it has been listed twice on the CPL, once under each of its distributors/manufacturers.

3) The "Guth 38" manufactured by Guth Laboratories, Inc., Harrisburg, Pennsylvania. This is a hand-held instrument intended for use in stationary or mobile operations. It uses a fuel cell sensor and is powered by internal batteries.

4) The "Alco-Sensor V XL" manufactured by Intoximeters, Inc., St. Louis, Missouri. This is a hand-held instrument intended for use in stationary or mobile operations. It uses a fuel cell sensor and is powered by internal batteries.

5) The "LifeGuard Pro" manufactured by Lifeloc Technologies, Inc., Wheat Ridge, Colorado. This is a hand-held instrument intended for use in stationary or mobile operations. It uses a fuel cell sensor and is powered by internal batteries.

6) The "DataMaster DMT with fuel cell option series number (SN) 555555" and the "DataMaster DMT with fuel cell option series number (SN) 100630" manufactured by National Patent Analytical Systems, Inc., Mansfield, Ohio. These instruments can be used in stationary and mobile operations. These instruments use both infrared and fuel cell sensors. These instruments can be powered by either 110 volts alternate current or 12 volts direct current.

7) The "Alcovisor Jupiter" and the "Alcovisor Mercury" manufactured by PAS International, Fredericksburg, Virginia. These are hand-held instruments intended for use in stationary or mobile operations. Both instruments use a fuel cell sensor and are powered by internal batteries.

This update also removes four instruments no longer supported by the manufacturer and makes one minor change. The following instruments (PBA 3000B, PBA 3000-P, PBA 3000 C and Alcohol Data Sensor), manufactured by Lifeloc Technologies, Inc., Wheat Ridge, Colorado, are being removed from the CPL because these instruments were determined to be obsolete. These instruments are no longer manufactured, in use, or being maintained by the manufacturer.

The minor change includes a change of address for Alcohol Countermeasure Systems Corp., from Mississauga, Ontario, Canada to Toronto, Ontario, Canada.

The NHTSA also evaluates equipment to determine if it must be operated at fixed locations (that is nonmobile equipment) or can be transported to nonfixed operational sites in the field (mobile equipment). Most equipment on the list is approved for mobile and nonmobile operation.

The instruments not marked with an asterisk meet the specifications for use as prearrest or evidentiary breath testing devices. The instruments marked with an asterisk may be used as evidentiary devices for law enforcement purposes that are concerned with blood alcohol concentrations at or above 0.050%. These instruments may also be used as prearrest breath testing devices if they are approved for mobile operations. However, these instruments may not be used for making arrests under the Vehicle Code, the Fish and Boat Code or the Game and Wildlife Code where blood alcohol concentrations below 0.050% must be determined. Nonmobile devices can only be used as evidentiary testing instruments since they are not portable. Before purchasing breath testing devices, law enforcement officials should consult with the manufacturer of the equipment they intend to purchase to verify that the devices can be used for their intended purposes.

Law enforcement agencies that plan to utilize a device which does not appear on the following list should contact the manufacturer of the equipment to verify that it has been evaluated by the NHTSA and found to meet the NHTSA's performance requirements. If a device is approved by the NHTSA after the date of this publication, the manufacturer of the device will need to forward documentation of the NHTSA acceptability to Dr. M. Jeffery Shoemaker at the following address that the

Department has information sufficient to enable it to include the device in the next revision of this notice in the *Pennsylvania Bulletin*.

Some of the devices included in this notice are listed under the name of more than one manufacturer. This is due to the fact that the name of the manufacturer has changed or the right to produce a device has been transferred to a different company. In such instances, the device is listed under the name of every company that was ever associated with the device to allow law enforcement agencies to continue using devices bearing the name of a previous manufacturer.

To facilitate accessibility to information concerning breath alcohol testing devices which are approved for law enforcement purposes in this Commonwealth, the Department will publish revisions of this list of equipment semiannually as notices in the *Pennsylvania Bulletin*. This practice was implemented in 2009 and will proceed even if an updated conforming products list has not appeared in the *Federal Register* since the Department's last annual publication of approved breath testing devices.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) may contact Dr. M. Jeffery Shoemaker at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

Conforming Products List of Alcohol Screening Devices (Prearrest breath testing devices)

Distributors/Manufacturers	Devices
AK Solutions, USA, LLC., Palisades Park, New Jersey 1	<ul style="list-style-type: none"> • AlcoScan AL-2500. • SafeMate.² • SafeDrive. • AlcoMate.³ (aka: AlcoHAWK Pro by Q3 Innovations). • AlcoMate Accu Cell AL-9000. • AlcoMate Pro.³ • AlcoMate Core.⁴ • AlcoMate Premium AL-7000, with replaceable Premium Sensor Modules (SM-7000).^{4 5} • AlcoMate Prestige AL-6000, with replaceable Prestige Sensor Modules (SM-6000).^{4 6} • AlcoMate SafeGuard (Model AL-2500, aka: AlcoScan AL-2500).
Alco Check International, Hudsonville, Michigan	Alco Check 3000 D.O.T. ⁷ Alco Check 9000. ⁷
Akers Biosciences, Inc., Thorofare, New Jersey	Breath Alcohol ✓ .02 Detection System. ⁸
Alcohol Countermeasure Systems Corp., Toronto, Ontario, Canada	DRIVESAFE.
BAC Solutions, Inc., Birmingham, Michigan	BACmaster.
B.E.S.T. Labs., Boardman, Ohio	PB 9000e.
CMI, Inc., Owensboro, Kentucky	Intoxilyzer 500 (aka: Alcometer 500—Lion Laboratories).
Express Diagnostics Int'l, Inc., Blue Earth, Minnesota	AlcoCheck FC90 (aka: AT578 by Skyfline).
First Innovative Technology Group, Ltd., Hong Kong	AAT198—Pro.
Guth Laboratories, Inc., Harrisburg, Pennsylvania	<ul style="list-style-type: none"> • Alco Tector Mark X. • Mark X Alcohol Checker. • Alcotector WAT89EC-1. • Alcotector WAT90.

Distributors/Manufacturers	Devices
Han International Co., Ltd., ² Seoul, Korea	A.B.I. (Alcohol Breath Indicator) (aka: AlcoHAWK ABI by Q3 Innovations).
KHN Solutions, LLC, San Francisco, California	<ul style="list-style-type: none"> • ACTRACK Element. • BACTRACK S 75 Pro.
Lion Laboratories, Ltd., Wales, United Kingdom	Alcometer 500 (aka: Intoxilyzer 500-CMI, Inc.).
PAS Systems International, Inc., Fredericksburg, Virginia	<ul style="list-style-type: none"> • PAS Vr. • Alcovisor MARS.
Q3 Innovations, Inc., Independence, Iowa	<ul style="list-style-type: none"> • AlcoHAWK Precision. • AlcoHAWK Slim. • AlcoHAWK Slim 2. • AlcoHAWK Elite. • AlcoHAWK ABI (aka: A.B.I. (Alcohol Breath Indicator) by Han Intl.). • AlcoHAWK Micro. • AlcoHAWK PRO (aka: AlcoMate by AK Solutions). • AlcoHAWK PT 500. • CA2010.
RepcO Marketing, Inc., Raleigh, North Carolina	Alco Tec III.
Seju Engineering Co., Taejeon, Korea	Safe-Slim.
Skyfine Inc., Ltd., Kwai Chung, NT, Hong Kong	<ul style="list-style-type: none"> • T577. • AT578 (aka: AlcoCheck FC90). • AT579.
Sound Off, Inc., Hudsonville, Michigan	Digitox D.O.T. ⁷

1 The AlcoMate was manufactured by Han International of Seoul, Korea, but marketed and sold in the United States by AK Solutions.

2 Manufactured by Seju Engineering, Korea.

3 Han International does not market or sell devices directly in the United States market. Other devices manufactured by Han International are listed under AK Solutions, Inc. and Q3 Innovations, Inc.

4 Manufactured by Sentech Korea Corp.

5 These devices utilize replaceable semiconductor detectors. Instead of recalibrating the device, a new calibrated detector can be installed. The device comes with 4 detectors including the one that was already installed.

6 These devices utilize replaceable semiconductor detectors. Instead of recalibrating the device, a new calibrated detector can be installed. This device comes with 5 detectors including the one that was already installed.

7 While these devices are still being sold, they are no longer manufactured or supported.

8 The Breath Alcohol \blacktriangleright .02 Detection System consists of a single-use disposable breath tube used in conjunction with an electronic analyzer that determines the test result. The electronic analyzer and the disposable breath tubes are lot specific and manufactured to remain calibrated throughout the shelf-life of the device. This screening device cannot be used after the expiration date.

Conforming Products List of Evidential Breath Testing/Measurement Devices

Manufacturer/Distributor and Model	Mobile	Nonmobile
Alcohol Countermeasure Systems Corp., Toronto, Ontario, Canada:		
Alert J3AD*	X	X
Alert J4X.ec	X	X
PBA3000C	X	X
SAF'IR Evolution	X	X
BAC Systems, Inc., Ontario, Canada:		
Breath Analysis Computer*	X	X
CAMEC Ltd., North Shields, Tyne and Ware, England:		
IR Breath Analyzer*	X	X
CMI, Inc., Owensboro, Kentucky:		
Intoxilyzer Model:		
200	X	X
200D	X	X
240 (aka: Lion Alcometer 400+ outside the U.S.)	X	X
300	X	X
400	X	X
400PA	X	X
600 (aka: Lion Alcometer 600 outside the U.S.)	X	X

Manufacturer/Distributor and Model	Mobile	Nonmobile
1400	X	X
4011*	X	X
4011A*	X	X
4011AS*	X	X
4011AS-A*	X	X
4011AS-AQ*	X	X
4011 AW*	X	X
4011A27-10100*	X	X
4011A27-10100 with filter*	X	X
5000	X	X
5000 (w/Cal. Vapor Re-Circ.)	X	X
5000 (w/ 3/8" ID Hose option)	X	X
5000CD	X	X
5000CD/FG5	X	X
5000EN	X	X
5000 (CAL DOJ)	X	X
5000VA	X	X
8000	X	X
PAC 1200*	X	X
S-D2	X	X
S-D5 (aka: Lion Alcolmeter SD-5 outside the U.S.)	X	X
Draeger Safety, Inc. (aka: National Draeger) Irving, Texas:		
Alcotest Model:		
6510	X	X
6810	X	X
7010*	X	X
7110*	X	X
7110 MKIII	X	X
7110 MKIII-C	X	X
7410	X	X
7410 Plus	X	X
7510	X	X
9510	X	X
Breathalyzer Model:		
900	X	X
900A*	X	X
900BG*	X	X
7410	X	X
7410-II	X	X
EnviteC by Honeywell GmbH, Fond du Lac, Wisconsin:		
AlcoQuant 6020	X	X
Gall's Inc., Lexington, Kentucky:		
Alcohol Detection System—A.D.S. 500	X	X
Guth Laboratories, Inc., Harrisburg, Pennsylvania:		
Alcotector BAC-100	X	X
Alcotector C2H5OH	X	X
Guth 38	X	X
Intoximeters, Inc., St. Louis, Missouri:		
Photo Electric Intoximeter*		X
GC Intoximeter MK II*	X	X
GC Intoximeter MK IV*	X	X
Auto Intoximeter*	X	X
Intoximeter Model:		
3000	X	X
3000 (rev B1)*	X	X
3000 (rev B2)*	X	X
3000 (rev B2A)*	X	X
3000 (rev B2A) w/FM option*	X	X
3000 (Fuel Cell)*	X	X
3000 D*	X	X
3000 DFC*	X	X
Alcomonitor		X
Alcomonitor CC	X	X
Alco-Sensor III	X	X
Alco-Sensor III (Enhanced with Serial Numbers above 1,200,000)	X	X
Alco-Sensor IV	X	X

Manufacturer/Distributor and Model	Mobile	Nonmobile
Alco-Sensor IV XL	X	X
Alco-Sensor V	X	X
Alco-Sensor V XL	X	X
Alco-Sensor AZ	X	X
Alco-Sensor FST	X	X
Intox EC/IR	X	X
Intox EC/IR II	X	X
Intox EC/IR II (Enhanced with serial number 10,000 or higher)	X	X
Portable Intox EC/IR		X
RBT-AZ	X	X
RBT-III	X	X
RBT III-A	X	X
RBT IV	X	X
RBT IV with CEM (cell enhancement module)	X	X
Komyo Kitagawa, Kogyo, K.K., Japan:		
Alcolyzer DPA-2*	X	X
Breath Alcohol Meter PAM 101B*	X	X
Lifeloc Technologies, Inc., (formerly Lifeloc, Inc.), Wheat Ridge, Colorado:		
LifeGuard Pro	X	X
Phoenix	X	X
Phoenix 6.0	X	X
EV 30	X	X
FC 10	X	X
FC 20	X	X
Lion Laboratories, Ltd., Cardiff, Wales, United Kingdom:		
Alcolmeter Model:		
300	X	X
400	X	X
400+ (aka: Intoxilyzer 240 in the U.S.)	X	X
600 (aka: Intoxilyzer 600 in the U.S.)	X	X
SD-2*	X	X
SD-5 (aka: S-D5 in the U.S.)	X	X
EBA*	X	X
Intoxilyzer Model:		
200	X	X
200D	X	X
1400	X	X
5000 CD/FG5	X	X
5000 EN	X	X
Luckey Laboratories, San Bernardino, California:		
Alco-Analyzer Model:		
1000*		X
2000*		X
Nanopuls AB, Uppsala, Sweden:		
Evidenzer	X	X
National Patent Analytical Systems, Inc., Mansfield, Ohio:		
BAC DataMaster (with or without the Delta-1 accessory)	X	X
BAC Verifier DataMaster (w/ or without the Delta-1 accessory)	X	X
DataMaster cdm (w/ or without the Delta-1 accessory)	X	X
DataMaster DMT	X	X
DataMaster DMT w/ Fuel Cell option SN: 555555	X	X
DataMaster DMT w/ Fuel Cell option SN: 100630	X	X
Omicron Systems, Palo Alto, California:		
Intoxilyzer Model:		
4011*	X	X
4011AW*	X	X
PAS International, Fredericksburg, Virginia:		
Mark V Alcovisor	X	X
Alcovisor Jupiter	X	X
Alcovisor Mercury	X	X
Plus 4 Engineering, Minturn, Colorado:		
5000 Plus 4*	X	X
Seres, Paris, France:		
Alco Master	X	X
Alcopro	X	X

Manufacturer/Distributor and Model	Mobile	Nonmobile
Siemans-Allis, Cherry Hill, New Jersey:		
Alcomat *	X	X
Alcomat F*	X	X
Smith and Wesson Electronics, Springfield, Massachusetts:		
Breathalyzer Model:		
900*	X	X
900A*	X	X
1000*	X	X
2000*	X	X
2000 (non-Humidity Sensor)*	X	X
Sound-Off, Inc., Hudsonville, Michigan:		
AlcoData	X	X
Seres Alco Master	X	X
Seres Alcopro	X	X
Stephenson Corp.:		
Breathalyzer 900*	X	X
Tokai-Denshi Inc., Tokyo, Japan:		
ALC-PRO II (U.S.)	X	X
U.S. Alcohol Testing, Inc./Protection Devices, Inc., Rancho Cucamonga, California:		
Alco-Analyzer 1000	—	X
Alco-Analyzer 2000	—	X
Alco-Analyzer 2100	X	X
Verax Systems, Inc., Fairport, New York:		
BAC Verifier*	X	X
BAC Verifier Datamaster	X	X
BAC Verifier Datamaster II*	X	X

Instruments marked with an asterisk () meet the Model Specifications detailed in 49 FR 48854 (December 14, 1984) (that is, instruments tested at 0.000, 0.050, 0.101 and 0.151 BAC). Instruments not marked with an asterisk meet the Model Specifications detailed in 58 FR 48705 (September 17, 1993) and were tested at BACs = 0.000, 0.020, 0.040, 0.080 and 0.160. Instruments that meet the Model Specifications currently in effect (dated September 17, 1993) also meet the Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-1271. Filed for public inspection July 6, 2012, 9:00 a.m.]

Chronic Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold a public meeting on Friday, July 20, 2012, from 10 a.m. to 2 p.m. The meeting will be held in Conference Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

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 Carolyn S. Cass, Director, (717) 772-2762. 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. 12-1272. Filed for public inspection July 6, 2012, 9:00 a.m.]

Laboratories Approved to Determine Analyses of Blood and/or Serum for Controlled Substances under The Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under The Clinical Laboratory Act (35 P. S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood and/or serum for the determination of controlled substances. This approval is based on demonstrated proficiency in periodic tests conducted by the Department’s Bureau of Laboratories. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance), and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in blood and/or serum.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory analyses on blood and/or serum. Laboratories approved to perform screening analyses are designated on the approval list by an "S" followed by the letters "B" for blood or "Se" for serum, or both. Laboratories approved to screen both blood and serum would therefore have "SBSe" listed after their laboratory name. Laboratories approved to offer confirmatory analyses are designated on the approval list by a "C" followed by the letters "B" for blood or "Se" for serum, or both. Laboratories approved to perform confirmatory analyses on both serum and blood would therefore have "CBSe" listed after their laboratory name.

Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood and/or serum analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The Vehicle Code contains a provision in 75 Pa.C.S. § 1547(c)(3)(ii) that permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence at legal proceedings in this Commonwealth if the laboratory is located in another state and is not licensed and approved by the Department to provide these services. This section states that the test results may be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) if the laboratory that performed the test is licensed by the state in which the facility is located and licensed under the Clinical Laboratory Improvement Amendments of 1988 (Pub. L. No. 100-578, 102 Stat. 2903). A similar provision appears in the Fish and Boat Code in 30 Pa.C.S. § 5125(c)(3)(ii).

The name or location of a laboratory is sometimes changed but the personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name or location of the facility changed, the Clinical Laboratory Permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Dr. Shoemaker at the previously

referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

30483
AIT LABORATORIES—SBSe, CBSe
2265 EXECUTIVE DRIVE
INDIANAPOLIS, IN 46241
(317) 243-3894

00671
ALLEGHENY COUNTY MED EX DIV OF LAB—SBSe,
CBSe
1520 PENN AVENUE
2ND FLOOR
PITTSBURGH, PA 15222
(412) 350-4425

24997
ATLANTIC DIAGNOSTIC LABORATORIES LLC—SBSe,
CBSe
3520 PROGRESS DRIVE UNIT C
BENSALEM, PA 19020
(267) 525-2470

31684
BUCKS COUNTY CRIME LABORATORY—SBSe, CBSe
850 EAGLE BOULEVARD
WARMINSTER, PA 18974
(215) 431-5187

00266
DEPT OF PATHOLOGY & LAB MED-HUP—SSe, CSe
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
(215) 662-3423

00977
DRUGSCAN INC—SBSe, CBSe
1119 MEARNS RD
PO BOX 2969
WARMINSTER, PA 18974
(267) 960-3407

24655
HEALTH NETWORK LABORATORIES—SBSe, CBSe
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150

20512
LABCORP OCCUPATIONAL TESTING SER—SBSe,
CBSe
1904 ALEXANDER DRIVE PO BOX 12652
RESEARCH TRIANGLE PARK, NC 27709
(919) 572-6900

09003
MAYO CLINIC LABS-ROCH MAIN CAMPUS—SSe, CSe
200 FIRST STREET SW HILTON 530
ROCHESTER, MN 55905
(507) 284-3018

29251
MAYO MEDICAL LABORATORIES NEW ENGLAND—
SSe, CSe
160 DASCUMB ROAD
ANDOVER, MA 01810
(978) 658-3600

05574
MEDTOX LABORATORIES INC—SBSe, CBSe
402 COUNTY ROAD D WEST
ST PAUL, MN 55112
(651) 286-6217

00504
NATIONAL MED SVCS INC/DBA NMS LABS—SBS_e,
CBS_e
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 657-4900

29741
NORTHERN TIER RESEARCH—SBS_e, CBS_e
1300 OLD PLANK ROAD
MAYFIELD, PA 18433
(570) 351-6153

30984
OFFICE OF THE DISTRICT ATTORNEY—SS_e
37 E HIGH STREET, FORENSIC LAB
CARLISLE, PA 17103
(717) 240-6526

00250
PARKWAY CLINICAL LABORATORIES—SS_e
3494 PROGRESS DRIVE, SUITE D
BENSALEM, PA 19020
(215) 245-5112

00520
PC LAB INC—SBS_e, CBS_e
1320 FIFTH AVENUE
PITTSBURGH, PA 15219
(412) 391-6118

31399
QUEST DIAGNOSTICS—SB, CB
EMPLOYER SOLUTIONS,
1777 MONTREAL CIRCLE
TUCKER, GA 30084
(770) 936-5007

01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SBS_e,
CBS_e
14225 NEWBROOK DRIVE PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900

00482
QUEST DIAGNOSTICS OF PA INC—SBS_e, CBS_e
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

25461
QUEST DIAGNOSTICS VENTURE LLC—SBS_e, CBS_e
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631

00151
ST JOSEPH QUALITY MEDICAL LAB—SBS_e, CBS_e
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200

00018
WBGH COMMONWEALTH HEALTH LAB SVS—SS_e
575 NORTH RIVER STREET
WILKES BARRE, PA 18764
(570) 829-8111

00141
YORK HOSPITAL—SS_e
1001 SOUTH GEORGE STREET
YORK, PA 17405
(717) 851-2345

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-1273. Filed for public inspection July 6, 2012, 9:00 a.m.]

Laboratories Approved to Determine Blood Alcohol Content under The Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under The Clinical Laboratory Act (Act) (35 P.S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code §§ 5.50 and 5.103 (relating to approval to provide special analytical services; and blood tests for blood alcohol content) to perform alcohol analyses of blood and/or serum and plasma. This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories.

Since procedures for determining the alcohol content of serum and plasma are identical and results obtained from serum or plasma derived from a blood sample are the same, laboratories that demonstrate reliability in the determination of alcohol in serum are approved to analyze both serum and plasma for alcohol content. These laboratories are also approved and designated under the provisions of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance), and the Game and Wildlife Code, 34 Pa.C.S. § 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance), as qualified to perform the types of specialized services which will reflect the presence of alcohol in blood and/or serum and plasma. Laboratories located outside this Commonwealth may not provide blood and/or serum and plasma alcohol testing services in this Commonwealth unless they are licensed by the Department and approved for that purpose.

Persons seeking forensic blood and/or serum and plasma analysis services from the following designated laboratories should determine that the laboratory employs techniques and procedures acceptable for forensic purposes, and that the director of the facility is agreeable to performing determinations for this purpose. The list of approved laboratories will be revised approximately semi-annually and published in the *Pennsylvania Bulletin*.

The name or location of a laboratory is sometimes changed but the personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name or location of the facility changed, the Clinical Laboratory Permit number of the

facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The Department's blood alcohol and serum/plasma alcohol proficiency testing programs are approved by the United States Department of Health and Human Services in accordance with the requirements in the Clinical Laboratory Improvement Amendments of 1988 (42 U.S.C.A. § 263a), and implementing regulations 42 CFR 493.901 and 493.937 (relating to approval of proficiency testing programs; and toxicology), which are administered by the Centers for Medicare and Medicaid Services (CMS). Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

The Commonwealth's Vehicle Code at 75 Pa.C.S. § 1547(c)(3)(ii) also permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence in certain legal proceedings in this Commonwealth if the laboratory is located in another state and is not licensed and approved by the Department to provide forensic blood and/or serum and plasma analysis services. This section states that the test results will be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or any other violation of the Vehicle Code arising out of the same action if the laboratory that performed the test is licensed to conduct the test by the state in which the facility is located and licensed under the Clinical Laboratory Improvement Amendments of 1988 (Pub. L. No. 100-578, 102 Stat. 2903). A similar provision appears in the Fish and Boat Code in 30 Pa.C.S. § 5125(c)(3)(ii).

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The symbols S and B indicate the following:

S = approved for serum and plasma analyses

B = approved for blood analyses

SB = approved for serum, plasma and blood analyses

00212
ABINGTON MEMORIAL HOSPITAL—S
1200 OLD YORK ROAD
ABINGTON, PA 19001
(215) 576-2350

27180
ADVANCED TOXICOLOGY NETWORK—B
3560 AIR CENTER COVE
SUITE 101
MEMPHIS, TN 38118
(901) 794-5770

00233
ALBERT EINSTEIN MEDICAL CENTER—S
5501 OLD YORK RD
LABS—TOWER BLDG GROUND FL
PHILADELPHIA, PA 19141-3001
(215) 456-6157

00671
ALLEGHENY COUNTY MED EX DIV OF LAB—SB
1520 PENN AVENUE
2ND FLOOR
PITTSBURGH, PA 15222
(412) 350-4425

28233
ALLEGHENY GENERAL HOSP DEPT OF LAB
MED—S
320 E NORTH AVENUE
PITTSBURGH, PA 15212
(412) 359-6886

00077
ALLEGHENY GENERAL HOSPITAL LAB—S
1307 FEDERAL STREET
PITTSBURGH, PA 15212
(412) 359-6886

00100
ALLEGHENY VALLEY HOSPITAL LAB—S
1301 CARLISLE STREET
NATRONA HEIGHTS, PA 15065
(724) 224-5100

00119
ALTOONA REGIONAL HEALTH SYSTEM LAB—SB
620 HOWARD AVENUE
ALTOONA, PA 16601-4899
(814) 889-2340

00192
ARIA HEALTH—S
380 NORTH OXFORD VALLEY ROAD
LANGHORNE, PA 19047-8304
(215) 934-5227

00236
ARIA HEALTH—S
FRANKFORD AVE & WAKELING STREET
PHILADELPHIA, PA 19124
(215) 831-2068

00341
ARIA HEALTH—S
10800 KNIGHTS ROAD
PHILADELPHIA, PA 19114
(215) 612-4000

00041
ARMSTRONG COUNTY MEMORIAL HOSP—S
1 NOLTE DRIVE
KITTANNING, PA 16201
(724) 543-8500

00047
ASSOCIATED CLINICAL LABORATORIES—SB
1526 PEACH STREET
ERIE, PA 16501
(814) 461-2400

24997
ATLANTIC DIAGNOSTIC LABORATORIES LLC—SB
3520 PROGRESS DRIVE UNIT C
BENSALEM, PA 19020
(267) 525-2470

00251
 AYER CLINICAL LAB PENNSYLVANIA HOSPITAL—S
 800 SPRUCE STREET
 PHILADELPHIA, PA 19107
 (215) 829-3541

00320
 BARNES KASSON HOSPITAL LAB—S
 400 TURNPIKE STREET
 SUSQUEHANNA, PA 18847
 (570) 853-5059

00001
 BERWICK HOSPITAL LABORATORY—S
 701 EAST 16TH STREET
 BERWICK, PA 18603
 (570) 759-5110

00301
 BHS LABORATORY—S
 ONE HOSPITAL WAY
 (911 E BRADY STREET)
 BUTLER, PA 16001
 (724) 284-4510

00002
 BLOOMSBURG HOSPITAL—S
 549 E FAIR STREET
 BLOOMSBURG, PA 17815
 (570) 387-2124

00033
 BRADFORD REGIONAL MEDICAL CENTER—B
 116-156 INTERSTATE PKWY
 BRADFORD, PA 16701-0218
 (814) 362-8247

00296
 BRANDYWINE HOSPITAL—S
 201 REECEVILLE ROAD
 COATESVILLE, PA 19320
 (610) 383-8000

00053
 BROOKVILLE HOSPITAL LAB—S
 100 HOSPITAL ROAD
 BROOKVILLE, PA 15825
 (814) 849-2312

31684
 BUCKS COUNTY CRIME LABORATORY—B
 850 EAGLE BOULEVARD
 WARMINSTER, PA 18974
 (215) 431-5187

00107
 CANONSBURG GENERAL HOSPITAL—S
 100 MEDICAL BOULEVARD
 CANONSBURG, PA 15317
 (724) 745-3916

00131
 CARLISLE REGIONAL MEDICAL CENTER—S
 361 ALEXANDER SPRING ROAD
 CARLISLE, PA 17015-9129
 (717) 249-1212

00132
 CHAMBERSBURG HOSPITAL DEPT OF
 PATHOLOGY—S
 112 NORTH SEVENTH STREET
 CHAMBERSBURG, PA 17201
 (717) 267-7153

00310
 CHARLES COLE MEMORIAL HOSPITAL—S
 1001 EAST SECOND STREET
 COUDERSPORT, PA 16915
 (814) 274-5510

00198
 CHESTER COUNTY HOSPITAL—S
 701 E MARSHALL ST
 WEST CHESTER, PA 19380
 (610) 431-5182

00227
 CHESTNUT HILL HOSPITAL—S
 DEPARTMENT OF PATHOLOGY
 8835 GERMANTOWN AVENUE
 PHILADELPHIA, PA 19118
 (215) 248-8113

00228
 CHILDRENS HOSP OF PHILADELPHIA—S
 3401 CIVIC CENTER BLVD.
 PHILADELPHIA, PA 19104
 (215) 590-4446

00329
 CLARION HOSPITAL—S
 1 HOSPITAL DRIVE
 CLARION, PA 16214
 (814) 221-8969

00026
 CLEARFIELD HOSPITAL LABORATORY—S
 809 TURNPIKE AVENUE
 PO BOX 992
 CLEARFIELD, PA 16830
 (814) 768-2280

00005
 COMMUNITY MEDICAL CENTER—S
 1800 MULBERRY STREET
 SCRANTON, PA 18510
 (570) 969-8000

00125
 CONEMAUGH VALLEY MEMORIAL HOSP—SB
 LABORATORY DEPT
 1086 FRANKLIN STREET
 JOHNSTOWN, PA 15905
 (814) 534-9000

00326
 CORRY MEMORIAL HOSPITAL—S
 612 WEST SMITH STREET
 CORRY, PA 16407
 (814) 664-4641

00201
 CROZER CHESTER MED CENTER—S
 1 MEDICAL CENTER BOULEVARD
 UPLAND, PA 19013
 (610) 447-2000

00209
 CROZER-CHESTER MED CTR-SPRINGFLD—S
 FIRST FLOOR LABORATORY
 190 WEST SPROUL ROAD
 SPRINGFIELD, PA 19064
 (610) 447-2000

00204
 DELAWARE COUNTY MEMORIAL HOSP—S
 501 NORTH LANSDOWNE AVENUE
 DREXEL HILL, PA 19026-1186
 (610) 284-8100

00266
DEPT OF PATHOLOGY & LAB MED-HUP—SB
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
(215) 662-3423

00194
DOYLESTOWN HOSPITAL—S
595 W STATE STREET
DOYLESTOWN, PA 18901
(215) 345-2250

00977
DRUGSCAN INC—SB
1119 MEARNES RD
PO BOX 2969
WARMINSTER, PA 18974
(267) 960-3407

00027
DUBOIS REG MED CTR—WEST UNIT—S
100 HOSPITAL AVE
DUBOIS, PA 15801
(814) 371-2200

00175
EASTON HOSPITAL—S
250 SOUTH 21ST ST
EASTON, PA 18042-3892
(610) 250-4819

00332
ELLWOOD CITY HOSPITAL—S
724 PERSHING ST
ELLWOOD CITY, PA 16117
(724) 752-0081

00612
ENDLESS MOUNTAINS HEALTH SYSTEMS—S
25 GROW AVENUE
MONTROSE, PA 18801-1103
(570) 278-3801

00164
EPHRATA COMMUNITY HOSPITAL—S
169 MARTIN AVE
PO BOX 1002
EPHRATA, PA 17522
(717) 733-0311

00032
ERHC ST MARYS LABORATORY—B
763 JOHNSONBURG RD
SAINT MARYS, PA 15857
(814) 788-8525

00181
EVANGELICAL COMMUNITY HOSPITAL—S
1 HOSPITAL DRIVE
LEWISBURG, PA 17837
(570) 522-2510

00114
EXCELA HEALTH LATROBE HOSPITAL—S
ONE MELLON WAY
LATROBE, PA 15650
(724) 537-1550

00085
FORBES REGIONAL HOSPITAL—S
2570 HAYMAKER ROAD
MONROEVILLE, PA 15146
(412) 858-2560

00115
FRICK HOSPITAL—S
508 SOUTH CHURCH STREET
MOUNT PLEASANT, PA 15666
(724) 547-1500

00330
FULTON COUNTY MEDICAL CENTER—S
214 PEACH ORCHARD ROAD
MCCONNELLSBURG, PA 17233
(717) 485-6169

00173
GEISINGER MEDICAL LABORATORIES—SB
100 N ACADEMY AVENUE
DANVILLE, PA 17822-0131
(570) 271-6338

00019
GEISINGER WYOMING VALLEY MED CTR—S
1000 E MOUNTAIN DRIVE
WILKES-BARRE, PA 18711
(570) 826-7830

00122
GETTYSBURG HOSPITAL LABORATORY—SB
147 GETTYS STREET
GETTYSBURG, PA 17325
(717) 337-4120

00152
GNADEN HUETTEN MEMORIAL HOSP—S
211 NORTH 12TH STREET
LEHIGHTON, PA 18235
(610) 377-7083

00299
GOOD SAMARITAN HOSPITAL—B
4TH & WALNUT STS
PO BOX 1281
LEBANON, PA 17042-1218
(717) 270-7986

00196
GRAND VIEW HOSPITAL—S
700 LAWN AVE
SELLERSVILLE, PA 18960
(215) 453-4528

00061
GROVE CITY MEDICAL CENTER—S
631 NORTH BROAD STREET EXT
GROVE CITY, PA 16127
(724) 450-7125

00024
GUTHRIE CLINIC LAB AT TROY COMM—S
101 ELMIRA STREET
TROY, PA 16947
(570) 297-2121

00654
GUTHRIE CLINIC LABORATORIES—S
ONE GUTHRIE SQUARE
SAYRE, PA 18840
(570) 882-4160

00239
HAHNEMANN UNIVERSITY HOSPITAL—S
BROAD & VINE STS MS 113
PHILADELPHIA, PA 19102
(215) 762-1783

00139
HANOVER HOSPITAL LABORATORY—S
300 HIGHLAND AVE
HANOVER, PA 17331
(717) 637-3711

00010
HAZLETON GENERAL HOSPITAL—S
700 EAST BROAD STREET
HAZLETON, PA 18201
(570) 501-4152

00169
HEALTH NETWORK LABORATORIES—S
1627 WEST CHEW STREET
ALLENTOWN, PA 18102
(610) 402-8150

00549
HEALTH NETWORK LABORATORIES—S
1200 SOUTH CEDAR CREST BLVD
ALLENTOWN, PA 18103
(610) 402-8150

00600
HEALTH NETWORK LABORATORIES—S
2545 SCHOENERSVILLE ROAD
BETHLEHEM, PA 18017-7384
(610) 402-8150

24655
HEALTH NETWORK LABORATORIES—SB
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150

00166
HEART OF LANCASTER REGIONAL MEDICAL
CENTER—S
1500 HIGHLANDS DRIVE
LITITZ, PA 17543
(717) 625-5605

00205
HERITAGE VALLEY BEAVER—S
1000 DUTCH RIDGE ROAD
BEAVER, PA 15009
(724) 728-7000

00101
HERITAGE VALLEY SEWICKLEY LAB—S
720 BLACKBURN RD
SEWICKLEY, PA 15143
(412) 741-6600

00103
HIGHLANDS HOSPITAL—S
401 EAST MURPHY AVENUE
CONNELLSVILLE, PA 15425
(724) 628-1500

00130
HOLY SPIRIT HOSPITAL—S
503 N 21ST STREET
CAMP HILL, PA 17011-2288
(717) 763-2206

00052
INDIANA REGIONAL MEDICAL CENTER—S
HOSPITAL ROAD
PO BOX 788
INDIANA, PA 15701-0788
(724) 357-7167

00135
J C BLAIR MEMORIAL HOSPITAL—S
1225 WARM SPRINGS AVENUE
HUNTINGDON, PA 16652
(814) 643-8645

00054
JAMESON MEMORIAL HOSPITAL—S
1211 WILMINGTON AVENUE
NEW CASTLE, PA 16105
(724) 656-4080

00240
JEANES HOSPITAL—S
7600 CENTRAL AVE
PHILADELPHIA, PA 19111
(215) 728-2347

00038
JEFFERSON REGIONAL MED CTR—S
PO BOX 18119
565 COAL VALLEY ROAD
PITTSBURGH, PA 15236
(412) 469-5723

00200
JENNERSVILLE REGIONAL HOSPITAL—S
1015 WEST BALTIMORE PIKE
WEST GROVE, PA 19390
(610) 869-1080

00034
KANE COMMUNITY HOSPITAL—S
4372 ROUTE 6
KANE, PA 16735
(814) 837-4570

01088
LABCORP OF AMERICA HOLDINGS—SB
69 FIRST AVENUE
PO BOX 500
RARITAN, NJ 08869
(908) 526-2400

00165
LANCASTER GENERAL HOSPITAL—S
555 N DUKE STREET
PO BOX 3555
LANCASTER, PA 17604
(717) 544-4331

00167
LANCASTER REGIONAL MED CENTER—S
250 COLLEGE AVENUE
PO BOX 3434
LANCASTER, PA 17604
(717) 291-8022

00215
LANSDALE HOSPITAL—S
100 MEDICAL CAMPUS DRIVE
LANSDALE, PA 19446
(215) 361-4625

00138
LEWISTOWN HOSPITAL—B
400 HIGHLAND AVENUE
LEWISTOWN, PA 17044
(717) 242-7474

00030
LOCK HAVEN HOSPITAL—S
24 CREE DRIVE
LOCK HAVEN, PA 17745
(570) 893-5000

00193
LOWER BUCKS HOSPITAL LABORATORY—S
501 BATH ROAD
BRISTOL, PA 19007
(215) 785-9300

00213
MAIN LINE HEALTH LAB-BRYN MAWR—S
130 S BRYN MAWR AVENUE
BRYN MAWR, PA 19010
(610) 526-3554

00242
MAIN LINE HOSPITALS LAB-LANKENAU—S
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
(610) 645-2615

00199
MAIN LINE HOSPITALS LAB-PAOLI—S
255 WEST LANCASTER AVENUE
PAOLI, PA 19301
(610) 648-1000

00206
MAIN LINE HOSPITALS LAB-RIDDLE—S
1068 W BALTIMORE PIKE
MEDIA, PA 19063
(610) 891-3339

09003
MAYO CLINIC LABS-ROCH MAIN CAMPUS—SB
200 FIRST STREET SW HILTON 530
ROCHESTER, MN 55905
(507) 284-3018

29251
MAYO MEDICAL LABORATORIES NEW
ENGLAND —SB
160 DASCUMB ROAD
ANDOVER, MA 01810
(978) 658-3600

00049
MEADVILLE MED CTR-LIBERTY ST—S
751 LIBERTY STREET
MEADVILLE, PA 16335
(814) 336-5000

05574
MEDTOX LABORATORIES INC—SB
402 COUNTY ROAD D WEST
ST PAUL, MN 55112
(651) 286-6217

00140
MEMORIAL HOSPITAL CLINICAL LAB—S
325 S BELMONT STREET
PO BOX 15118
YORK, PA 17403
(717) 843-8623

00023
MEMORIAL HOSPITAL LAB—SB
91 HOSPITAL DRIVE
TOWANDA, PA 18848
(570) 265-2191

00203
MERCY FITZGERALD HOSPITAL—S
1500 LANSDOWNE AVENUE
DARBY, PA 19023
(610) 237-4262

00247
MERCY HEALTH LAB/MHOP—S
501 S 54TH STREET
PHILADELPHIA, PA 19143
(215) 748-9181

00219
MERCY HEALTH LAB/MSH—S
2701 DEKALB PIKE
NORRISTOWN, PA 19401
(610) 278-2078

28436
METHODIST DIV TJUH CLINICAL LAB—S
2301 SOUTH BROAD STREET
PHILADELPHIA, PA 19148
(215) 952-9057

00231
MEYERSDALE COMMUNITY HOSPITAL—S
200 HOSPITAL DR
MEYERSDALE, PA 15552
(814) 634-5911

00269
MID-VALLEY HOSPITAL—S
1400 MAIN STREET
PECKVILLE, PA 18452
(570) 383-5520

00128
MINERS MEDICAL CENTER—S
290 HAIDA AVENUE
PO BOX 689
HASTINGS, PA 16646
(814) 247-3100

00108
MONONGAHELA VALLEY HOSPITAL INC—S
1163 COUNTRY CLUB ROAD
MONONGAHELA, PA 15063
(724) 258-1021

00217
MONTGOMERY HOSPITAL LAB—S
POWELL & FORNANCE STS
NORRISTOWN, PA 19401
(610) 270-2173

00007
MOSES TAYLOR HOSPITAL—S
700 QUINCY AVENUE
SCRANTON, PA 18510
(570) 340-2100

00214
MOSS REHAB EINSTEIN AT ELKINS PARK—S
60 EAST TOWNSHIP LINE ROAD
ATTN: LAB
ELKINS PARK, PA 19027
(215) 456-6150

00025
MOUNT NITTANY MEDICAL CENTER—S
1800 EAST PARK AVENUE
STATE COLLEGE, PA 16803
(814) 234-6117

00035
MUNCY VALLEY HOSPITAL—S
215 EAST WATER ST
MUNCY, PA 17756
(570) 546-8282

00304
NASON HOSPITAL—S
105 NASON DRIVE
ROARING SPRING, PA 16673
(814) 224-2141

00504
NATIONAL MED SVCS INC/DBA NMS LABS—SB
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 657-4900

00248
NAZARETH HOSPITAL—S
2601 HOLME AVE
PHILADELPHIA, PA 19152
(215) 335-6245

29741
NORTHERN TIER RESEARCH—SB
1300 OLD PLANK ROAD
MAYFIELD, PA 18433
(570) 351-6153

30984
OFFICE OF THE DISTRICT ATTORNEY—SB
37 E HIGH STREET
FORENSIC LAB
CARLISLE, PA 17103
(717) 240-6526

00099
OHIO VALLEY GENERAL HOSPITAL—S
25 HECKEL RD
MCKEES ROCKS, PA 15136
(412) 777-6161

00334
PALMERTON HOSPITAL—SB
135 LAFAYETTE AVENUE
PALMERTON, PA 18071
(610) 826-1100

31516
PAML LLC—SB
611 N PERRY
BLDG II SUITE 100
SPOKANE, WA 99202
(509) 954-9519

00520
PC LAB INC—SB
1320 FIFTH AVENUE
PITTSBURGH, PA 15219
(412) 391-6118

00258
PENN PRESBYTERIAN MEDICAL CENTER—S
51 NORTH 39TH ST
DEPT OF PATH & LAB
PHILADELPHIA, PA 19104-2640
(215) 662-3435

00316
PENN STATE MILTON S HERSHEY MED CTR—S
500 UNIVERSITY DRIVE
DEPT OF PATHOLOGY & LAB MEDICINE
HERSHEY, PA 17033
(717) 531-8353

22533
PENNSYLVANIA DEPT OF HEALTH—SB
110 PICKERING WAY
EXTON, PA 19341
(610) 280-3464

31869
PERLL DIAGNOSTICS INC—S
5010 RITTER ROAD
SUITE 104
MECHANICSBURG, PA 17055
(570) 394-2776

00197
PHOENIXVILLE HOSPITAL LABORATORY—S
140 NUTT ROAD
DEPT OF PATHOLOGY
PHOENIXVILLE, PA 19460-0809
(610) 983-1612

00157
PINNACLE HEALTH AT COMMUNITY GENERAL
HOSPITAL—S
4300 LONDONDERRY ROAD
PO BOX 3000
HARRISBURG, PA 17109
(717) 782-3340

00155
PINNACLE HEALTH AT HARRISBURG HOSPITAL
LAB—SB
100 SOUTH 2ND STREET
HARRISBURG, PA 17101
(717) 782-3340

00022
POCONO MEDICAL CENTER LAB—SB
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3544

00221
POTTSTOWN HOSPITAL COMPANY, LLC—S
1600 EAST HIGH STREET
POTTSTOWN, PA 19464
(610) 327-7000

00300
PUNXSUTAWNEY AREA HOSPITAL—S
81 HILLCREST DRIVE
PUNXSUTAWNEY, PA 15767
(814) 938-1820

22715
QUEST DIAGNOSTICS—SB
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 888-1770

29214
QUEST DIAGNOSTICS—SB
5601 OFFICE BLVD NE
ALBUQUERQUE, NM 87109
(505) 727-6209

31399
QUEST DIAGNOSTICS—SB
EMPLOYER SOLUTIONS
1777 MONTREAL CIRCLE
TUCKER, GA 30084
(770) 936-5007

27461
QUEST DIAGNOSTICS INC—SB
400 EGYPT ROAD
NORRISTOWN, PA 19403
(610) 631-4219

01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SB
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900

22376
QUEST DIAGNOSTICS NICHOLS INSTITUTE OF
VALENCIA—S
27027 TOURNEY ROAD
VALENCIA, CA 91355
(661) 799-6543

- 00482
QUEST DIAGNOSTICS OF PA INC—SB
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600
- 25461
QUEST DIAGNOSTICS VENTURE LLC—SB
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631
- 00150
READING HOSPITAL & MED CTR—S
6TH AND SPRUCE STREETS
WEST READING, PA 19611
(610) 988-8080
- 00336
REGIONAL HOSPITAL OF SCRANTON—S
746 JEFFERSON AVENUE
SCRANTON, PA 18510
(570) 348-7100
- 00243
ROXBOROUGH MEMORIAL HOSPITAL—S
5800 RIDGE AVE
PHILADELPHIA, PA 19128
(215) 487-4394
- 00171
SACRED HEART HOSPITAL—S
4TH & CHEW STS
ATTN LAB DEPT
ALLENTOWN, PA 18102
(610) 776-4727
- 00087
SAINT CLAIR MEMORIAL HOSPITAL—S
1000 BOWER HILL RD
PITTSBURGH, PA 15243
(412) 561-4900
- 00174
SAINT LUKES HOSPITAL—S
801 OSTRUM STREET
BETHLEHEM, PA 18015
(610) 954-4558
- 00328
SAINT MARY MEDICAL CENTER—S
LANGHORNE - NEWTOWN RD
LANGHORNE, PA 19047
(215) 710-2162
- 00048
SAINT VINCENT HEALTH CENTER—S
232 WEST 25TH STREET
ERIE, PA 16544
(814) 452-5383
- 00182
SCHUYLKILL MC E NORWEGIAN ST—S
700 EAST NORWEGIAN STREET
POTTSVILLE, PA 17901
(570) 621-4032
- 00183
SCHUYLKILL MC S JACKSON ST—SB
420 SOUTH JACKSON STREET
POTTSVILLE, PA 17901
(570) 621-5262
- 00064
SHARON REGIONAL HEALTH SYSTEM—S
740 EAST STATE STREET
SHARON, PA 16146
(724) 983-3911
- 00039
SOLDIERS & SAILORS MEM HOSP—S
CENTRAL AVENUE
WELLSBORO, PA 16901
(570) 723-0133
- 00297
SOMERSET HOSPITAL CENTER FOR HEALTH—S
225 S CENTER AVENUE
SOMERSET, PA 15501
(814) 443-5000
- 00105
SOUTHWEST REGIONAL MEDICAL CENTER—S
350 BONAR AVENUE
WAYNESBURG, PA 15370
(724) 627-2608
- 00361
ST CATHERINE MED CTR-FOUNTAIN SPRINGS—S
101 BROAD STREET
ASHLAND, PA 17921
(570) 875-5988
- 00260
ST CHRISTOPHERS HOSP FOR CHILDREN—S
ERIE AVENUE AT FRONT STREET
PHILADELPHIA, PA 19134
(215) 427-4207
- 00151
ST JOSEPH QUALITY MEDICAL LAB—SB
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200
- 00261
ST JOSEPH'S HOSPITAL-DIV NPHS—S
16TH ST & GIRARD AVENUE
PHILADELPHIA, PA 19130
(215) 787-9000
- 00318
ST LUKES HOSP ALLENTOWN CAMPUS—S
1736 HAMILTON STREET
ALLENTOWN, PA 18104
(610) 628-8646
- 00180
ST LUKES MINERS MEMORIAL HOSPITAL—S
360 WEST RUDDLE STREET
PO BOX 67
COALDALE, PA 18218
(570) 645-2131
- 00195
ST LUKES QUAKERTOWN HOSPITAL—S
1021 PARK AVENUE
QUAKERTOWN, PA 18951
(215) 538-4681
- 32021
ST. LUKES HOSPITAL-ANDERSON LAB—S
1872 RIVERSIDE CIRCLE
EASTON, PA 18045
(484) 503-1075
- 00094
SUBURBAN CLINICAL LABORATORY—S
100 SOUTH JACKSON AVENUE
BELLEVUE, PA 15202
(412) 734-6020

- 00207
TAYLOR HOSPITAL DIV OF CCMC—S
175 EAST CHESTER PIKE
RIDLEY PARK, PA 19078
(610) 595-6450
- 00235
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S
100 EAST LEHIGH AVENUE
PHILADELPHIA, PA 19125-1098
(215) 707-4353
- 00265
TEMPLE UNIVERSITY HOSPITAL—S
3401 N BROAD ST
DEPT OF PATH & LAB MED
2ND FL. OPB RM 249
PHILADELPHIA, PA 19140
(215) 707-4353
- 00104
THE UNIONTOWN HOSPITAL LABORATORY—S
500 WEST BERKELEY STREET
UNIONTOWN, PA 15401
(724) 430-5143
- 00241
THOMAS JEFFERSON UNIVERSITY HOSP—S
125 SOUTH 11TH STREET 204 PAVILLION
PHILADELPHIA, PA 19107
(215) 955-1644
- 00051
TITUSVILLE AREA HOSPITAL—S
406 WEST OAK STREET
TITUSVILLE, PA 16354
(814) 827-1851
- 00313
TYLER MEMORIAL HOSPITAL—S
880 SR 6 W
TUNKHANNOCK, PA 18657-6149
(570) 836-4705
- 00124
TYRONE HOSPITAL—S
187 HOSPITAL DRIVE
TYRONE, PA 16686
(814) 684-6384
- 00121
UPMC BEDFORD MEMORIAL—S
10455 LINCOLN HIGHWAY
EVERETT, PA 15537
(814) 623-3506
- 32389
UPMC EAST PATHOLOGY LABORATORY—S
2775 MOSSIDE BLVD.
GROUND FLOOR
ROOM 0304
MONROEVILLE, PA 15146
(412) 357-3682
- 00046
UPMC HAMOT—S
201 STATE STREET
ERIE, PA 16550
(814) 877-3131
- 00059
UPMC HORIZON GREENVILLE—S
110 NORTH MAIN STREET
GREENVILLE, PA 16125
(724) 588-2100
- 00057
UPMC HORIZON SHENANGO—S
2200 MEMORIAL DRIVE
FARRELL, PA 16121
(724) 981-3500
- 00098
UPMC MCKEESPORT LABORATORY—S
1500 FIFTH AVENUE
MCKEESPORT, PA 15132
(412) 664-2233
- 00082
UPMC MERCY DEPT OF LAB MEDICINE—S
1400 LOCUST STREET
PITTSBURGH, PA 15219
(412) 232-7831
- 00084
UPMC PASSAVANT—S
9100 BABCOCK BLVD
PITTSBURGH, PA 15237
(412) 367-6700
- 05784
UPMC PASSAVANT LABORATORY CRANBERRY—S
ONE ST FRANCIS WAY
CRANBERRY TOWNSHIP, PA 16066
(724) 772-5370
- 00083
UPMC PRESBYTERIAN SHADYSIDE CP PUH—S
ROOM 5929 MAIN TOWER CHP
200 LOTHROP STREET
PITTSBURGH, PA 15213-2582
(412) 648-6000
- 00091
UPMC SAINT MARGARET HOSPITAL—S
815 FREEPORT ROAD
PITTSBURGH, PA 15215
(412) 784-4000
- 00092
UPMC SHADYSIDE—S
5230 CENTRE AVENUE GROUND FLOOR WEST WING
PITTSBURGH, PA 15232
(412) 623-5950
- 00066
WARREN GENERAL HOSPITAL—S
2 CRESCENT PARK
WARREN, PA 16365
(814) 726-3860
- 00111
WASHINGTON HOSPITAL—S
155 WILSON AVE
WASHINGTON, PA 15301
(724) 223-3136
- 00298
WAYNE MEMORIAL HOSPITAL—S
601 PARK STREET
HONESDALE, PA 18431
(570) 253-1300
- 00133
WAYNESBORO HOSPITAL—S
501 E MAIN STREET
WAYNESBORO, PA 17268
(717) 765-3403
- 00018
WBGH COMMONWEALTH HEALTH LAB SVS—SB
575 NORTH RIVER STREET
WILKES BARRE, PA 18764
(570) 829-8111

00095
WESTERN PENNSYLVANIA HOSPITAL—S
4800 FRIENDSHIP AVE
PITTSBURGH, PA 15224
(412) 578-5779

30245
WESTFIELD HOSPITAL MEDICAL CENTER LABORATORY—S
4815 W TILGHMAN STREET
ALLENTOWN, PA 18104
(610) 973-8425

00112
WESTMORELAND REGIONAL HOSPITAL—S
532 W PITTSBURGH STREET
GREENSBURG, PA 15601
(724) 832-4365

00037
WILLIAMSPORT REGIONAL MEDICAL CENTER—SB
700 HIGH STREET
WILLIAMSPORT, PA 17701-3198
(570) 321-2300

00106
WINDBER HOSPITAL—S
600 SOMERSET AVE
WINDBER, PA 15963
(814) 467-6611

25064
WVU HOSPITAL CLINICAL LABS—S
1 MEDICAL CENTER DR
PO BOX 8009
MORGANTOWN, WV 26506-8009
(304) 598-4241

00141
YORK HOSPITAL—S
1001 SOUTH GEORGE STREET
YORK, PA 17405
(717) 851-2345

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-1274. Filed for public inspection July 6, 2012, 9:00 a.m.]

Laboratories Approved to Determine Urine Controlled Substance Content under The Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under The Clinical Laboratory Act (35 P.S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products.

This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to

determine amount of alcohol or controlled substance), and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought. The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*.

The Commonwealth's Vehicle Code contains a provision in 75 Pa.C.S. § 1547(c)(3)(ii) that permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence at legal proceedings in this Commonwealth if the laboratory is located in another state and is not licensed and approved by the Department to provide these services. This section states that the test results may be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under the influence of alcohol or controlled substance) or any other violation of the Vehicle Code arising out of the same action if the laboratory that performed the test is licensed by the state in which the facility is located and licensed under the Clinical Laboratory Improvement Amendments of 1988 (Pub. L. No. 100-5768, 102 Stat. 2903). A similar provision appears in the Fish and Boat Code in 30 Pa.C.S. § 5125(c)(3)(ii).

The name or location of a laboratory is sometimes changed but the personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name or location of the facility changed, the Clinical Laboratory Permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

00212
ABINGTON MEMORIAL HOSPITAL—S
1200 OLD YORK ROAD
ABINGTON, PA 19001
(215) 576-2350

27908
ACM MEDICAL LABORATORY—SC
160 ELMGROVE PARK
ROCHESTER, NY 14624
(716) 429-2264

27180
ADVANCED TOXICOLOGY NETWORK—SC
3560 AIR CENTER COVE
SUITE 101
MEMPHIS, TN 38118
(901) 794-5770

31695
AEGIS SCIENCES CORPORATION—SC
515 GREAT CIRCLE ROAD
NASHVILLE, TN 37228
(615) 255-2400

30483
AIT LABORATORIES—SC
2265 EXECUTIVE DRIVE
INDIANAPOLIS, IN 46241
(317) 243-3894

00233
ALBERT EINSTEIN MEDICAL CENTER—S
5501 OLD YORK RD
LABS-TOWER BLDG GROUND FL
PHILADELPHIA, PA 19141-3001
(215) 456-6157

24496
ALERE TOXICOLOGY SERVICES—SC
450 SOUTHLAKE BOULEVARD
RICHMOND, VA 23236
(804) 378-9130

26008
ALERE TOXICOLOGY SERVICES INC—SC
1111 NEWTON STREET
GRETNA, LA 70053
(504) 361-8989

00116
ALLE KISKI MED CNTR NEW KENSINGTON—S
651 FOURTH AVENUE
NEW KENSINGTON, PA 15068
(724) 226-7089

25019
ALLEGHENY CNTY HEALTH DEPT STD—S
3333 FORBES AVENUE
PITTSBURGH, PA 15213
(412) 578-8070

00671
ALLEGHENY COUNTY MED EX DIV OF LAB—SC
1520 PENN AVENUE
2ND FLOOR
PITTSBURGH, PA 15222
(412) 350-4425

28233
ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S
320 E NORTH AVENUE
PITTSBURGH, PA 15212
(412) 359-6886

00077
ALLEGHENY GENERAL HOSPITAL LAB—S
1307 FEDERAL STREET
PITTSBURGH, PA 15212
(412) 359-6886

00100
ALLEGHENY VALLEY HOSPITAL LAB—S
1301 CARLISLE STREET
NATRONA HEIGHTS, PA 15065
(724) 224-5100

00119
ALTOONA REGIONAL HEALTH SYSTEM LAB—S
620 HOWARD AVENUE
ALTOONA, PA 16601-4899
(814) 889-2340

31871
AMERICAN FORENSIC TOXICOLOGY SERVICES—SC
728 LARKFIELD ROAD
EAST NORTHPORT, NY 11731
(631) 923-0166

30223
AMERITOX LTD—SC
9930 WEST HWY 80
MIDLAND, TX 79706
(432) 561-5091

31814
AMERITOX, LTD.—SC
486 GALLIMORE DAIRY ROAD
GREENSBORO, NC 27409
(336) 387-7600

26620
AMMON ANALYTICAL LABORATORY—SC
1622 SOUTH WOOD AVENUE
LINDEN, NJ 07036
(908) 862-4404

31148
ANALYTICAL DIAGNOSTIC LAB—S
2115 AVENUE X
BROOKLYN, NY 11235
(718) 646-6000

00192
ARIA HEALTH—S
380 NORTH OXFORD VALLEY ROAD
LANGHORNE, PA 19047-8304
(215) 934-5227

00236
ARIA HEALTH—S
FRANKFORD AVE & WAKELING STREET
PHILADELPHIA, PA 19124
(215) 831-2068

00341
ARIA HEALTH—S
10800 KNIGHTS ROAD
PHILADELPHIA, PA 19114
(215) 612-4000

00047
ASSOCIATED CLINICAL LABORATORIES—S
1526 PEACH STREET
ERIE, PA 16501
(814) 461-2400

- 24997
ATLANTIC DIAGNOSTIC LABORATORIES LLC—SC
3520 PROGRESS DRIVE
UNIT C
BENSALEM, PA 19020
(267) 525-2470
- 31171
AVEE LABORATORIES INC—SC
14440 MYERLAKE CIRCLE
CLEARWATER, FL 33760
(757) 530-9990
- 31111
AXIS DIAGNOSTICS INC.—S
900 TOWN CENTER DRIVE
SUITE H-50
LANGHORNE, PA 19047
(267) 212-2000
- 00251
AYER CLINICAL LAB PENNSYLVANIA HOSPITAL—S
800 SPRUCE STREET
PHILADELPHIA, PA 19107
(215) 829-3541
- 00320
BARNES KASSON HOSPITAL LAB—S
400 TURNPIKE STREET
SUSQUEHANNA, PA 18847
(570) 853-5059
- 21553
BENDINER & SCHLESINGER INC—SC
140 58TH STREET
SUITE 8D
BROOKLYN, NY 11220
(212) 254-2300
- 00001
BERWICK HOSPITAL LABORATORY—S
701 EAST 16TH STREET
BERWICK, PA 18603
(570) 759-5110
- 00301
BHS LABORATORY—S
ONE HOSPITAL WAY
(911 E BRADY STREET)
BUTLER, PA 16001
(724) 284-4510
- 27615
BIOLOGICAL SPECIALTY CORPORATION—S
2165 NORTH LINE STREET
COLMAR, PA 18915
(215) 997-8771
- 27616
BIOLOGICAL SPECIALTY CORPORATION—S
1236 NEW RODGERS RD #851
BRISTOL, PA 19007
(215) 826-9282
- 27617
BIOLOGICAL SPECIALTY CORPORATION—S
22 SOUTH 4TH STREET
READING, PA 19602
(610) 375-9862
- 22757
BIOREFERENCE LABORATORIES INC—SC
481B EDWARD H ROSS DRIVE
ELMWOOD PARK, NJ 07407
(201) 791-3600
- 00002
BLOOMSBURG HOSPITAL—S
549 E FAIR STREET
BLOOMSBURG, PA 17815
(570) 387-2124
- 00033
BRADFORD REGIONAL MEDICAL CENTER—S
116-156 INTERSTATE PKWY
BRADFORD, PA 16701-0218
(814) 362-8247
- 00296
BRANDYWINE HOSPITAL—S
201 REECEVILLE ROAD
COATESVILLE, PA 19320
(610) 383-8000
- 00472
BROOKSIDE CLINICAL LAB INC—S
4000 EDMONT AVENUE
BROOKHAVEN, PA 19015
(610) 872-6466
- 31684
BUCKS COUNTY CRIME LABORATORY—S
850 EAGLE BOULEVARD
WARMINSTER, PA 18974
(215) 431-5187
- 29116
CALLOWAY LABORATORIES INC—SC
34 COMMERCE WAY
WOBURN, MA 01801
(781) 224-9899
- 00107
CANONSBURG GENERAL HOSPITAL—S
100 MEDICAL BOULEVARD
CANONSBURG, PA 15317
(724) 745-3916
- 00131
CARLISLE REGIONAL MEDICAL CENTER—S
361 ALEXANDER SPRING ROAD
CARLISLE, PA 17015-9129
(717) 249-1212
- 00751
CEDAR CREST EMERGICENTER—S
1101 SOUTH CEDAR CREST BOULEVARD
ALLENTOWN, PA 18103
(610) 435-3111
- 00132
CHAMBERSBURG HOSPITAL DEPT OF PATHOLOGY—S
112 NORTH SEVENTH STREET
CHAMBERSBURG, PA 17201
(717) 267-7153
- 00310
CHARLES COLE MEMORIAL HOSPITAL—S
1001 EAST SECOND STREET
COUDERSPORT, PA 16915
(814) 274-5510
- 00198
CHESTER COUNTY HOSPITAL—S
701 E MARSHALL ST
WEST CHESTER, PA 19380
(610) 431-5182
- 00227
CHESTNUT HILL HOSPITAL—S
DEPARTMENT OF PATHOLOGY
8835 GERMANTOWN AVENUE
PHILADELPHIA, PA 19118
(215) 248-8113

4250

00228
CHILDRENS HOSP OF PHILADELPHIA—S
3401 CIVIC CENTER BLVD.
PHILADELPHIA, PA 19104
(215) 590-4446

00329
CLARION HOSPITAL—S
1 HOSPITAL DRIVE
CLARION, PA 16214
(814) 221-8969

00026
CLEARFIELD HOSPITAL LABORATORY—S
809 TURNPIKE AVENUE
PO BOX 992
CLEARFIELD, PA 16830
(814) 768-2280

27845
CLINICAL REFERENCE LABORATORY—SC
8433 QUIVIRA ROAD
LENEXA, KS 66215
(913) 492-3652

24916
CLINICAL SCIENCE LABORATORY INC—SC
51 FRANCIS AVENUE
MANSFIELD, MA 02048
(508) 339-6106

00005
COMMUNITY MEDICAL CENTER—S
1800 MULBERRY STREET
SCRANTON, PA 18510
(570) 969-8000

00125
CONEMAUGH VALLEY MEMORIAL HOSP—S
LABORATORY DEPT
1086 FRANKLIN STREET
JOHNSTOWN, PA 15905
(814) 534-9000

00326
CORY MEMORIAL HOSPITAL—S
612 WEST SMITH STREET
CORY, PA 16407
(814) 664-4641

00201
CROZER CHESTER MED CENTER—S
1 MEDICAL CENTER BOULEVARD
UPLAND, PA 19013
(610) 447-2000

00209
CROZER-CHESTER MED CTR-SPRINGFLD—S
190 WEST SPROUL ROAD
SPRINGFIELD, PA 19064
(610) 447-2000

00204
DELAWARE COUNTY MEMORIAL HOSP—S
501 NORTH LANSDOWNE AVENUE
DREXEL HILL, PA 19026-1186
(610) 284-8100

00266
DEPT OF PATHOLOGY & LAB MED-HUP—SC
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
(215) 662-3423

NOTICES

32240
DOMINION DIAGNOSTICS, LLC—SC
211 CIRCUIT DRIVE
NORTH KINGSTOWN, RI 02852
(401) 667-0891

00194
DOYLESTOWN HOSPITAL—S
595 W STATE STREET
DOYLESTOWN, PA 18901
(215) 345-2250

00977
DRUGSCAN INC—SC
1119 MEARNS RD
PO BOX 2969
WARMINSTER, PA 18974
(267) 960-3407

00175
EASTON HOSPITAL—S
250 SOUTH 21ST ST
EASTON, PA 18042-3892
(610) 250-4819

00332
ELLWOOD CITY HOSPITAL—S
724 PERSHING ST
ELLWOOD CITY, PA 16117
(724) 752-0081

31625
EMPIRE CITY LABORATORIES—S
4306 3RD AVENUE
2ND FLOOR
BROOKLYN, NY 11232
(516) 941-7244

00612
ENDLESS MOUNTAINS HEALTH SYSTEMS—S
25 GROW AVENUE
MONTROSE, PA 18801-1103
(570) 278-3801

00164
EPHRATA COMMUNITY HOSPITAL—S
169 MARTIN AVE
PO BOX 1002
EPHRATA, PA 17522
(717) 733-0311

00032
ERHC ST MARYS LABORATORY—S
763 JOHNSONBURG RD
SAINT MARYS, PA 15857
(814) 788-8525

00181
EVANGELICAL COMMUNITY HOSPITAL—S
1 HOSPITAL DRIVE
LEWISBURG, PA 17837
(570) 522-2510

00114
EXCELA HEALTH LATROBE HOSPITAL—S
ONE MELLON WAY
LATROBE, PA 15650
(724) 537-1550

00085
FORBES REGIONAL HOSPITAL—S
2570 HAYMAKER ROAD
MONROEVILLE, PA 15146
(412) 858-2560

- 00115
FRICK HOSPITAL—S
508 SOUTH CHURCH STREET
MOUNT PLEASANT, PA 15666
(724) 547-1500
- 20644
FRIENDS HOSPITAL—S
4641 ROOSEVELT BOULEVARD
LABORATORY
PHILADELPHIA, PA 19124-2399
(215) 831-4600
- 09163
FRIENDS MEDICAL LAB INC—SC
5820 SOUTHWESTERN BLVD
BALTIMORE, MD 21227
(412) 247-4417
- 00330
FULTON COUNTY MEDICAL CENTER—S
214 PEACH ORCHARD ROAD
MCCONNELLSBURG, PA 17233
(717) 485-6169
- 30188
GARCIA CLINICAL LABORATORY INC—S
2195 SPRING ARBOR ROAD
JACKSON, MI 49201
(517) 787-9200
- 00173
GEISINGER MEDICAL LABORATORIES—SC
100 N ACADEMY AVENUE
DANVILLE, PA 17822-0131
(570) 271-6338
- 00019
GEISINGER WYOMING VALLEY MED CTR—S
1000 E MOUNTAIN DRIVE
WILKES BARRE, PA 18711
(570) 826-7830
- 00185
GEISINGER-SHAMOKIN AREA COMMUNITY HOSPITAL—S
4200 HOSPITAL ROAD
COAL RUN, PA 17866-9697
(570) 644-4200
- 26799
GHHA/HHWC OCC HEALTH LAB—S
50 MOISEY DRIVE
HAZLETON, PA 18202
(570) 459-1028
- 00152
GNADEN HUETTEN MEMORIAL HOSP—S
211 NORTH 12TH STREET
LEHIGHTON, PA 18235
(610) 377-7083
- 00299
GOOD SAMARITAN HOSPITAL—S
4TH & WALNUT STS
PO BOX 1281
LEBANON, PA 17042-1218
(717) 270-7986
- 00654
GUTHRIE CLINIC LABORATORIES—S
ONE GUTHRIE SQUARE
SAYRE, PA 18840
(570) 882-4160
- 00239
HAHNEMANN UNIVERSITY HOSPITAL—S
BROAD & VINE STS MS 113
PHILADELPHIA, PA 19102
(215) 762-1783
- 00139
HANOVER HOSPITAL LABORATORY—S
300 HIGHLAND AVE
HANOVER, PA 17331
(717) 637-3711
- 00010
HAZLETON GENERAL HOSPITAL—S
700 EAST BROAD STREET
HAZLETON, PA 18201
(570) 501-4152
- 00169
HEALTH NETWORK LABORATORIES—S
1627 WEST CHEW STREET
ALLENTOWN, PA 18102
(610) 402-8150
- 00549
HEALTH NETWORK LABORATORIES—S
1200 SOUTH CEDAR CREST BLVD
ALLENTOWN, PA 18103
(610) 402-8150
- 00600
HEALTH NETWORK LABORATORIES—S
2545 SCHOENERSVILLE ROAD
BETHLEHEM, PA 18017-7384
(610) 402-8150
- 24655
HEALTH NETWORK LABORATORIES—SC
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150
- 00166
HEART OF LANCASTER REGIONAL MEDICAL CENTER—S
1500 HIGHLANDS DRIVE
LITITZ, PA 17543
(717) 625-5605
- 00205
HERITAGE VALLEY BEAVER—S
1000 DUTCH RIDGE ROAD
BEAVER, PA 15009
(724) 728-7000
- 00101
HERITAGE VALLEY SEWICKLEY LAB—S
720 BLACKBURN RD
SEWICKLEY, PA 15143
(412) 741-6600
- 00103
HIGHLANDS HOSPITAL—S
401 EAST MURPHY AVENUE
CONNELLSVILLE, PA 15425
(724) 628-1500
- 00216
HOLY REDEEMER HOSPITAL—S
1648 HUNTINGDON PIKE
MEADOWBROOK, PA 19046
(215) 947-3000
- 00130
HOLY SPIRIT HOSPITAL—S
503 N 21ST STREET
CAMP HILL, PA 17011-2288
(717) 763-2206

00052
INDIANA REGIONAL MEDICAL CENTER—S
835 HOSPITAL ROAD
PO BOX 788
INDIANA, PA 15701-0788
(724) 357-7167

00135
J C BLAIR MEMORIAL HOSPITAL—S
1225 WARM SPRINGS AVENUE
HUNTINGDON, PA 16652
(814) 643-8645

00054
JAMESON MEMORIAL HOSPITAL—S
1211 WILMINGTON AVENUE
NEW CASTLE, PA 16105
(724) 656-4080

00240
JEANES HOSPITAL—S
7600 CENTRAL AVE
PHILADELPHIA, PA 19111
(215) 728-2347

00038
JEFFERSON REGIONAL MED CTR—S
PO BOX 18119
565 COAL VALLEY ROAD
PITTSBURGH, PA 15236
(412) 469-5723

00200
JENNERSVILLE REGIONAL HOSPITAL—S
1015 WEST BALTIMORE PIKE
WEST GROVE, PA 19390
(610) 869-1080

00312
JERSEY SHORE HOSPITAL—S
1020 THOMPSON STREET
JERSEY SHORE, PA 17740
(570) 398-0100

21306
LAB CORP OCCUPATIONAL TEST SRVCS—SC
1120 STATELINE ROAD WEST
SOUTHAVEN, MS 38671
(886) 827-8042

20512
LABCORP OCCUPATIONAL TESTING SER—SC
1904 ALEXANDER DRIVE
PO BOX 12652
RESEARCH TRIANGLE PARK, NC 27709
(919) 572-6900

01088
LABCORP OF AMERICA HOLDINGS—SC
69 FIRST AVENUE
PO BOX 500
RARITAN, NJ 08869
(908) 526-2400

00165
LANCASTER GENERAL HOSPITAL—S
555 N DUKE STREET
PO BOX 3555
LANCASTER, PA 17604
(717) 544-4331

00167
LANCASTER REGIONAL MED CENTER—S
250 COLLEGE AVENUE
PO BOX 3434
LANCASTER, PA 17604
(717) 291-8022

00215
LANSDALE HOSPITAL—S
100 MEDICAL CAMPUS DRIVE
LANSDALE, PA 19446
(215) 361-4625

00138
LEWISTOWN HOSPITAL—S
400 HIGHLAND AVENUE
LEWISTOWN, PA 17044
(717) 242-7474

24802
LGH DIAB/HBP/DUKE-LIME ST CAMPUS—S
620 N DUKE STREET DUKE & LIME STREET
CAMPUS LABS
LANCASTER, PA 17604
(717) 544-4331

00030
LOCK HAVEN HOSPITAL—S
24 CREE DRIVE
LOCK HAVEN, PA 17745
(570) 893-5000

00193
LOWER BUCKS HOSPITAL LABORATORY—S
501 BATH ROAD
BRISTOL, PA 19007
(215) 785-9300

00639
MAGEE-WOMENS HOSPITAL OF UPMC HEALTH SYS-
TEM—S
300 HALKET STREET
PITTSBURGH, PA 15213
(412) 647-4651

00213
MAIN LINE HEALTH LAB-BRYN MAWR—S
130 S BRYN MAWR AVENUE
BRYN MAWR, PA 19010
(610) 526-3554

00242
MAIN LINE HOSPITALS LAB-LANKENAU—S
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
(610) 645-2615

00199
MAIN LINE HOSPITALS LAB-PAOLI—S
255 WEST LANCASTER AVENUE
PAOLI, PA 19301
(610) 648-1000

00206
MAIN LINE HOSPITALS LAB-RIDDLE—S
1068 W BALTIMORE PIKE
MEDIA, PA 19063
(610) 891-3339

27684
MARWORTH—S
BOX 36 LILLY LAKE ROAD
WAVERLY, PA 18471
(570) 563-1112

09003
MAYO CLINIC LABS-ROCHESTER MAIN CAMPUS—
SC
200 FIRST STREET SW HILTON 530
ROCHESTER, MN 55905
(507) 284-3018

- 29251
MAYO MEDICAL LABORATORIES NEW ENGLAND—
SC
160 DASCUMB ROAD
ANDOVER, MA 01810
(978) 658-3600
- 00049
MEADVILLE MED CTR-LIBERTY ST—S
751 LIBERTY STREET
MEADVILLE, PA 16335
(814) 336-5000
- 05574
MEDTOX LABORATORIES INC—SC
402 COUNTY ROAD D WEST
ST PAUL, MN 55112
(651) 286-6217
- 00140
MEMORIAL HOSPITAL CLINICAL LAB—S
325 S BELMONT STREET
PO BOX 15118
YORK, PA 17403
(717) 843-8623
- 00023
MEMORIAL HOSPITAL LAB—S
91 HOSPITAL DRIVE
TOWANDA, PA 18848
(570) 265-2191
- 00203
MERCY FITZGERALD HOSPITAL—S
1500 LANSDOWNE AVENUE
DARBY, PA 19023
(610) 237-4262
- 00247
MERCY HEALTH LAB/MHOP—S
501 S 54TH STREET
PHILADELPHIA, PA 19143
(215) 748-9181
- 00219
MERCY HEALTH LAB/MSH—S
2701 DEKALB PIKE
NORRISTOWN, PA 19401
(610) 278-2078
- 28436
METHODIST DIV TJUH CLINICAL LAB—S
2301 SOUTH BROAD STREET
PHILADELPHIA, PA 19148
(215) 952-9057
- 31050
MILLENIUM LABORATORIES—SC
16981 VIA TAZON, SUITE F
SAN DIEGO, CA 92127
(858) 451-3535
- 00128
MINERS MEDICAL CENTER—S
290 HAIDA AVENUE
PO BOX 689
HASTINGS, PA 16646
(814) 247-3100
- 28907
MIRMONT TREATMENT CENTER—S
100 YEARSLEY MILL ROAD
LIMA, PA 19063
(610) 744-1400
- 00108
MONONGAHELA VALLEY HOSPITAL INC—S
1163 COUNTRY CLUB ROAD
MONONGAHELA, PA 15063
(724) 258-1021
- 00217
MONTGOMERY HOSPITAL LAB—S
POWELL & FORNANCE STS
NORRISTOWN, PA 19401
(610) 270-2173
- 00214
MOSS REHAB EINSTEIN AT ELKINS PARK—S
60 EAST TOWNSHIP LINE ROAD
ATTN: LAB
ELKINS PARK, PA 19027
(215) 456-6150
- 00025
MOUNT NITTANY MEDICAL CENTER—S
1800 EAST PARK AVENUE
STATE COLLEGE, PA 16803
(814) 234-6117
- 00035
MUNCY VALLEY HOSPITAL—S
215 EAST WATER ST
MUNCY, PA 17756
(570) 546-8282
- 00304
NASON HOSPITAL—S
105 NASON DRIVE
ROARING SPRING, PA 16673
(814) 224-2141
- 00504
NATIONAL MED SVCS INC/DBA NMS LABS—SC
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 657-4900
- 00248
NAZARETH HOSPITAL—S
2601 HOLME AVE
PHILADELPHIA, PA 19152
(215) 335-6245
- 27246
NORCHEM DRUG TESTING LABORATORY—SC
1760 EAST ROUTE 66
SUITE 1
FLAGSTAFF, AZ 86004
(928) 526-1011
- 29741
NORTHERN TIER RESEARCH—SC
1300 OLD PLANK ROAD
MAYFIELD, PA 18433
(570) 351-6153
- 30984
OFFICE OF THE DISTRICT ATTORNEY—S
37 E HIGH STREET
FORENSIC LAB
CARLISLE, PA 17103
(717) 240-6526
- 00099
OHIO VALLEY GENERAL HOSPITAL—S
25 HECKEL RD
MCKEES ROCKS, PA 15136
(412) 777-6161

- 31516
PAML LLC—SC
611 N PERRY
BLDG II SUITE 100
SPOKANE, WA 99202
(509) 954-9519
- 00250
PARKWAY CLINICAL LABORATORIES—S
3494 PROGRESS DRIVE
SUITE D
BENSALEM, PA 19020
(215) 245-5112
- 00520
PC LAB INC—SC
1320 FIFTH AVENUE
PITTSBURGH, PA 15219
(412) 391-6118
- 00258
PENN PRESBYTERIAN MEDICAL CENTER—S
51 NORTH 39TH ST
DEPT OF PATH & LAB
PHILADELPHIA, PA 19104-2640
(215) 662-3435
- 00316
PENN STATE MILTON S HERSHEY MED CTR—S
500 UNIVERSITY DRIVE
DEPT OF PATHOLOGY & LAB MEDICINE
HERSHEY, PA 17033
(717) 531-8353
- 22533
PENNSYLVANIA DEPT OF HEALTH—SC
110 PICKERING WAY
EXTON, PA 19341
(610) 280-3464
- 31082
PHAMATECH INC—SC
10151 BARNES CANYON ROAD
SAN DIEGO, CA 92121
(858) 643-5555
- 00197
PHOENIXVILLE HOSPITAL LABORATORY—S
140 NUTT ROAD
DEPT OF PATHOLOGY
PHOENIXVILLE, PA 19460-0809
(610) 983-1612
- 31965
PHYSICIANS CHOICE LABORATORY SERVICES,
LLC— SC
300 WESTINGHOUSE BLVD
CHARLOTTE, NC 28273
(336) 407-1499
- 32215
PHYSICIANS TOXICOLOGY LABORATORY, LLC—SC
4433 MANCHESTER ROAD
KALAMAZOO, MI 49001
(239) 269-0035
- 00157
PINNACLE HEALTH AT COMMUNITY GENERAL
HOSPITAL—S
4300 LONDONDERRY ROAD
PO BOX 3000
HARRISBURG, PA 17109
(717) 782-3340
- 00155
PINNACLE HEALTH AT HARRISBURG HOSPITAL
LAB—S
100 SOUTH 2ND STREET
HARRISBURG, PA 17101
(717) 782-3340
- 00022
POCONO MEDICAL CENTER LAB—S
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3544
- 00221
POTTSTOWN HOSPITAL COMPANY, LLC—S
1600 EAST HIGH STREET
POTTSTOWN, PA 19464
(610) 327-7000
- 21648
PSYCHEMEDICS CORPORATION—SC
5832 UPLANDER WAY
CULVER CITY, CA 90230
(800) 522-7424
- 00300
PUNXSUTAWNEY AREA HOSPITAL—S
81 HILLCREST DRIVE
PUNXSUTAWNEY, PA 15767
(814) 938-1820
- 22715
QUEST DIAGNOSTICS—SC
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 888-1770
- 31399
QUEST DIAGNOSTICS—SC
EMPLOYER SOLUTIONS
1777 MONTREAL CIRCLE
TUCKER, GA 30084
(770) 936-5007
- 09620
QUEST DIAGNOSTICS CLIN LABS INC—SC
8401 FALLBROOK AVENUE
WEST HILLS, CA 91304
(818) 737-6268
- 00315
QUEST DIAGNOSTICS CLINICAL LABS INC—SC
900 BUSINESS CENTER DRIVE
HORSHAM, PA 19044
(215) 957-9300
- 27461
QUEST DIAGNOSTICS INC—SC
400 EGYPT ROAD
NORRISTOWN, PA 19403
(610) 631-4219
- 01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SC
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900
- 22376
QUEST DIAGNOSTICS NICHOLS INSTITUTE OF
VALENCIA—S
27027 TOURNEY ROAD
VALENCIA, CA 91355
(661) 799-6543

00482
QUEST DIAGNOSTICS OF PA INC—SC
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

25461
QUEST DIAGNOSTICS VENTURE LLC—SC
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631

24249
QUINTILES LABORATORIES LTD—SC
1600 TERRELL MILL ROAD
SUITE 100
MARIETTA, GA 30067
(770) 373-3500

00150
READING HOSPITAL & MED CTR—S
6TH AND SPRUCE STREETS
WEST READING, PA 19611
(610) 988-8080

25348
REDWOOD TOXICOLOGY LABORATORY—SC
3650 WESTWIND BOULEVARD
SANTA ROSA, CA 95403
(707) 577-7958

00336
REGIONAL HOSPITAL OF SCRANTON—S
746 JEFFERSON AVENUE
SCRANTON, PA 18510
(570) 348-7100

00243
ROXBOROUGH MEMORIAL HOSPITAL—S
5800 RIDGE AVE
PHILADELPHIA, PA 19128
(215) 487-4394

30821
RXTOX INC—SC
51 PROF PLAZA
850 CLAIRTON BLVD
SUITE 1300
PITTSBURGH, PA 15236
(412) 460-1310

00171
SACRED HEART HOSPITAL—S
4TH & CHEW STS
ATTN LAB DEPT
ALLENTOWN, PA 18102
(610) 776-4727

00087
SAINT CLAIR MEMORIAL HOSPITAL—S
1000 BOWER HILL RD
PITTSBURGH, PA 15243
(412) 561-4900

00174
SAINT LUKES HOSPITAL—S
801 OSTRUM STREET
BETHLEHEM, PA 18015
(610) 954-4558

00328
SAINT MARY MEDICAL CENTER—S
LANGHORNE—NEWTOWN RD
LANGHORNE, PA 19047
(215) 710-2162

29838
SAN DIEGO REFERENCE LABORATORY—SC
6122 NANCY RIDGE DRIVE
SAN DIEGO, CA 92121
(800) 677-7995

00182
SCHUYLKILL MC E NORWEGIAN ST—S
700 EAST NORWEGIAN STREET
POTTSVILLE, PA 17901
(570) 621-4032

00183
SCHUYLKILL MC S JACKSON ST—S
420 SOUTH JACKSON STREET
POTTSVILLE, PA 17901
(570) 621-5262

28471
SECON OF LOUISIANA—S
825 KALISTE SALOOM RD
BRANDYWINE 1 SUITE 100
LAFAYETTE, LA 70508
(337) 235-3712

29038
SECON OF NEW ENGLAND—SC
415 MAIN STREET
4TH FLOOR
WORCESTER, MA 01608
(508) 831-0703

00064
SHARON REGIONAL HEALTH SYSTEM—S
740 EAST STATE STREET
SHARON, PA 16146
(724) 983-3911

27649
SMA MEDICAL LABORATORIES—S
940 PENNSYLVANIA BOULEVARD UNIT E
FEASTERVILLE, PA 19053
(215) 322-6590

00039
SOLDIERS & SAILORS MEM HOSP—S
CENTRAL AVENUE
WELLSBORO, PA 16901
(570) 723-0133

00297
SOMERSET HOSPITAL CENTER FOR HEALTH—S
225 S CENTER AVENUE
SOMERSET, PA 15501
(814) 443-5000

00105
SOUTHWEST REGIONAL MEDICAL CENTER—S
350 BONAR AVENUE
WAYNESBURG, PA 15370
(724) 627-2608

00361
ST CATHERINE MED CTR-FOUNTAIN SPRINGS—S
101 BROAD STREET
ASHLAND, PA 17921
(570) 875-5988

00260
ST CHRISTOPHERS HOSP FOR CHILDREN—S
ERIE AVENUE AT FRONT STREET
PHILADELPHIA, PA 19134
(215) 427-4207

- 00151
ST JOSEPH QUALITY MEDICAL LAB—SC
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200
- 00261
ST JOSEPH'S HOSPITAL-DIV NPHS—S
16TH ST & GIRARD AVENUE
PHILADELPHIA, PA 19130
(215) 787-9000
- 00318
ST LUKES HOSP ALLENTOWN CAMPUS—S
1736 HAMILTON STREET
ALLENTOWN, PA 18104
(610) 628-8646
- 00180
ST LUKES MINERS MEMORIAL HOSPITAL—S
360 WEST RUDDLE STREET
PO BOX 67
COALDALE, PA 18218
(570) 645-2131
- 29015
STERLING HEALTHCARE HOLDINGS, LLC—SC
2617 EAST L STREET #A
TACOMA, WA 98421-2205
(253) 552-1551
- 00094
SUBURBAN CLINICAL LABORATORY—S
100 SOUTH JACKSON AVENUE
BELLEVUE, PA 15202
(412) 734-6020
- 00187
SUNBURY COMMUNITY HOSPITAL—S
350 NORTH 11TH STREET
SUNBURY, PA 17801
(570) 286-3491
- 31474
TASC INC—SC
2234 N 7TH STREET
PHOENIX, AZ 85006
(602) 257-7588
- 00207
TAYLOR HOSPITAL DIV OF CCMC—S
175 EAST CHESTER PIKE
RIDLEY PARK, PA 19078
(610) 595-6450
- 00235
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S
100 EAST LEHIGH AVENUE
PHILADELPHIA, PA 19125-1098
(215) 707-4353
- 00265
TEMPLE UNIVERSITY HOSPITAL—S
3401 N BROAD ST
DEPT OF PATH & LAB MED
2ND FL. OPB RM 249
PHILADELPHIA, PA 19140
(215) 707-4353
- 00104
THE UNIONTOWN HOSPITAL LABORATORY—S
500 WEST BERKELEY STREET
UNIONTOWN, PA 15401
(724) 430-5143
- 00241
THOMAS JEFFERSON UNIVERSITY HOSP—S
125 SOUTH 11TH STREET 204 PAVILLION
PHILADELPHIA, PA 19107
(215) 955-1644
- 00051
TITUSVILLE AREA HOSPITAL—S
406 WEST OAK STREET
TITUSVILLE, PA 16354
(814) 827-1851
- 00313
TYLER MEMORIAL HOSPITAL—S
880 SR 6 W
TUNKHANNOCK, PA 18657-6149
(570) 836-4705
- 00124
TYRONE HOSPITAL—S
187 HOSPITAL DRIVE
TYRONE, PA 16686
(814) 684-6384
- 00121
UPMC BEDFORD MEMORIAL—S
10455 LINCOLN HIGHWAY
EVERETT, PA 15537
(814) 623-3506
- 32389
UPMC EAST PATHOLOGY LABORATORY—S
2775 MOSSIDE BLVD.
GROUND FLOOR, ROOM 0304
MONROEVILLE, PA 15146
(412) 357-3682
- 00059
UPMC HORIZON GREENVILLE—S
110 NORTH MAIN STREET
GREENVILLE, PA 16125
(724) 588-2100
- 00057
UPMC HORIZON SHENANGO—S
2200 MEMORIAL DRIVE
FARRELL, PA 16121
(724) 981-3500
- 00098
UPMC MCKEESPORT LABORATORY—S
1500 FIFTH AVENUE
MCKEESPORT, PA 15132
(412) 664-2233
- 00082
UPMC MERCY DEPT OF LAB MEDICINE—S
1400 LOCUST STREET
PITTSBURGH, PA 15219
(412) 232-7831
- 00058
UPMC NORTHWEST—S
100 FAIRFIELD DRIVE
SENECA, PA 16346
(814) 676-7120
- 05784
UPMC PASSAVANT LABORATORY CRANBERRY—S
ONE ST FRANCIS WAY
CRANBERRY TOWNSHIP, PA 16066
(724) 772-5370

00083
UPMC PRESBYTERIAN SHADYSIDE CP PUH—SC
ROOM 5929 MAIN TOWER CHP
200 LOTHROP STREET
PITTSBURGH, PA 15213-2582
(412) 648-6000

00091
UPMC SAINT MARGARET HOSPITAL—S
815 FREEPORT ROAD
PITTSBURGH, PA 15215
(412) 784-4000

00092
UPMC SHADYSIDE—S
5230 CENTRE AVENUE
GROUND FLOOR WEST WING
PITTSBURGH, PA 15232
(412) 623-5950

27225
US DRUG TESTING LABORATORIES INC—SC
1700 SOUTH MOUNT PROSPECT ROAD
DES PLAINES, IL 60018
(847) 375-0770

00335
VALLEY FORGE MED CTR & HOSP—S
1033 W GERMANTOWN PIKE
NORRISTOWN, PA 19403
(610) 539-8500

00066
WARREN GENERAL HOSPITAL—S
2 CRESCENT PARK
WARREN, PA 16365
(814) 726-3860

00298
WAYNE MEMORIAL HOSPITAL—S
601 PARK STREET
HONESDALE, PA 18431
(570) 253-1300

00133
WAYNESBORO HOSPITAL—S
501 E MAIN STREET
WAYNESBORO, PA 17268
(717) 765-3403

00018
WBGH COMMONWEALTH HEALTH LAB SVS—SC
575 NORTH RIVER STREET
WILKES BARRE, PA 18764
(570) 829-8111

00095
WESTERN PENNSYLVANIA HOSPITAL—S
4800 FRIENDSHIP AVE
PITTSBURGH, PA 15224
(412) 578-5779

30245
WESTFIELD HOSPITAL MEDICAL CENTER LABORATORY—S
4815 W TILGHMAN STREET
ALLENTOWN, PA 18104
(610) 973-8425

00112
WESTMORELAND REGIONAL HOSPITAL—S
532 W PITTSBURGH STREET
GREENSBURG, PA 15601
(724) 832-4365

00037
WILLIAMSPORT REGIONAL MEDICAL CENTER—S
700 HIGH STREET
WILLIAMSPORT, PA 17701-3198
(570) 321-2300

00141
YORK HOSPITAL—S
1001 SOUTH GEORGE STREET
YORK, PA 17405
(717) 851-2345

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-1275. Filed for public inspection July 6, 2012, 9:00 a.m.]

Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations under The Clinical Laboratory Act

The following laboratories are licensed in accordance with The Clinical Laboratory Act (35 P. S. §§ 2151—2165) and are currently approved under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health (Department).

Lead poisoning is a reportable noncommunicable disease. Approved laboratories which offer blood lead testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.34 (relating to reporting cases of lead poisoning). These regulations specify the following requirements for reporting by clinical laboratories:

(1) A clinical laboratory shall report all blood lead test results on both venous and capillary specimens for persons under 16 years of age to the Department's Childhood Lead Poisoning Prevention Program, Division of Maternal and Child Health, Bureau of Family Health.

(2) A clinical laboratory shall report an elevated blood lead level in a person 16 years of age or older to the Department's Division of Environmental Health Epidemiology, Bureau of Epidemiology or to other locations as designated by the Department. An elevated blood lead level is defined by the National Institute for Occupational Safety and Health (NIOSH). As of January 26, 2002, NIOSH defines an elevated blood lead level as a venous blood lead level of 25 micrograms per deciliter ($\mu\text{g}/\text{dL}$) or higher. The Department will publish in the *Pennsylvania Bulletin* any NIOSH update of the definition within 30 days of NIOSH's notification to the Department.

(3) A clinical laboratory which conducts blood lead tests of 100 or more specimens per month shall submit results electronically in a format specified by the Department.

(4) A clinical laboratory which conducts blood lead tests of less than 100 blood lead specimens per month shall submit results either electronically or by hard copy in the format specified by the Department.

(5) A laboratory which performs blood lead tests on blood specimens collected in this Commonwealth shall be licensed as a clinical laboratory and shall be specifically approved by the Department to conduct those tests.

(6) Blood lead analyses requested for occupational health purposes on blood specimens collected in this Commonwealth shall be performed only by laboratories which are licensed and approved as specified in paragraph (5), and which are also approved by the Occupational Safety and Health Administration of the United States Department of Labor under 29 CFR 1910.1025(j)(2)(iii) (relating to lead).

(7) A clinical laboratory shall complete a blood lead test within 5 work days of the receipt of the blood specimen and shall submit the case report to the Department by the close of business of the next work day after the day on which the test was performed. The clinical laboratory shall submit a report of lead poisoning using either the hardcopy form or electronic transmission format specified by the Department.

(8) When a clinical laboratory receives a blood specimen without all of the information required for reporting purposes, the clinical laboratory shall test the specimen and shall submit the incomplete report to the Department.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25 micrograms per deciliter or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low-level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25 micrograms per deciliter.

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory employs techniques and procedures acceptable for the purpose for which the analyses are sought. Laboratories offering blood lead analysis only are designated with the letter "L" following the name of the laboratory. Those offering erythrocyte protoporphyrin analysis only are designated with the letter "P." Laboratories offering both services are designated with the letters "LP."

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*.

The name or location of a laboratory is sometimes changed but the personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name or location of the facility changed, the Clinical Laboratory Permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The Department's blood lead proficiency testing program is approved by the United States Department of Health and Human Services in accordance with 42 CFR 493.901 and 493.937 (relating to approval of proficiency testing programs; and toxicology), which are administered by the Centers for Medicare and Medicaid Services. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry

and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example: large print, audiotape, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

22912
ACL LABORATORIES—LP
8901 WEST LINCOLN AVE
WEST ALLIS, WI 53227
(414) 328-7945

29169
ADVANCED TOXICOLOGY NETWORK—LP
3560 AIR CENTER COVE
SUITE 101
MEMPHIS, TN 38118
(901) 794-5770

00016
ANGELINE KIRBY MEM HEALTH CENTER—L
71 NORTH FRANKLIN STREET
WILKES BARRE, PA 18701
(570) 822-4278

24997
ATLANTIC DIAGNOSTIC LABORATORIES LLC—LP
3520 PROGRESS DRIVE UNIT C
BENSALEM, PA 19020
(267) 525-2470

26302
BDHG FAMILY MEDICINE AND PEDIATRICS—P
935 HIGHLAND BLVD
SUITE 2200
BOZEMAN, MT 59715
(406) 587-5123

20506
CENTRAL PA ALLIANCE LABORATORY—L
1803 MT ROSE AVENUE
SUITE C3-C4
YORK, PA 17403
(717) 851-1426

00228
CHILDRENS HOSP OF PHILADELPHIA—L
3401 CIVIC CENTER BLVD.
PHILADELPHIA, PA 19104
(215) 590-4446

31847
DOCTOR'S DATA, INC.—L
3755 ILLINOIS AVENUE
ST. CHARLES, IL 60174-2420
(630) 377-8139

00561
EAST PENN MFG CO INC—LP
DEKA RD KELLER TECH CENTER
PO BOX 147
LYONS STATION, PA 19536
(610) 682-6361

00332
ELLWOOD CITY HOSPITAL—LP
724 PERSHING ST
ELLWOOD CITY, PA 16117
(724) 752-0081

- 31378
ENZO CLINICAL LABS—L
60 EXECUTIVE BLVD
FARMINGDALE, NY 11735
(631) 755-5500
- 00173
GEISINGER MEDICAL LABORATORIES—L
100 N ACADEMY AVENUE
DANVILLE, PA 17822—0131
(570) 271-6338
- 25914
GENOVA DIAGNOSTICS—L
63 ZILLICOA STREET
ASHEVILLE, NC 28801
(828) 253-0621
- 24655
HEALTH NETWORK LABORATORIES—L
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150
- 05618
LAB CORP OF AMERICA HOLDINGS—LP
6370 WILCOX ROAD
DUBLIN, OH 43016-1296
(800) 282-7300
- 21885
LAB CORP OF AMERICA HOLDINGS—LP
1447 YORK COURT
BURLINGTON, NC 27215
(800) 334-5161
- 01088
LABCORP OF AMERICA HOLDINGS—LP
69 FIRST AVENUE
PO BOX 500
RARITAN, NJ 08869
(908) 526-2400
- 00242
MAIN LINE HOSPITALS LAB-LANKENAU—L
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
(610) 645-2615
- 09003
MAYO CLINIC LABS-ROCH MAIN CAMPUS—P
200 FIRST STREET SW HILTON 530
ROCHESTER, MN 55905
(507) 284-3018
- 29685
MAYO CLINIC LABS-ROCH SUPERIOR DR—L
3050 SUPERIOR DRIVE NW
ROCHESTER, MN 55901
(507) 538-3458
- 29251
MAYO MEDICAL LABORATORIES NEW ENGLAND—
LP
160 DASCUMB ROAD
ANDOVER, MA 01810
(978) 658-3600
- 24668
MCMURRAY PEDIATRIC & ADOLESCENT MEDI-
CINE—L
6000 WATERDAM PLAZA DRIVE #280
MCMURRAY, PA 15317
(724) 941-8199
- 05574
MEDTOX LABORATORIES INC—LP
402 COUNTY ROAD D WEST
ST PAUL, MN 55112
(651) 286-6217
- 20802
MERITUS MEDICAL LABORATORY, LLC—L
11110 MEDICAL CAMPUS RD
STE 230
HAGERSTOWN, MD 21742
(301) 790-8670
- 00504
NATIONAL MED SVCS INC/DBA NMS LABS—LP
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 657-4900
- 30553
NATIONWIDE CHILDRENS HOSPITAL—LP
CORE LAB AND LAB INFORMATION SYSTEMS
700 CHILDRENS DRIVE
COLUMBUS, OH 43205
(614) 722-5376
- 23801
PACIFIC TOXICOLOGY LABORATORIES—LP
9348 DE SOTO AVENUE
CHATSWORTH, CA 91311
(818) 598-3110
- 02125
PED ALLIANCE ST CLAIR PED DIV—L
1580 MCLAUGHLIN RUN ROAD
PINERIDGE COMMONS
SUITE 208
UPPER ST CLAIR, PA 15241
(412) 221-2121
- 22533
PENNSYLVANIA DEPT OF HEALTH—LP
110 PICKERING WAY
EXTON, PA 19341
(610) 280-3464
- 00022
POCONO MEDICAL CENTER LAB—L
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3544
- 00324
PRIMARY CARE HLTH SERV INC LAB—L
7227 HAMILTON AVE
PITTSBURGH, PA 15208
(412) 244-4728
- 00255
PUBLIC HEALTH LAB CITY OF PHILA—L
500 SOUTH BROAD STREET
ROOM 359
PHILADELPHIA, PA 19146
(215) 685-6501
- 22715
QUEST DIAGNOSTICS—LP
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 888-1770
- 00669
QUEST DIAGNOSTICS INCORPORATED—LP
ONE MALCOLM AVENUE
TETERBORO, NJ 07608
(201) 393-5895

21422

QUEST DIAGNOSTICS INCORPORATED—LP
1901 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
(301) 247-9100

01136

QUEST DIAGNOSTICS NICHOLS INSTITUTE—LP
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900

22376

QUEST DIAGNOSTICS NICHOLS INSTITUTE OF
VALENCIA—L
27027 TOURNEY ROAD
VALENCIA, CA 91355
(661) 799-6543

00482

QUEST DIAGNOSTICS OF PA INC—LP
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

25461

QUEST DIAGNOSTICS VENTURE LLC—LP
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631

00150

READING HOSPITAL & MED CTR—L
6TH AND SPRUCE STREETS
WEST READING, PA 19611
(610) 988-8080

31527

SHIEL MEDICAL LABORATORY—L
63 FLUSHING AVENUE
BROOKLYN NAVY YARD UNIT 336
BROOKLYN, NY 11205
(718) 552-1000

00151

ST JOSEPH QUALITY MEDICAL LAB—L
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200

26198

THE WRIGHT CENTER MEDICAL GROUP, PC—L
5 SOUTH WASHINGTON AVENUE
JERMYN, PA 18433
(570) 383-9934

00083

UPMC PRESBYTERIAN SHADYSIDE CP PUH—L
ROOM 5929 MAIN TOWER CHP
200 LOTHROP STREET
PITTSBURGH, PA 15213-2582
(412) 648-6000

00018

WBGH COMMONWEALTH HEALTH LAB SVS—L
575 NORTH RIVER STREET
WILKES BARRE, PA 18764
(570) 829-8111

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-1276. Filed for public inspection July 6, 2012, 9:00 a.m.]

Primary Stroke Centers

On May 29, 2012, Governor Corbett signed Act 54 of 2012 (P.L. 549, No. 54) (Act 54). Act 54 creates a mechanism for the identification of acute care hospitals that are designated as primary stroke centers. Under Act 54, the Department of Health (Department) will recognize hospitals as primary stroke centers upon submission of an application that states that the hospital is certified as a primary stroke center by the joint commission or another Nationally recognized accreditation organization. The designation shall last as long as the hospital remains certified as a primary stroke center, unless suspended or revoked by the Department. Act 54 takes effect on July 30, 2012.

Hospitals that are seeking recognition as a primary stroke center can obtain an application by contacting the Division of Acute and Ambulatory Care at (717) 783-8980 or at the Department's web site at www.health.state.pa.us/. A hospital seeking this recognition will be required to show proof of its designation as a primary stroke center by the joint commission or another National recognized accreditation organization. Questions concerning the application process may be sent to Joanne Salsgiver, JSalsgiver@pa.gov.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Joanne Salsgiver or for speech and/or hearing impaired persons may use VTT (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. 12-1277. Filed for public inspection July 6, 2012, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Designated Exceptional Durable Medical Equip- ment

In accordance with the Department of Public Welfare's (Department) currently approved State Plan, the Department is required to publish an annual list of exceptional durable medical equipment (DME) by notice in the *Pennsylvania Bulletin* in July of each year. Interested persons may petition the Department to consider additions to the exceptional DME list by submitting a written request to the Department. Requests received on or before December 31 will be considered in developing the list for the following July.

During calendar year 2011, the Department received no written requests to add or remove items of DME from the list of exceptional DME. Therefore, this notice makes no changes in either the acquisition cost or the list of qualifying DME.

"Exceptional DME" is defined as DME that has an acquisition cost of \$5,000 or more and is either Specially Adapted DME or other DME that is designated as Exceptional DME by the Department annually by notice in the *Pennsylvania Bulletin*.

"Specially Adapted DME" is DME that is uniquely constructed or substantially adapted or modified in ac-

cordance with the written orders of a physician for the particular use of one resident, making its contemporaneous use by another resident unsuitable.

The list of Exceptional DME that has been designated by the Department is as follows:

(1) *Air fluidized beds.* The pressure relief provided by this therapy uses a high rate of airflow to fluidize fine particulate material (for example, beads or sand) to produce a support medium that has characteristics similar to liquid. May have a Gortex cover.

(2) *Powered air flotation bed (low air loss therapy).* A semi-electric or total electric bed with a fully integrated powered pressure-reducing mattress which is characterized by all of the following:

(a) An air pump or blower with a series of interconnected woven fabric air pillows which provides sequential inflation and deflation of the air cells or a low interface pressure throughout the mattress allowing some air to escape through the support surface to the resident. May have a Gortex cover.

(b) Inflated cell height of the air cells through which air is being circulated is 5 inches or greater.

(c) Height of the air chambers, proximity of the air chambers to one another, frequency of air cycling (for alternating pressure mattresses) and air pressure provide adequate patient lift, reducing pressure and prevent bottoming out.

(d) A surface designed to reduce friction and shear.

(e) May be placed directly on a hospital bed frame.

(f) Automatically readjusts inflation pressures with change in position of bed (for example, head elevation, and the like).

(3) *Augmentative communication devices.* Used by residents who are unable to use natural oral speech as a primary means of communication. The specific device requested must be appropriate for use by the resident and the resident must demonstrate the abilities or potential abilities to use the device selected. Portable devices need to supplement, aid or serve as an alternative to natural speech for residents with severe expressive communication disorders. Nonportable devices may be covered only if required for visual enhancement or physical access needs that cannot be accommodated by a portable device.

(4) *Ventilators (and related supplies).*

(a) Used by residents 21 years of age and older who require full ventilator support for a minimum of 8 hours per day to sustain life.

(b) Used by residents 20 years of age and younger who require ventilator support to sustain life (no minimum time requirement).

Effective Date

This notice is effective upon publication in the *Pennsylvania Bulletin*.

Public Comment

Interested persons are invited to submit petitions for the Department to consider additions to the Exceptional DME list or written comments regarding this notice to Marilyn Yocum, Department of Public Welfare/ Department of Aging, Office of Long-Term Living, 555

Walnut Street, Forum Place, 5th Floor, Harrisburg, PA 17101-1919. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-NOT-768. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 12-1278. Filed for public inspection July 6, 2012, 9:00 a.m.]

FISH AND BOAT COMMISSION

Approved Courses of Instruction in Boating Safety Education

Section 91.6(a)(1) of 58 Pa. Code (relating to Boating Safety Education Certificates) defines a Boating Safety Education Certificate for residents of this Commonwealth as a document issued by the Fish and Boat Commission (Commission) certifying that the person named on the certificate has established proof of competency through the successful completion of a course approved in accordance with 58 Pa. Code § 91.7 (relating to criteria for courses of instruction in boating safety education). Under 58 Pa. Code § 91.7, the Executive Director of the Commission may approve, by notice, boating safety education courses that meet the course criteria established under that section and will publish a list of approved boating safety education courses in the *Pennsylvania Bulletin* on an annual basis or more frequently as required. The Executive Director has approved the following courses in boating safety education for Commonwealth residents, effective July 1, 2012:

- Fish and Boat Commission (classroom course)
- United States Coast Guard Auxiliary (classroom course)
- United States Power Squadrons (classroom course)
- United States Sailing Association (classroom course)
- Kalkomey Enterprises, Inc., d/b/a Boat Ed (correspondence course)
- BoaterExam America, Inc. (Internet course)
- Kalkomey Enterprises, Inc., d/b/a Boat Ed (Internet course)

For nonresidents, a Boating Safety Education Certificate is a certificate, card or other official document that indicates on the certificate, card or other document successful completion of a course approved by the National Association of State Boating Law Administrators.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 12-1279. Filed for public inspection July 6, 2012, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the 33rd publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
ADMINISTRATION			
No regulations being developed or considered at this time.			
AGING			
PA Code Title VI Chapter 15 Protective Services for Older Adults	January 2013, as proposed.	The Older Adults Protective Services Act is under review in light of current interest in enhancing protections for vulnerable Pennsylvanians, the decision of the <i>PA Supreme Court in Nixon et al. v. Commonwealth, et al.</i> (which found the current protective services law to be unconstitutional) and numerous technical and administrative provisions that need to be revised. Regulations are routinely being reviewed as numerous pieces of pending legislation are being considered in addition to this omnibus proposal.	Denise Getgen (717) 772-0184
AGRICULTURE			
Domestic Animal 7 Pa. Code Chapter 2, 3, and 16	December 2012, as proposed.	The long-term project is intended to update the Department's Regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	Craig E. Shultz, DVM, Director (717) 772-2852
Cervidae 7 Pa. Code Chapter 18	December 2012, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to license and regulate Cervidae livestock operations. Act 51 of 2006 further amended the requirements for Cervidae livestock operations. (3 Pa.C.S. §§ 2303—2380.9).	Craig E. Shultz, DVM, Director (717) 772-2852
Animal Exhibition Sanitation 7 Pa. Code Chapter 20a	July 2012, as proposed.	Act 211 of 2002 requires the Department to enforce sanitation requirements at animal exhibitions, and to regulate as necessary to meet this requirement. (3 Pa.C.S. §§ 2501—2504).	Craig E. Shultz, DVM, Director (717) 772-2852
Biofuels 70 Pa. Code Chapter 11	December 2012, as proposed.	Act 78 of 2008 (the Biofuel Development and In-State Production Incentive Act) is currently being amended by the legislature. The Department has proposed regulations ready for submission but, will wait to see the final version of the amended Act.	Walt Remmert (717) 787-6772
Weights and Measures Regulations 70 Pa. Code Chapters 1 through 101	November 2012, as proposed	This long-term project is intended to update the Department's regulations authorized by the Consolidated Weights and Measures Act.	Walt Remmert (717) 787-6772

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Harness Racing Commission 58 Pa. Code Chapters 181, 183, 185 and 186—190	September 2012, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185, and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health, and medication, wagering, due process and disciplinary action.	Jorge Augusto (717) 787-8744
Horse Racing Commission 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171 and 173	September 2012, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in thoroughbred horse racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171, and 173 including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Jorge Augusto (717) 772-5215
Commercial Feed Rules and Regulations 7 Pa. Code Chapter 71	October 2012, as proposed.	This regulation will replace 7 Pa. Code Chapter 71 and implement provisions of 3 Pa.C.S. §§ 5101—5115 (Commercial Feed Act)	Erin Bubb (717) 772-5215
Pet Food Rules and Regulations 7 Pa. Code Chapter 72	October 2012, as proposed.	This regulation will replace 7 Pa. Code Chapter 72 and implement provisions of 3 Pa.C.S. §§ 5101—5115 (Commercial Feed Act)	Erin Bubb (717) 772-5215
Fertilizer Regulations 7 Pa. Code Chapter 73	September 2013, as proposed	This regulation will replace 7 Pa. Code Chapter 73 and implement provisions of 3 Pa.C.S. §§ 6701—6725 (Fertilizer Act)	Erin Bubb (717) 772-5215
Soil and Plant Amendment Regulations 7 Pa. Code Chapter 130a	September 2013, as proposed	This regulation will replace 7 Pa. Code Chapter 130a and implement provisions of 3 Pa.C.S. §§ 6901—6921 (Soil and Plant Amendment Act).	Erin Bubb (717) 772-5215
Clean and Green Regulations 7 Pa. Code Chapter 137b	June 2012, as proposed.	This regulation will address statutory changes made by Act 235 of 2004, Act 88 of 2010 and Act 109 of 2010 and will otherwise update the current regulations.	Douglas Wolfgang (717) 783-3167
Agricultural Conservation Easement Purchase Program Regulations 7 Pa. Code Chapter 138e	August 2012, as proposed.	This regulation will address statutory changes made by Act 61 of 2005 and Act 46 of 2006, and will otherwise update the current regulations.	Douglas Wolfgang (717) 783-3167
PA Food Code 7 Pa. Code Chapter 46	June 2012, as proposed.	This regulation will amend 7 Pa. Code Chapter 46 to make this Chapter consistent with the Retail Food Facility Safety Act and the Food Safety Act.	Lydia Johnson (717) 787-4315

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
BANKING			
Annual Assessment Regulation	Early 2013, still in formulation	Required pursuant to 17 Pa.C.S. § 503(a) and 71 P. S. § 733-204.A.	Carter D. Frantz Chief Counsel (717) 787-1471
Regulation governing continuing education under the Debt Management Services Act.	Early 2013, as proposed	Required pursuant to 63 P. S. § 2409.	Carter D. Frantz Chief Counsel (717) 787-1471
BOARD OF PARDONS			
No regulations being developed or considered at this date.			
COMMUNITY & ECONOMIC DEVELOPMENT			
No regulations being developed or considered at this date.			
COMMISSION ON CRIME AND DELINQUENCY			
37 Pa. Code Chapter 431 Constables' Education and Training Board	September 2012, as Final	The purpose of this regulation is to eliminate any waivers of the firearms portion of the basic training course, preclude any constable under the age of 21 from participating in the firearms portion of the basic training course and to require a constable who fails a first and second examination in the basic training course bear the financial responsibility for a second or third basic training. The proposed rulemaking also eliminates the 10mm caliber firearm from the firearms training course. Recent statutory changes have necessitated updates to the regulations.	John Pfau (717) 265-8546
CONSERVATION & NATURAL RESOURCES			
State Forests (Chapter 21)	July 2012, Publish proposed rulemaking	A number of provisions in this chapter need to be clarified and updated. The State Forest Picnic Area chapter (23) will be incorporated into this chapter to eliminate duplication and for ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313, 1340.502)	Matt Beaver, (717) 783-0379 Susan Wood, Esq. (717) 772-4171
State Forest Picnic Areas (Chapter 23)	July 2012, Publish proposed rulemaking	The provisions of this chapter will be incorporated into Chapter 21 (State Forests) for purposes of simplification and ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313, 1340.502)	Matt Beaver, (717) 783-0379 Susan Wood, Esq. (717) 772-4171
Conservation of Pennsylvania Native Wild Plants (Chapter 45)	July 2012, Publish proposed rulemaking	Major purpose of rulemaking is to update the lists of native wild plants within the classifications and change the beginning date of the ginseng harvest season from Aug. 1 to Sept. 1. Legal basis: Section 7 of the Wild Resource Conservation Act (32 P. S. § 5307); and Section 313 of the Conservation and Natural Resources Act (71 P. S. § 1340.313).	Ellen Shultzabarger (717) 214-3813 Susan Wood, Esq. (717) 772-4171
CORRECTIONS			
Revisions to 37 Pa. Code Chapter 91.3	September 2012, as proposed	The county reception regulations are being revised to be consistent with statutory law mandating that certain documentation be presented by the counties before inmate reception can occur.	Travis Anderson (717) 728-7761
Revisions to 37 Pa. Code Chapter 93.2	September 2012, as proposed	The inmate correspondence regulations are being revised for clarification and to more accurately comport with current standards.	Randall N. Sears (717) 728-7763
Revisions to 37 Pa. Code Chapter 93.301—93.308	September 2012, as Proposed	The Motivational Boot Camp regulations are being revised to reduce costs by eliminating unnecessary mandates.	Jamie Boyd (717) 728-7761

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Revisions to 37 Pa. Code Chapter 94	September 2012, as proposed	The release and prerelease regulations are being revised to maximize cost-savings through efficient use of prerelease facilities.	Joseph Fulginiti (717) 728-7761
Revisions to 37 Pa. Code Chapter 96(a)	September 2012, as proposed	The temporary transfers of regulations are being revised to require the counties to pay reasonable transportation costs for inmates transferred pursuant to court appearances.	Julie Tilghman (717) 728-7761
EDUCATION			
Standards for Approved Private Schools 22 Pa. Code, Chapter 171 Subchapter C	Spring 2013, as final.	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, P.L. 30, No. 14, March 16, 1949, P. S. Section 1—101, et. seq.	John Tommasini (717) 783-6134
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51, 53, 55, 57, 61 and 63	Spring 2013, as proposed	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board plans to update the regulations, which were promulgated in 1988. The regulations are promulgated under the Authority of the Private Academic Schools Act (24 P. S. section 6701 et. seq.)	Robert Staver (717) 783-6583
State Board of Private Licensed Schools 22 Pa. Code, Chapter 73	Winter 2012, as proposed.	These regulations define the requirements for obtaining licensure or registration and for operating as a Private Licensed School. The regulations also define the investigatory and hearing process for enforcement of statutory and regulatory requirements. The Board plans to update the regulations which were promulgated in 1988 to reflect inflation and to address certain issues that have arisen during that time. The regulations are promulgated under the authority of the Private Licensed Schools Act (24 P. S. Section 6501, et. seq.)	Patricia Landis (717) 783-8228
State Board of Education 22 Pa. Code, Chapter 4	September 2012, as proposed.	These regulations establish rigorous academic standards and assessments to facilitate the improvement of student achievement and to provide parents and communities a measure by which school performance can be determined. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P. S. §§ 26-2603-B and 2604-B.	Karen Molchanow (717) 787-3787
EMERGENCY MANAGEMENT AGENCY			
Chapter 113. Volunteer Fire Company, Ambulance Service, and Rescue Squad Assistance Chapter 114. Volunteer Fire Company and Volunteer Ambulance Service Grant	September 2012, as proposed	35 Pa.C.S. 7385 (c)—The Volunteer Loan Assistance Program regulations found in 4 Pa. Code Ch. 113 (relating to volunteer fire company, ambulance service and rescue squad assistance) are hereby transferred to the commissioner from the agency. The commissioner shall fully implement and administer those regulations on or before January 12, 1996. The commissioner may be substituted for the agency throughout the regulations and the regulations may be renumbered and published in the <i>Pennsylvania Bulletin</i> as final regulations without those regulatory changes being subject to the provisions of the act of June 25, 1982 (P. L. 633, No. 181), known as the regulatory review act.	Vince Hudock (717) 651-2728

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Act 9 of 2012	July 2012, as proposed	Act 9 of 2012 directed the Pennsylvania Emergency Management Agency and Department of Environmental Protection to adopt emergency regulations directing the operators of all unconventional wells within the Commonwealth to: 1.) adopt unique GPS coordinate address for each well and access road; 2.) Register the address with emergency management organizations; 3.) Require the development of an emergency response plan; 4.) Post well information at the entrance to each unconventional well site.	Vince Hudock (717) 651-2728
ENVIRONMENTAL HEARING BOARD			
PA Code Title 25 Chapter 1021 Practice and Procedure	The Environmental Hearing Board intends to propose corrections to existing rules in Fall of 2012.	The Environmental Hearing Board intends to correct an omission in the language of 25 Pa. Code sec. 1021.51 which was amended in 2009, and eliminate its rules pertaining to the Costs Act which has expired. The Environmental Hearing Board also intends to adopt new rules regarding mandatory electronic filing in order to streamline the filing process.	Maryanne Wesdock (412) 565-5245
ENVIRONMENTAL PROTECTION			
Noncoal Program Noncoal Surface Mining Conservation and Reclamation Act 25 Pa. Code, Chapter 77.	Fall 2012, as proposed	This rulemaking includes revisions to Chapter 77 (Noncoal Mining) that govern the licensing of mine operators and permitting of mines of minerals other than coal. Specific areas for revision include clarification of permit application requirements including hydrologic data requirements.	Bill Allen (717) 783-9580 wallen@pa.gov
Water Supply Replacement Surface Mining Conservation & Reclamation Act 25 Pa. Code, Chapters 87 and 88	Fall 2012, as proposed	This rulemaking includes revisions to Chapters 87 and 88, which will clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies.	Greg Shuler (717) 783-1199 gshuler@pa.gov
Remining Requirements (Subchapters F and G Revisions) Surface Mining Conservation and Reclamation Act, 25 Pa Code Chapters 86 and 88	Fall 2012, as proposed	The rulemaking includes amendments to remining requirements in Chapters 86 and 88 (Subchapters F and G) in order to reflect changes enacted in EPA regulations.	Keith Brady (717) 787-4814 kbrady@pa.gov
Federal Office of Surface Mining (OSM) Program Consistency Updates Surface Mining Conservation and Reclamation Act, 25 Pa. Codes, Chapters 86, 89, and 90	Fall 2012, as proposed	The regulatory package will include amendments to clarify the definition of "mining activities" in Chapter 86 effluent limits for passive treatment systems to comply with Federal requirements; revisions to Chapter 89 effluent limits for passive treatment systems to comply with Federal regulations; and updates to Chapter 90 coal refuse site selection regulations to comply with the revised Coal Refuse Disposal Control Act.	Bill Allen (717) 783-9580 wallen@pa.gov
Coal Mining Permit Fees Surface Mining Conservation and Reclamation Act, 25 Pa. Code, Chapter 86	Summer 2012, as final	The rulemaking increases permit application fees to support program activities. Bill Allen	(717) 783-9580 wallen@pa.gov
Areas Unsuitable for Surface Mining Surface Mining Conservation and Reclamation Act, 25 Pa. Code, Chapter 86	Fall 2012, as proposed	The rulemaking includes amendments to Chapter 86 to designate coal seams within Big Run watershed, Graham Township, Clearfield County, as unsuitable for surface mining operations. The regulations results from a petition submitted to the EQB by the Graham Township Supervisors, which requested that the Big Run drainage be designated as unsuitable for surface mining operations.	Geoff Lincoln (717) 783-9582 glincoln@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Handling and Use of Explosives Act of 1937; The Administrative Code of 1929; Reorganization Plan No. 2 of 1975; Reorganization Plan No. 8 of 1981; Surface Mining Conservation and Reclamation Act; and Noncoal Surface Mining Conservation and Reclamation Act 25 Pa. Code, Chapter 211	Fall 2012, as proposed	The rulemaking will revise current explosive regulations to address blasting activities relating to seismic exploration. The rulemaking will also update explosives use requirements, enforcement authority and eliminate antiquated requirements.	Rick Lamkie (814) 472-1885 rlamkie@pa.gov
Oil & Gas Well Program Oil and Gas Act 25 Pa. Code, Chapter 78 Subchapter C	Summer 2012, as proposed	This rulemaking includes revisions to Chapter 78 (Oil and Gas) subchapter C, regulating all surface activities associated with Oil and Gas exploration and development, including; changes to PPC planning, production fluid control, storage, disposal and containment in pits/tanks, liner standards for centralized impoundments, disposal of drill cuttings and residual wastes, secondary containment, site restoration, pipelines, water management plans, reporting releases and road spreading of brine.	Kurt Klapkowski (717) 772-2199
Oil & Gas Well Program Oil and Gas Act 25 Pa. Code, Chapter 78 Subchapter D	Fall 2012, as proposed	The rulemaking includes revisions to Chapter 78 (Oil and Gas) Subchapter D, regulating the drilling, casing, cementing, completion, operation, production, plugging and other subsurface activities associated with Oil and Gas exploration and development, including revisions to well plugging procedures, venting, alternative methods, and to address the plugging of unconventional wellbore laterals and coal bed methane wells.	Kurt Klapkowski (717) 772-2199
Underground Coal Mine Safety Automated External Defibrillators Bituminous Coal Mine Safety Act 25 Pa Code, Chapter 208	Spring 2012, as final	The rulemaking establishes safety standards relating to Automated External Defibrillators in underground bituminous coal mines.	Joseph Sbaffoni (724) 439-7469 jsbaffoni@pa.gov
Underground Coal Mine Safety Bituminous Coal Mine Safety Act 25 Pa Code, Chapter 208	Spring 2012, as proposed	This rulemaking adopts by reference, with certain modifications, the MSHA regulations (30 CFR Part 75) for a high voltage continuous mining machine standard for underground bituminous coal mines.	Joseph Sbaffoni (724) 439-7469 jsbaffoni@pa.gov
Underground Coal Mine High Voltage Continuous Mining Machine Standards for Underground Coal Mines Bituminous Coal Mine Safety Act 25 Pa. Code, Chapter 208	Fall 2012, as proposed	This rulemaking adopts by reference, with certain modifications, the MSHA regulations (30 CFR Part 75) for a high voltage continuous mining machine standard for underground bituminous coal mines.	Joseph Sbaffoni (724) 439-7469 jsbaffoni@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Underground Coal Mine Safety Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines Bituminous Coal Mine Safety Act 25 Pa. Code, Chapter 208	Fall 2012, as proposed	This rulemaking adopts by reference, with certain modifications, the MSHA regulations (30 CFR Part 75) for maintenance of incombustible content of rock dust in underground bituminous coal mines.	Joseph Sbaffoni (724) 439-7469 jsbaffoni@pa.gov
Water Quality Standards Triennial Review Clean Streams Law 25 Pa. Code Chapters 93 and 16	Summer 2012, as proposed	The proposed rulemaking will include revisions to the Commonwealth's water quality criteria and standards in Chapters 93 and 16 to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act.	Tom Barron (717) 787-9637 tbarron@pa.gov
Dam Safety and Waterways Management Fees Dam Safety and Encroachments Act and Clean Streams Law 25 Pa. Code, Chapter 105	Summer 2012, as proposed	The purpose of this rulemaking package is to amend existing regulations at 25 Pa. Code, Chapter 105 to update existing fees and include additional fees for activities performed by the Department. The fees have not been increased since 1991.	Jeff Means (717) 787-3411 jemeans@pa.gov
HEDD-High Electric Demand Days Air Pollution Control Act 25 Pa Code Chapters 121 and 129	Summer 2013, as proposed	The proposed rulemaking would amend 25 Pa Code Chapter 129 to limit emissions of nitrogen oxides (NO _x) from electric generating units (EGUs) and emergency generator sets used during non-emergency periods that operate less than 1200 hours per Ozone Season and generate electricity during periods of peak electric demand, including high electric demand days (HEDD), which frequently coincide with periods of high ground-level ozone concentrations. Amendments to § 121.1 (relating to definitions) would also be made to support the proposed amendments to Chapter 129.	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Sulfur Limits in Commercial Fuel Oil Air Pollution Control Act 25 Pa Code Chapters 121 and 123	Fall 2012, as final	The final rulemaking amends 25 Pa. Code § 123.22 (relating to combustion units) to lower the maximum allowed percent sulfur content in commercial fuel oil sold for and used in combustion until in this Commonwealth, to further limit the emissions of sulfur dioxide (SO ₂) from these sources. Amendments to § 121.1 (relating to definitions) will also be made to support the final amendments to § 123.22. The final rulemaking will ensure consistency with the State Implementation Plan revision submitted by Pennsylvania to meet reasonable progress goals for reducing regional haze.	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Flexible Packaging Printing Presses and Offset Lithographic and Letterpress Printing Presses Air Pollution Control Act 25 Pa. Code Chapter 121 and 129	Fall 2012, as Final	The proposed rulemaking would amend 25 Pa. Code Chapter 129 (relating to standards for sources) to add requirements to reduce the emissions of volatile organic compounds (VOCs) from flexible packaging printing presses and offset lithographic printing and letterpress printing presses to meet the Clean Air's Act's "reasonably available control measures" requirement for ozone nonattainment areas. The final rulemaking would amend §§ 129.51 and 129.67 (relating to general; and graphic arts systems) and adds §§ 129.67a and 129.67b (relating to control of VOC emissions from flexible packaging printing presses and offset lithographic printing and letterpress printing presses. Amendments to § 121.1 (relating to definitions) would also be made to support the proposed amendments to Chapter 129.	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Emissions of Particulate Matter Air Pollution Control Act 25 Pa. Code Chapter 139, § 139.12	Summer 2012, as proposed	The proposed rulemaking would amend 25 Pa. Code § 139.12 (relating to emissions of particulate matter) to reflect changes in Federal test method requirements. The Environmental Quality Board amended § 139.12 at 27 Pa.B. 6804 (December 27, 1997) to require source testing only for filterable particulate matter. The United States Environmental Protection Agency has revised the source of test method (Method 202) to require the testing of both filterable and condensable particulate matter for purposes of emission inventories and new source review applicability determinations. Other clarifying amendments to Chapter 139 (relating to sampling and testing) would also be proposed for timeliness of reporting requirements.	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Amendments for the Control of Major Sources of NO _x and VOCs Air Pollution Control Act 25 Pa. Code Chapter 129	Fall 2012, as proposed	The proposed rulemaking would amend the Reasonably Available Control Technology Requirements for major NO _x - and VOC-emitting stationary sources; the proposal would not apply to major VOC-emitting facilities subject to Federal Control Technique Guidelines adopted by the Board as final rulemakings.	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Transport Rule NO _x and SO ₂ Trading Programs Air Pollution Control Act 25 Pa Code Chapter 145	Fall 2012, as proposed	The Federal Transport Rule has been stayed by the U.S. Court of Appeals for the DC Circuit. A decision is expected in 2012. If the Federal Rule is upheld, the proposed rulemaking would add a Subchapter E to Chapter 145 to establish the Commonwealth's allowance allocation provisions for the Environmental Protection Agency (EPA) Transport Rule (TR) nitrogen oxides (NO _x) Annual Trading Program, TR NO _x Ozone Season Trading Program and TR Sulfur dioxides (SO ₂) Group 1 Trading Program as a means of mitigating the interstate transport of fine particulates and ozone, and their precursors, NO _x and SO ₂ . The TR identifies emission reduction responsibilities of upwind states, and also promulgates enforceable Federal Implementation Plans (FIPs) to achieve the required emission reductions in each state through cost effective and flexible requirements for power plants. Each state has the option to replacing FIPs with State rules approved as part of the State Implementation Plan (SIP). The proposed rulemaking would affect fossil fuel fired electric generating units (EGUs) with a rated capacity of greater than 25 megawatts and subject to the applicability provisions of the TR in 40 CFR 97.404, 97.504, and 97.604.	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Air Quality Plan Approval and Operating Permit Fees Air Pollution Control Act 25 Pa. Code, Chapters 127 and 139	Summer 2012, as proposed	The proposed rulemaking would: amend existing requirements and fees codified in 25 Pa. Code Chapter 127, Subchapter 1 (relating to plan approval and operating permit fees); add new categories of fees to Chapter 127, Subchapter 1, to address modifications of existing plan approvals and requests for determination of whether a plan approval is required; add a new section to address fees for risk assessment applications; amend the existing emission fee paid by the owner or operator of a Title V facility; and add Subchapter D (relating to testing, auditing and monitoring fees) to Chapter 139 (relating to sampling and testing) to add new categories of fees and to establish a fee schedule to address Department-performed source testing and auditing and monitoring activities for continuous emission monitoring systems (CEMS).	Dean Van Orden (717) 783-9664 dvanorden@pa.gov
Control of VOC Emissions from Miscellaneous Metal Parts and Plastic Parts Surface Coating Processes, Automobile and Light-duty Truck Assembly Surface Coating Processes and Fiberglass Boat Manufacturing Processes, and Amendments to Mobile Equipment Repair and Refinishing Air Pollution Control Act 25 Pa. Code Chapters 121 and 129	Fall 2012, as proposed	The proposed rulemaking would amend the existing surface coating regulations under 25 Pa. Code Chapter 129 (relating to standard for sources) to further replace the emissions of volatile organic compounds (VOCs) from miscellaneous metal parts and plastic parts surface coating processes, automobile and light-duty truck assembly surface coating processes and fiberglass boat manufacturing processes and industrial cleaning solvent operations; and amend the tables of VOC content limits for adhesives or sealant products applied to particular substrates, as applied, under § 129.77 and 25 Pa. Code § 130.702 to add the categories of “porous material, except wood” and “wood” to meet the Clean Air Act (CAA) “reasonably available control measures,” including “reasonably available control technology” (RACT), requirements for ozone nonattainment areas. The proposed rulemaking would amend the existing surface coating regulations in 25 Pa. Code § 129.75 (relating to mobile equipment repair and refinishing) to coordinate emission limits and work practice requirements of the CAA RACT for automobiles and light-duty trucks and the Ozone Transport Commission model rule requirements for motor vehicle and mobile equipment non-assembly line coating operations. Amendments to 25 Pa. Code § 121.1 (relating to definitions) would also be proposed to support the amendments to Chapter 129.	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Waste Transportation and Safety Program Waste Transportation and Safety Act (Act 90 of 2002) 25 Pa. Code Chapters 285 and 299	Summer 2012, as proposed	The proposed rulemaking will modify existing regulations in Chapter 285 (Storage, Collection and Transportation of Municipal Waste) and 299 (Storage and Transportation of Residual Waste) to include the authorization requirements for waste transportation vehicles, as established by the Waste Transportation and Safety Act (Act 90 of 2002)	Mike Texter (717) 783-591 mtexter@pa.gov
Regulated Medical and Chemotherapeutic Waste Amendments Solid Waste Management Act 25 Pa. Code Chapters 271, 284, and 285.	Spring 2012, as proposed	This rulemaking would amend the existing Chapter 284 and Section 285.218. The amendments will include some definitions in Chapter 271 that will be added or revised. The term infectious waste will be replaced with the term “regulated medical waste”. This terminology change will be a global change. In addition to definitional changes, this proposal also includes changes to storage, transporter licensing, and manifesting requirements for regulated medical waste.	Steve Socash (717) 787-7381 ssocash@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Residual Waste Generator Amendments Solid Waste Management Act and Waste Transportation Safety Act 25 Pa. Code Chapter 287	Fall 2012, as proposed	These proposed revisions streamlined and update biennial reporting requirements, reduce the number of generators subject to biennial reporting and annual chemical analyses requirements The requirement for source reduction strategies is proposed for elimination.	Cuong Vu (717) 787-7381 cvu@pa.gov
Radiological Health 25 Pa Code Chapters 215—240	Fall 2012, as proposed	This rulemaking will amend Pa Code Chapters 215—240 in order to incorporate by reference Federal regulations pertaining to the security of certain radioactive material; to address new x-ray technology that is not addressed in current regulations; and to include radon revisions that are not addressed in current regulations.	Joe Melnic (717) 783-9730 jmelnic@pa.gov
GENERAL SERVICES			
Responsibility, 4 Pa. Code Chapter 60	Summer 2012, as proposed	This chapter will be amended to be consistent with the Procurement Code and to provide for uniform debarment and suspension procedures.	Michael C. Barrett (717) 346-9781
Committee on Construction Contract Documents, 4 Pa. Code Chapter 62	Summer 2012, as final omitted	The Procurement Code repealed the legislation creating this committee, which no longer exists.	Michael C. Barrett (717) 346-9781
Selections Committee, 4 Pa. Code Chapter 64	Summer 2012, as final omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Michael C. Barrett (717) 346-9781
Emergency Construction Repairs 4 Pa. Code Chapter 67	Summer 2012, as final omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Michael C. Barrett (717) 346-9781
Contract Compliance 4 Pa. Code Chapter 68, Subchapter A, Prequalification of Vendors and Non-construction Contractors	Summer 2012, as final omitted	These regulations should be rescinded since the subject matter of these rules is now covered by the directives management system.	Michael C. Barrett (717) 346-9781
Methods of Awarding Contracts, 4 Pa. Code Chapter 69	Summer 2012, as final omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Michael C. Barrett (717) 346-9781
Use of the Forum 4 Pa. Code Chapter 87	Summer 2012, as final omitted	The regulations will be amended to reflect the Department's current use of a rental agreement instead of a permit and to reflect the current organizational structure.	Michael C. Barrett (717) 346-9781
Small Business 4 Pa. Code	Summer 2012, as proposed	With the Small Business Initiative Executive Order and the Veteran-Owned Business Executive Order, we need new regulations regarding certification.	Michael C. Barrett (717) 346-9781
Exercise of First Amendment Rights/Use of Capitol Complex 4 Pa. Code Chapter 85 and 86	Winter 2012, as proposed	We need to take the existing Statement of Policy and regulation and combine them as an amended regulation if we are to sustain DGS action in regard to protestors.	Michael C. Barrett (717) 346-9781
Minority-and Women Businesses 4 Pa. Code	Summer 2012, as proposed	Changes in policy require adaptation of the existing Statements of Policy (two chapters) 1) certification and 2) construction	Michael C. Barrett (717) 346-9781

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
HEALTH			
Communicable and Non-Communicable Diseases 28 Pa. Code § 27.1 et seq.	Preparing for promulgation, no date available	These regulations provide “Disease Control Measures” creating a better system for the prevention of communicable and non-communicable diseases. Certain communicable and non-communicable diseases represent substantial public health threats because of their potential to spread or because they represent preventable health risks. The current revision reflects the fact that new diseases are always emerging. The Department’s authority to promulgate these regulations is found in the Disease Prevention Control law of 1955, 35 P. S. § 521.1 et seq. (the Act). Section 16(a) of the (Act 35 P. S. § 521.16 (a)) gives the Board authority to issue rules and regulations on a variety of matters related to communicable and non-communicable diseases. Section 16(b) of the Act (35 P. S. § 521.16 (b)) gives the Secretary of Health the authority to review existing regulations and make recommendations to the Board for changes that the Secretary considers to be desirable. There is also a legislative authority for specific provisions of the regulations. Administrative Code of 1929 (71 P. S. § 51 et seq.) (Code) Section 20102 (g) of the code (71 P. S. § 532 (g)) provides general authority for the Department to promulgate regulations. Administrative Code of 1929 (71 P. S. §§ 51 et seq) (Code) Section 20102 (g) of the code (71 P. S. § 532 (g)) provides general authority for the Department to promulgate regulations.	Jalene Kolb (717) 783-2500 Stephen M. Ostroff, M.D. (717) 787-3350
Photo Identification Tag	September 2012, as proposed	The Health Care Facilities Act (35 P. S. § 448.101 et seq) was amended by the passage of Act 2010-110 on November 23, 2012. This new section of the Act (35 P. S. § 448.809.2) requires health care workers employed in health care facilities and physician practices to wear photo identification tags that also contain other information including name, title and names of the health care facility. The effective date of this amendment is January 22, 2011. The Act requires the Department to adopt interim regulations by April 22, 2011 and final regulations within 18 months of the effective date. Implementation of these provisions are staggered with those working “outside” of a health care facility and in physician offices required to comply immediately and those employed “at” a health care facility required to comply by June 1, 2015. Interim regulations were adopted December 10, 2011. These interim regulations will expire on July 22, 2012. The Department is in the process of drafting proposed regulations.	James T. Steele, Jr. (717) 783-2500 Susan Coble (717) 783-8665

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
School Health 28 Pa. Code Chapter 23	Preparing for promulgation	The School Health regulations were promulgated pursuant to the Department's authority to oversee school health services required by Article XIV of the Public School Code, 24 P. S. §§ 14.1401 et seq. State and Federal laws enacted since 2005 have changed the requirements of school health services. Those legislative changes require changes to the school health regulations. Anticipated changes include new provisions to address: possession and use of asthma inhalers and epinephrine auto-injectors (24 P. S. § 14.1414.1); currently accepted precautions against the spread of tuberculosis (24 P. S. § 14.1416); medical examinations of teachers and other persons including volunteers (24 P. S. § 14.1418(b)); requirements of local wellness policies (24 P. S. § 14-1422.1); requirements for independent dental hygiene practitioners working in the school setting; and revisions to the duties of the Certified School Nurse to track requirements in Federal laws protecting the rights of students with disabilities and to incorporate applicable professional nursing practice standards.	Karin Simpson (717) 783-2500 Beth Bahn (717) 787-2390
Emergency Medical Services System	Proposed regulations were submitted to IRRC on October 2011, and published in the <i>Pennsylvania Bulletin</i> on October 29, 2011. Currently, the Department is in the process of redrafting responses to the comments received and making revisions to the proposed regulations. The Department is also preparing the Preamble to the final-form regulations.	These new regulations will facilitate the Department's administration of the Emergency Medical Services System Act (Act) chapter of Act 37 (2009), 35 Pa.C.S. §§ 8108—8157. The Act repeals and replaces the Emergency Medical Services Act. However, many of the provisions of the Emergency Medical Services Act will remain in effect for 180 days after final regulations are promulgated under the Act. The Act is designed to update the existing emergency medical services system by ensuring high quality and better coordinated emergency medical services are provided in a system that is fully integrated with the overall health care system and, in particular, with the public health system.	Michael D. I. Siget (717) 783-2500
HOUSING FINANCE AGENCY			
No regulations being developed or considered at this date.			

Regulation Being Considered	Proposed Date of Promulgation	Need and Legal Basis for Action	Agency Contact
INFRASTRUCTURE INVESTMENT AUTHORITY			
25 Pa. Code §§ 963.12(a)(7), 963.13(b) 2, 963.13(c), 963.15(a), 963(15)(c), 25 Pa. Code § 965.4(9), and 25 Pa. Code § 965.7.	Summer/Fall 2012, as proposed	<p>PENNVEST recommends the following revisions:</p> <p>(1) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater of sludge whether the project is sponsored by a public or private actor.</p> <p>(2) Amend 25 Pa. Code § 963.13(c) by revising the section to provide for a amortization of advance funding loans with a term of 59 months of interest only and repayment on principal and interest on the 60th month.</p> <p>(3) Amend 25 Pa. Code § 963.18 increasing the current threshold for prior written approval of change orders from \$25,000 to \$50,000.</p> <p>(4) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization.</p> <p>(5) Amend 25 Pa. Code § 963.15(c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(6) Amend 25 Pa. Code § 963.4(9) to allow for eligible land costs under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.</p> <p>(7) Delete 25 Pa. Code § 965.7 to eliminate the requirement for a second opinion project</p> <p>(8) Delete 25 Pa. Code § 963.18(c)(2)(iii) to eliminate the requirement for prior written approval of change orders that exceed \$25,000 or 2 percent of the amount of the project's construction cost, or an aggregate of all change orders that exceed 10 percent of the project's construction cost.</p> <p>(9) Delete 25 Pa. Code § 965.9(d) to eliminate the requirement for performance certifications 1 year after initiation of operation.</p> <p>(10) Amend 25 Pa. Code § 963.15(c)(6) by revising the sentence to define "bond interest rate" to mean the rate of interest paid by the Commonwealth in its issuance of general obligation bonds immediately preceding the date of approval of the loan.</p>	Shawn W. Weis (717) 783-6776
INSURANCE			
31 Pa. Code, Chapter 25, §§ 25.1—25.23, Rules and Procedural Requirements for Insurance Holding Company Systems	Fall 2012, as proposed	This chapter will be updates in accordance with NAIC model regulation standards and proposed amendments to the Holding Companies Act expected to be promulgated in June of 2012.	Peter J. Salvatore (717) 787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
31 Pa. Code, Chapter 161, §§ 161.1—1619, Requirements of Qualified Reinsurers and 163 Requirements for Funds Held as Security for the Payment of Obligations of Unlicensed, Unqualified Reinsurers.	Fall 2012, as proposed	These chapters will be updated to include procedures for certifying insurers as per NAIC model standards and amendments to the Reinsurance Credits Act expected to be promulgated in June of 2012.	Peter J. Salvatore (717) 787-4429
LABOR AND INDUSTRY			
Uniform Construction Code, Title 34, Part XIV, Bureau of Occupational and Industrial Safety	Summer 2012, Submit final rulemaking	Adopt updated accessibility requirements (Chapter 11 and Appendix E of the International Building Code) as required by the Pennsylvania Construction Code Act.	Edward Leister (717) 783-6304
Uniform Construction Code, Title 34, Part XIV, Bureau of Occupational and Industrial Safety	Winter 2012, Submit proposed rulemaking	Update and clarify administrative provisions of the Uniform Construction Code and adopt updated standards for elevator construction.	Edward Leister (717) 783-6304
Flammable and Combustible Liquids, Title 37, Part I, Bureau of Occupational and Industrial Safety	Spring 2012, Submit final-omitted rulemaking	Adopt requirements for storage and dispensing of compressed natural gas as vehicular fuel.	Edward Leister (717) 783-6304
Unemployment Compensation, Title 34, Chapter 65, Office of Unemployment Compensation Benefits	Spring 2012, Submitted Proposal Rulemaking	Implement active search for work and update refusal of work regulation	Sean Creegan (717) 787-4186
Unemployment Compensation, Title 34, Chapter 101, Board of Review	Summer 2012, Submit final-omitted	Delete language re distance requirement in telephone regulation to conform with Act 6 of 2011	Gerard Mackarevich (717) 783-1232
Bureau of Labor Law Compliance, Title 34, Part XII, Chapter 225, Prohibition of Excessive Overtime in Health Care Act	Spring 2012, as proposed	Regulations to establish a complaint and hearing process	Karen Galli (717) 787-4186
Bureau of Labor Law Compliance, Title 34, Chapters 83 and 84, Apprentices	Spring 2012, Submit proposed rulemaking	Amend regulations to reflect Federal requirements.	Rich Lengler (717) 787-4186
Bureau of PENNSAFE Title 34, Chapters 301—323, Worker and Community Right to Know	December 2012, Submit proposed rulemaking	Amend the PA Hazardous Substance List	Barbara Dychala (717) 787-9383

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Office of Deaf and Hard of Hearing, Title 34, Chapter 501 Registration of Sign Language Interpreters and Translitterators	Fall 2012, Submit Proposed rulemaking	Amend regulations to be consistent with amendments to Sign Language Interpreter and Translitterator State Registration Act, 63 P. S. §§ 1725.1—1725.11, that were enacted in November 2010.	Sharon Behun (717) 783-4912
Bureau of Labor Law Compliance, Title 34, Chapter 231, Minimum Wage	Winter of 2012, Submit proposed rulemaking	Update regulations to be consistent with Federal regulations changes.	Richard Lengler (717) 787-4186
Workers' Compensation Appeal Board (Board), Title 34, Chapter 111, Special Rules of Administrative and Procedure Before the Board	December 2012, Submit proposed rulemaking	Revise regulations to reflect evolving procedures and technological changes.	Commissioner Alfonso Frioni, Jr. (412) 531-2680
Office of Adjudication, Title 34, Chapter 131, Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Judges	December 2012, Submit proposed rulemaking	Revise regulations to reflect evolving procedures and technological changes.	Deputy Secretary Elizabeth Crum (717) 787-5082
MILITARY AND VETERANS AFFAIRS			
43 Pa. Code Chapter 11 Fort Indiantown Gap	August 2012, as final-omitted	Section 708 of the Military and Veterans Code (51 Pa.C.S. § 708) authorizes the Adjutant General to promulgate rules, regulations, and polices for the continuing operation of Fort Indiantown Gap and to designate regulations as being for the protection of persons or property at Fort Indiantown Gap. The new 43 Pa. Code Chapter 11 provides comprehensive regulations for the operation, management and control of this military installation. Fort Indiantown Gap is owned by the Commonwealth, but the bulk of it is leased by the U.S. Government. The Fort Indiantown Gap Police Force is a state entity with offices commissioned under state law and powers and duties defined by 51 Pa.C.S. § 711.	Dennis Guise (717) 861-8503
43 Pa. Code Chapter 7 State Veterans Homes	October 2012, as final omitted	The Department wishes to promulgate a comprehensive update to its regulations on State Veterans' Homes. The statutory authority for these regulations is section 902(10) of the Military and Veterans Code (51 Pa.C.S. § 903(10)). These regulations are out-of-date. They were last updates in 1986. The purpose of the changes to these regulations is to bring them in line with best practices in the long-term care arena.	Dennis Guise (717) 861-8503
MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION			
Title 37 Pa. Code §§ 221.21, 221.31	June 2014	Title 53 P. S. § 753.7 directs the Municipal Police Officer's Education and Training Commission (MPOETC) to promulgate regulations to implement the Retired Law Enforcement Identification Act. These amendments will make the regulations consistent with a 2011 change to Federal law by reducing the time requirements necessary (from 15 years aggregate employment to 10 years) to be deemed a "retired law enforcement officer."	Major Marshall A. Martin (717) 783-5566

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM			
No regulations being developed or considered at this time.			
PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY			
No regulations being developed or considered at this time.			
PROBATION AND PAROLE			
Revision to 37 Pa. Code §§ 63, 65, 67, 69, 71, 73, 75, 77 "Board of Probation and Parole"	December 2015, as proposed.	Updates to incorporate recent changes to Title 61 and emphasis on evidence based practices.	Linda Laub, Acting Chief Counsel (717) 787-8126
Addition of a section to 37 Pa. Code Part II. "Board of Probation and Parole"	December 2015, as proposed.	Addition to address urinalysis collection as mandated by 61 Pa.C.S. § 6137(e).	Colleen Fickel, Director, Central Services, PBPP (717) 787-5699 x 292
37 Pa. Code, Chapter 79 The County Probation and Parole Officers Firearms Education and Training Law 61 P. S. § 332.5(13) requires the Commission to "make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation and parole officers."	December 2015, as proposed.	Add new sections relating to "Accidental Discharge," "Break in Service," and "Weapons Change."	Todd Burns, Executive Director, FETC (717) 787-5699 x 389
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM			
No regulations being developed or considered at this time.			
PUBLIC WELFARE			
Program Certification 55 Pa. Code Chapters 101, 105, 107, 108, 109, 145, and 148	September 2012, as proposed	The purpose of this proposed rulemaking is to clarify and update Title 55 of the Pennsylvania Code. This proposed regulation will remove references to agencies and acronyms that no longer exist and ensures that all revisions comply with State and Federal law and policy.	Angie Logan (717) 772-4141
Revisions to Restitution and Disqualification Policy 55 Pa. Code Chapter 255	September 2012, as proposed	The purpose of this proposed rulemaking is to clarify restitution and disqualification policy to comply with State and Federal Law and Policy.	Angie Logan (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Simplified Policy and Procedures 55 Pa. Code Chapter 123, 125, 133, 141, 142, 147, 151, 153, 183, 227	September 2012, as proposed	This proposed regulation is needed to improve Department efficiency to issue and maintain cash assistance benefits, reduce paperwork for the Department and Department clients, reduce TANF benefits to clients who refuse to cooperate with the agreement of mutual responsibilities. The work participation rate is used by the Federal government to determine the level of money granted to each state for cash assistance benefits. Improving the work participation rate can increase Federal TANF incentive for funds for Pennsylvania. This proposed regulation will benefit two-parent families who qualify for cash assistance benefits when the family has earned income less than the family size allowance.	Angie Logan (717) 772-4141
Residential Treatment Facilities (RTF) 55 Pa. Code Chapters 31, 1157, 1165	September 2012, as final-form	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility.	Angie Logan (717) 772-4141
Psychiatric Rehabilitation Services 55 Pa. Code Chapter 5230	September 2012, as final-form	This regulation promulgates the minimum standards for the delivery of Psychiatric Rehabilitation Services (PRS) for adults. PRS are therapeutic rehabilitation services for individuals with serious mental illness that increase competence in normal life activities and allow individuals to pursue life goals with the greatest possible level of independence.	Angie Logan (717) 772-4141
Pharmacy Benefit Package Change	August 2012, as final-omitted	Act 22 of 2011 requires the Department to establish benefit packages for pharmacy services for medical assistance recipients twenty-one years of age or older, and any exceptions to such benefit packages as the Department determines are appropriate during state fiscal year 2011-2012. This regulation package is codifying the pharmacy benefit package changes which were published in the Pharmacy Benefit Package notice at 41 Pa.B. 6455 (December 31, 2011).	Angie Logan (717) 772-4141
Dental Benefit Package Change	September 2012, as final-omitted	Act 22 of 2011 requires the Department to establish benefit packages for dental services for medical assistance recipients 21 years of age or older, and any exceptions to such benefit packages as the Department determines are appropriate during state fiscal year 2011-2012. This regulation package is codifying the dental package changes which were published in the Dental Benefit Package notice at 41 Pa.B. 5133 (September 24, 2011).	Angie Logan (717) 772-4141
Payment for Nursing Facility Services Provided by Special Rehabilitation Nursing Facilities; Change in Methods and Standards of Setting Payment Rates. 55 Pa. Code Chapter 1187	August 2012, as proposed	This change in rate methodology will allow the Commonwealth to provide payments that reflect the type of services provided by the initial four Special Rehabilitation Nursing Facilities and eliminates existing litigation challenging the adequacy of the case-mix per diem payment rates for facilities in peer group 13.	Angie Logan (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Appeal and Fair Hearing and Administrative Disqualification Hearings 55 Pa. Code Chapter 275	February 2013, as proposed	This regulation will update definitions, streamline administrative practices, and incorporate hearing procedures that will support efficiency in the hearing and appeals process.	Angie Logan (717) 772-4141
Medical Assistance Provider Appeal Procedures 55 Pa. Code Chapter 41	February 2013, as proposed	This regulation will clarify procedural and substantive matters related to provider appeals including the filing and post hearing practices for provider appeals.	Angie Logan (717) 772-4141
Administrative of County Children and Youth Programs 55 Pa. Code Chapter 3130	February 2013, as proposed	This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the Federal regulations for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include permanency hearings and the matters to be determined, requirements related to reasonable efforts including aggravated circumstances contrary to the welfare and best interests and redefining permanency goal for children.	Angie Logan (717) 772-4141
Payment for Child Care 55 Pa. Code Chapter 287	February 2013, as proposed	Chapter 287 will be rescinded as it no longer reflects current policy. Chapter 3140 (relating to planning and financial reimbursement requirements for county children and youth social service programs) already addresses the current determination requirements of TANF-relatedness and Medical Assistance eligibility for children placed by children and youth agencies.	Angie Logan (717) 772-4141
Planning and Financial Reimbursement requirements for County Children and Youth Social Services Programs 55 Pa. Code Chapter 3140	February 2013, as proposed	This regulation provides the requirements for reimbursement for services to county children and youth agencies. The regulations are in need of revision to ensure consistency with Federal requirements and policy to ensure the validity of state and Federal claims.	Angie Logan (717) 772-4141
REVENUE			
Amendments to Estates and Trusts - Personal Income Tax Regulations 61 Pa. Code, Chapters 101, 103, 105, and 117	December 2012, as proposed	The Department is promulgating this regulation to codify the Department's policy for the taxation of estates and trusts in the Commonwealth and to provide clear instructions for taxpayers regarding reporting requirements.	Douglas Berguson (717) 346-4633
Amended Returns - Personal Income Tax Regulations 61 Pa. Code Chapters 117, 119, and 121	Proposed regulation published at 42 Pa.B. 2381 (May 5, 2012). March 2013, as final	The Department is promulgating this regulation to clarify the Department's policy on Amended Returns for Pa. PIT and replace outdated language. In addition, the regulation will provide clear instructions for taxpayers regarding petitions for refunds.	Douglas Berguson (717) 346-4633
Consolidation of Administrative Appeals under the Board of Appeals 61 Pa. Code Chapters 7 and 901	Proposed regulation published at 42 Pa.B. 1222 (March 10, 2012) December 2012, as final	The Department is proposing regulations to consolidate the administrative appeals under the Board of Appeals and streamline the administrative appeals process.	Douglas Berguson (717) 346-4633

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Amendments to Realty Transfer Tax Regulations 61 Pa. Code Chapter 91	Proposed Regulation published at 41 Pa. B. 6220 (November 19, 2011) June 2013, as final	Amendments to the Realty Transfer Tax regulations are being proposed to improve the clarity and effectiveness of the regulations.	Douglas Berguson (717) 346-4633
Amendments to Local Option Small Games of Chance 61 Pa. Code Chapter 901	Proposed regulation published at 41 Pa. B. 4638 (August 27, 2011)	In light of Act 2 of 2012, the Department is discontinuing the promulgation of this rulemaking. See new SGOC proposed rulemaking for Chapter 901a.	Douglas Berguson (717) 346-4633
Amendments to Local Option Small Games of Chance 61 Pa. Code Chapter 901a	December 2012, as proposed	The Department is proposing to replace Chapter 901 with a new Chapter 901a as a result of the amendments to the SGOC law enacted under Act 2 of 2012. The proposed rulemaking will reorganize and clarify the SGOC regulations as well as incorporate necessary changes to implement Act 2.	Douglas Berguson (717) 346-4633
General Provisions Application of Payments 61 Pa. Code Chapter 5a	October 2012, as proposed	The Department is promulgating this regulation to clarify the provisions of the Taxpayers' Bill of Rights and provide a procedure for the application of a payment received from a taxpayer to tax liability owned the Department.	Douglas Berguson (717) 346-4633
SECURITIES COMMISSION			
No regulations being developed or considered at this time.			
STATE			
Bureau of Professional and Occupational Affairs -Schedule of Civil Penalties for violations of the Clean Indoor Air Act- 49 Pa. Code, Chapter 43b. (16-46) -Telephonic Testimony -49 Pa. Code, Chapter 43b. (number not yet assigned)	Fall 2012, as Final. Fall 2012, as Proposed.	This regulation would create a schedule of civil penalties for violations of the Act of June 13, 2008 (P. L. 182, No. 27), known as the Clean Indoor Air Act. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties. Section 5(b)(1)(ii) of the Clean Indoor Air Act, 35 P. S. § 637.5(b)(1)(ii), authorizes the Bureau to enforce the act. This proposed rulemaking would provide rules for the admission of testimony received by telephone at hearings conducted by boards/commissioners or hearing examiners. Statutory Authority: Section 3 of the Commissioner of Professional and Occupational to promulgate regulations setting forth the procedural rules to be followed in the conduct of hearings in disciplinary matters before a licensing board or commission, after consultation with the licensing boards and commissions.	Cynthia K. Montgomery (717) 783-7200
-Recording Devices- 49 Pa. Code, §§ 43b.101 and 43b.102 (16A-45)	Fall 2012, as Proposed.	This proposed rulemaking would provide rules for the use of electronic (audio and visual) recording devices during meetings of the boards and commissions within the Department of State for which the Bureau of Professional and Occupational Affairs provides administrative support. Statutory Authority: Sections 710 and 711 of the Sunshine Act, Act of October 15, 1998 (P. L. 179, No. 93) authorizes the adoption of rules and regulations governing the use of recording devices in public meetings.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Accountancy -Continuing Education- 49 Pa. Code §§ 11.61—11.69a (16A-5511)</p> <p>-General Revisions- 49 Pa. Code, Chapter 11 (number not yet assigned)</p> <p>-Civil Penalty Schedule- Accountants - 49 Pa. Code § 43b.10a. (16-48)</p>	<p>Summer 2012, as Final.</p> <p>Fall 2012, as Proposed.</p> <p>Summer 2012, as Final.</p>	<p>The regulation would amend continuing professional education requirements for licensed certified public accountants and public accountants. Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.</p> <p>This proposed rulemaking would implement the amendments to the CPA Law made by the Act of July 9, 2008 (P. L. 954, No. 73). Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.</p> <p>This regulation would adopt a schedule of civil penalties for violation of the continuing education regulations of the Board. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner of Professional and Occupational Affairs to set forth schedules of civil penalties, with the approval of the Board.</p>	<p>Sara Fox (717) 783-1404</p>
<p>State Architects Licensure Board -Experienced Requirement -49 Pa. Code §§ 9.41 and 9.46 (16A-4120)</p>	<p>Fall 2012, as Proposed.</p>	<p>This proposed rulemaking would clarify that the experience requirement must be completed as a condition of licensure rather than as a condition of admittance to the licensing examination and is sufficient that an examination candidate has begun acquiring qualifying experience. Statutory Authority: Section 6(a) and (d) of the Architects Licensure Law, 63 P. S. § 34.6(a) and (b).</p>	<p>Penny Walker (717) 783-3397</p>
<p>State Athletic Commission -Mixed martial arts update -58 Pa. Code § 28.30 (16-53)</p>	<p>Summer 2012, as proposed</p>	<p>The proposed rulemaking would alter the Commission's current MMA regulations to permit amateur contestants to petition to strike at an opponent's head when on the ground and waive the shin/instep pad requirement after at least three amateur bouts. Statutory Authority: Sections 103(b) and 501 of the State Athletic Code, 5 Pa.C.S. §§ 103(b)(1), authorizes the Commission to promulgate regulations regarding professional and amateur boxing contests and exhibitions.</p>	<p>Martha Brown (717) 783-0736</p>
<p>State Board of Auctioneer Examiners -Schedule of Civil Penalties- 49 Pa. Code § 43b.12a (16A-648)</p> <p>-Biennial Renewal Fees- 49 Pa. Code § 1.41 (16A-649)</p>	<p>Fall 2012, as proposed</p> <p>Fall 2012, as proposed</p>	<p>The proposed rulemaking would make updates to the current schedule of civil penalties, as requested by the Board. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner of Professional and Occupational Affairs to set forth schedules of civil penalties.</p> <p>The proposed rulemaking would increase biennial renewal fees to meet projected expenditures as required by law. Statutory Authority: Section 6(a) of the Auctioneer Licensing and Trading Assistant Registration Act, 63 P. S. § 734.6(a).</p>	<p>Terri Kocher (717) 783-3397</p>
<p>State Board of Barber Examiners -Fees- 49 Pa. Code § 3.103 (16A-428)</p> <p>-General Revisions- 49 Pa. Code, Chapter 3 (16A-429)</p>	<p>Summer 2012, as Proposed.</p> <p>Fall 2012, as proposed</p>	<p>The proposed rulemaking would increase biennial renewal fees and fees for other board services. Statutory Authority: Section 14 of the Barbers License Law, 63 P. S. § 564.</p> <p>The proposed rulemaking would update the regulations for barber managers, temporary student licenses, barber shops and schools of barbering. Statutory Authority: Section 10 of the Barbers License Law, 63 P. S. § 560</p>	<p>Kelly Diller (717) 783-3402</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Chiropractic -Chiropractic specialties- 49 Pa. Code Ch. 5 (16A-4312)	Fall 2012, as Proposed	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. This proposed rulemaking would identify the certifications acceptable to the Board. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).	Mary Sue Ferster (717) 783-7155
-Child Abuse Reporting Requirements- 49 Pa. Code §§ 5.91—5.96 (16A-4322)	Fall 2012, as Final (proposed-omitted)	This regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL, 23 P. S. §§ 6301—6386). Statutory Authority: Section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 302(3) of the Chiropractic Practice Act, 63 P. S. § 62.302(3).	
-Licensure by Reciprocity- 49 Pa. Code § 5.13 (16A-4320)	Summer 2012, as Final.	This regulation would provide a revised method of licensing out-of-state chiropractors by reciprocity. Statutory Authority: Sections 302(3) and 504 of the Chiropractic Practice Act, 63 P. S. §§ 625.302(3) and 625.504.	Mary Sue Ferster (717) 783-7155
-Volunteer license- 49 Pa. Code § 5.20 (16A-4321)	Fall 2012, as Final (proposed-omitted)	This regulation would amend the volunteer license regulations to the amendments to the Volunteer Health Services Act Statutory Authority: Section 302 of the Chiropractic Practice Act, 63 P. S. § 625.302; and section 5 of the Volunteer Health Services Act, 35 P. S. § 449.45.	
Corporation Bureau -UCC Revised Article 9- (16-35)	Fall 2012, as Proposed.	This proposed rulemaking would adopt (with some revisions) the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments. Statutory Authority: Section 9526 of the Uniform Commercial Code Modernization Act of 2001, 13 Pa.C.S. § 9526.	Martha Brown (717) 787-6802
State Board of Cosmetology -Fees- 49 Pa. Code § 7.2 (16A-4515)	Summer 2012, as Proposed.	The proposed regulation would increase biennial renewal fees for all licensee classifications to meet projected expenditures as required by law and would increase certain application fees where the current fees have been determined to be inadequate. Statutory Authority: Section 16(d) of the Beauty Culture Law, 63 P. S. § 522(d), requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to match expenditures over a 2-year period.	Kelly Diller (717) 783-7130

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
-Sanitation-49 Pa. Code, Chapter 7 (16A-4516)	Fall 2012, as Proposed.	This proposed rulemaking would update the Board's regulations on sanitation to conform to modern standards within the profession. Statutory Authority: Sections 11 and 14 of the Act of May 3, 1933 (P. L. 242, No. 86), commonly referred to as the Beauty Culture Law, 63 P. S. §§ 517 and 520.	Kelly Diller (717) 783-7130
-Sanitation-49 Pa. Code Chapter 7 (16A-4516)	Fall 2012, as proposed	This proposed rulemaking would update the Board's regulations on sanitation to conform to modern standards within the profession. Statutory Authority: Sections 11 and 14 of the Act of May 3, 1933 (P. L. 242, No. 86), commonly referred to as the Beauty Culture Law, 63 P. S. §§ 517 and 520.	
-Schedule of Civil Penalties - 49 Pa. Code, Chapter 43b, § 43b.5. (number not yet assigned)	Summer 2012, as Proposed.	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Cosmetology to implement Act 48 civil penalties for failure of a school to submit quarterly reports. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
State Board of Dentistry -Anesthesia Update-49 Pa. Code, Subchapter E, §§ 33.331—33.342 (16A-4621)	Summer 2012, as Proposed.	This proposed rulemaking would update the standards for the administration of general anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide/oxygen analgesia in dental offices. Statutory Authority: Sections 3(o) and 11.2 of the Dental Law, 63 P. S. §§ 122(o) and 130c.	Lisa Burns (717) 783-7162
-EFDA Scope of Practice-49 Pa. Code § 33.205a. (16A-4624)	Summer 2012, as Final.	This regulation implements the act of April 29, 2010 (P. L. 176, No. 19), which amended the Dental Law to expand the scope of practice for expanded function dental assistants. Statutory Authority: The proposed rulemaking is authorized by section 4 of the act of April 29, 2010 (P. L. 176, No. 19), which requires the Board to promulgate regulations within 18 months of its effective date (June 28, 2010); and by section 3 (d.1) and (o) of the Dental Law (act), 63 P. S. § 122 (d.1) and (o).	
-Volunteer License-49 Pa. Code § 33.110 (16A-4625)	Fall 2012, as Final (proposed-omitted)	This regulation would amend the current volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	
-Child Abuse Reporting Requirements-49 Pa. Code § 33.250 (16A-4626)	Fall 2012, as final (proposed-omitted)	This regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL), 23 P. S. §§ 6301—6386. Statutory Authority: section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 3(o) of the Dental Law, 63 P. S. §§ 122(j) and 123(b).	
-Biennial Renewal Fees-49 Pa. Code § 33.3 (16A-4627)	Fall 2012, as proposed.	This proposed rulemaking would increase biennial renewal fees to meet projected expenditures as required by law. Statutory Authority: Sections 3(j) and 4(b) of the Dental Law, 63 P. S. §§ 122(j) and 123(b).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Registration Board for Professional Engineers, Land Surveyors and Geologists -General Revisions- 49 Pa. Code, Chapter 37 (16A-479)	Fall 2012, as Proposed.	The proposed rulemaking would clarify education and experience requirements for regular and “grandfathered” candidates for examination and licensure; revise categories of acceptable professional references for candidates; update the branches of engineering for which license examinations are offered; prescribe standards relating to the use of an electronic seal and signature; clarify criteria for approval of fictitious and corporate names that use variations of professional titles; eliminate unnecessary administrative requirements; and make editorial changes. Statutory Authority: Section 4 of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151.	DeAndra Burger (717) 783-7049
-Qualifications for Licensure- 49 Pa. Code Chapter 37 (16A-4711)	Fall 2012, as Final.	The regulation implements Act 25 of 2010, to provide for the certification of geologists-in-training, and to update the board’s regulations concerning the licensure process for engineers and land surveyors. Statutory Authority: Section 4(l) of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151(l).	
-Schedule of Civil Penalties - Engineers, Land Surveyors and Geologists- 49 Pa. Code Chapter 43b. (16A-54)	Summer 2012, as Final.	The regulation would make necessary corrections to schedule of civil penalties relating to unlicensed practice and practice on a lapsed license required by the Commonwealth Court’s decision in <i>Evans v. Land Surveyors and Geologists</i> , 15 A.3d 99 (Pa. Cmwlth. 2011). Statutory Authority: Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48), 63 P. S. § 2205(a).	
State Board of Funeral Directors General Revisions- 49 Pa. Code, Chapter 13 (Number not yet assigned)	Fall 2012, as Proposed	The proposed rulemaking would update the Board’s regulations related to advertising, application procedures, facility requirements, qualifications, and supervisor responsibilities. Statutory Authority: Section 16 (a) of the Funeral Director Law, 63 P. S. § 479.16(a).	Heidy Weirich (717) 783-3397
Renewal; Continuing Education Enforcement - 49 Pa. Code Chapter 13 (16A-4819)	Fall 2012, as Proposed	This proposed rulemaking would update and clarify the Board’s regulations relating to renewal of licenses and enforcement of continuing education. Statutory Authority: Sections 10(b)(1) and 16(a) of the Funeral Director Law, 63 P. S. §§ 479.10(b)(1) and 479.16(a).	
Schedule of Civil Penalties - Funeral Directors 49 Pa. Code § 43b.6 (16A-4820)	Fall 2012, as Proposed	This proposed regulation would establish a schedule of civil penalties for continuing education enforcement. Statutory Authority: Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48), 63 P. S. § 2205(a).	
-Advertising 49 Pa. Code Chapter 13 (16A-4821)	Fall 2012, as proposed	This proposed rulemaking would update the Board’s existing regulations relating to advertising. Statutory Authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).	
-Child Abuse Reporting Requirements- 49 Pa. Code § 13.301—13.307 (16A-4822)	Fall 2012, as final (proposed-omitted)	This regulation would update the Board’s existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL), 23 P. S. §§ 6301—6386. Statutory Authority: section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 16(a) of the Funeral Director Law, 63 P.S § 479.16(a).	
-Fees- 49 Pa. Code § 13.12 (number not yet assigned)	Fall 2012, as proposed	This proposed rulemaking would increase biennial renewal fees to meet projected expenditures as required by law. Statutory Authority: Section 18.1 of the Funeral Director Law, 63 P. S. § 479.18.1.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Landscape Architects -Statutorily Mandated Amendments- 49 Pa. Code Chapter 15 (16A-6110)	Summer 2012, as Final (proposed omitted).	This regulation would implement the act of July 17, 2009 (P. L. 94, No. 24). Statutory Authority: Section 4(9) of the Landscape Architects' Registration Law, 63 P. S. § 904(9).	Terrie Kocher (717) 772-8528
-General Revisions- 49 Pa. Code, Chapter 15 (16A-6111)	Fall 2012, as Proposed	This proposed rulemaking implements updates to current practices of the Board with respect to qualifications and experience, examinations and continuing education. Statutory Authority: Section 4 of the Landscape Architects' Registration Law, 63 P. S. § 904.	
-Schedule of Civil Penalties - Landscape Architects 49 Pa. Code, Chapter 43b. (16A-6120)	Summer 2012, as Proposed.	This proposed rulemaking would adopt a schedule of civil penalties for unlicensed practice and other violations of the Landscape Architects Registration Law. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner of Professional and Occupational Affairs to set forth schedules of civil penalties, with the approval of the Board.	
-Electronic Seals and Signing- 49 Pa. Code Chapter 15 (16A-6121)	Fall 2012, as proposed	This proposed rulemaking will implement rules on electronic seals and signing from other design professional boards in Pennsylvania and other states. Statutory Authority: Sections 4 and 9 of the Landscape Architects' Registration Law, 63 P. S. §§ 904 and 909.	
State Board of Massage Therapy -Child Abuse Reporting Requirements- 49 Pa. Code Chapter 20 (16A-722)	Fall 2012, as proposed	This proposed rulemaking established mandatory reporting requirements relating to suspected child abuse under the Child Protective Services Law (CPSL), 23 P. S. 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 4(2) of the Massage Therapy Law, 63 P. S. § 627.4(2).	Judy Harner (717) 783-7155
State Board of Medicine -Mcare Update- 49 Pa. Code Chapters 16 and 17 (16A-4925)	Summer 2012, as Final (proposed-omitted)	The regulation deletes outdated references to the repealed Health Care Services Malpractice Act, 40 P. S. §§ 1301.101—1301.1006, and replaces it with references to the Medical Care Availability and Reduction of Error (Mcare) Act, 40 P. S. §§ 1303.101—1303.910. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8, authorizes the Board to promulgate regulations that are reasonably necessary to carry out the purposes of the Act.	Tammy Dougherty (717) 783-1400
-Use of Medical Lasers- 49 Pa. Code Chapter 18 (16A-4939)	Fall 2012, as Proposed.	The proposed rulemaking is intended to clarify the requirements of the use and delegation of the use of medical devices and medical lasers. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8	Tammy Dougherty (717) 783-1400
- Licensure of Respiratory Therapists and Physician Assistants - 49 Pa. Code, Chapter 18 (16A-4930)	Fall 2012, as final.	The proposed rulemaking would implement the amendments made to the Medical Practice Act by the Act of July 4, 2008 (P. L. 580, No. 45) relating to licensure of respiratory therapists and physician assistants. Statutory authority: Section 8 of the Act of July 4, 2008 (P. L. 580, No. 45) requires the Board and the State Board of Osteopathic Medicine to jointly promulgate regulations to implement the amendments.	

Regulation Being Considered	Proposed Date of Promulgation	Need and Legal Basis for Action	Agency Contact
-Perfusionists- 49 Pa. Code, Chapter 18, Subchapter J. (16A-4935)	Summer 2012, as Proposed.	The proposed rulemaking sets forth the requirements for licensure of perfusionists. Statutory Authority: Section 4 of the Act of June 11, 2008 (P. L. 154 No. 19) requires the Board to promulgate regulations to implement licensure of perfusionists.	
-Certified Midwives - 49 Pa. Code, Chapter 18 (16A-4932)	Fall 2012, as Proposed.	The proposed rulemaking would provide for the licensure of “certified” midwives as suggested by the Commonwealth Court’s decision in <i>Goslin v. State Board of Medicine</i> , 949 A.2d 372. Statutory Authority: Sections 1 and 2 of the Midwife Registration Law of 1929, 63 P. S. §§ 171 and 172, and section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8, make it unlawful to practice as a midwife without a certificate from the Medical Board and authorize the Board to issue rules and regulations as may be necessary for the examination, licensing, and proper conduct of the practice of midwifery by midwives.	
-Prescribing- 49 Pa. Code § 16.92 (16A-4933)	Fall 2012, as Final	The rulemaking would rewrite, simplify and update the Board’s regulations relating to prescribing controlled substances and other drugs of abuse. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	
-Genetic Counselors- 49 Pa. Code Chapter 18 (16A-4937)	Fall 2012, as Proposed	This proposed rulemaking would implement the act of December 22, 2011 (P. L. 576, No. 125) relating to the licensure of genetic counselors. Statutory Authority: Section 3 of Act 125 of 2011 requires the Board to promulgate regulations within 12 months. Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8, provides the general regulatory powers of the Board	
-Licensure of Athletic Trainers- 49 Pa. Code Chapter 18, Subchapter H (16A-4936)	Summer 2012, as Final (proposed-omitted)	This regulation is required to amend the Board’s regulations regarding athletic trainers to refer to “licensure” rather than “certification” as amended by the act of December 22, 2011 (P. L. ___ No. 124). Statutory Authority: Section 8 of the Medical Practice Act of 1985. 63 P. S. § 422.8.	
-Schedule of Civil Penalties- 49 Pa. Code, Chapter 43b, § 43b.20. (16A-4942)	Fall 2012, as Proposed.	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Medicine to implement Act 48 civil penalties for practicing on a lapsed license and for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
-Volunteer Licenses- 49 Pa. Code Chapter 16 (16A-4934)	Fall 2012, as Final (proposed-omitted)	This regulation will amend the volunteer license regulations to conform to amendments to the Volunteer Health Services Act (Acts 29 of 2007 and 58 of 2002). Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	
-CRNP Revisions- 49 Pa. Code Chapter 18, Subchapter C (16A-4938)	Summer 2012, as Final (proposed omitted)	This regulation is needed to delete outdated regulations relating to CRNP practice because the Board no longer jointly regulates CRNPs, which are now under the sole authority of the State Board of Nursing. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8	
-Child Abuse Reporting Requirements- 49 Pa. Code §§ 16.101—16.107 (16A-4941)	Fall 2012, as Final (proposed-omitted)	This regulations updates the Board’s existing regulation on mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL), 23 P. S. 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Navigation Commission of the Delaware River and its Navigable Tributaries -General Revisions- 4 Pa. Code §§ 405.7, 405.8, and 405.12 (16A-663)	Summer 2012, as Proposed	The proposed rulemaking would require all currently licensed pilots to hold and maintain an active Federal first class pilot's license and endorsement of the routes to be traversed. Statutory Authority: Section 4 of the Act of March 29, 1803 (P. L. 542), 55 P. S. § 31, and section 2504-B(4) of the Administrative Code of 1929, 71 P. S. § 670.2(4)	Barbara Dupler (717) 783-1618
State Board of Nursing -LPN/IV Therapy- 49 Pa. Code § 21.145 (16A-5122)	Summer 2012, as Final.	This regulation addresses the LPN's role in working with peripherally inserted central catheters (PICC lines). Statutory Authority: Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	Cindy Miller (717) 783-7142
-Application Procedures- 49 Pa. Code § 21.151 (16A-5134)	Fall 2012, as Proposed	The proposed rulemaking would provide for admission to the practical nurse exam for applicants who have graduated from a foreign practical nursing program that is equivalent to an LPN education program of study required in this Commonwealth at the time the program was completed as determined by the Commission on Graduate of Foreign Nursing Schools (CGFNS). Statutory Authority: Sections 5 and 17.6 of the Practical Nurse Law, 63 P. S. §§ 655 and 667.6.	
-Reactivation/ Re-licensure after Lapse- 49 Pa. Code Chapter 21 (16A-5135)	Fall 2012, as Proposed	This proposed rulemaking would set standards for the reactivation/re-licensure of nurses whose licenses have lapsed for a significant period of time. Statutory Authority: Sections 2.1 and 11 of the Professional Nursing Law, 63 P. S. §§ 212.1 and 221; and sections 13.1 and 17.6 of the Practical Nurse Law, 63 P. S. §§ 663.1 and 667.6, authorize the Board to regulate the renewal of expired or inactive licenses and to promulgate regulations generally.	
-Out of State Nursing Education Programs using Pennsylvania Clinical Sites- 49 Pa. Code, Chapter 21 (16A-5137)	Fall 2012, as Proposed	This proposed rulemaking would require out of state educational programs that intend to place nursing students in Pennsylvania facilities for clinical education with a Pennsylvania licensed nurse preceptor to apply to the Board for permission to utilize the clinical site. This same requirement is placed on Pennsylvania nursing education programs. Statutory Authority: Section 6.1 of the Professional Nursing Law, 63 P. S. § 216.1 and Section 9 of the Practical Nurse Law, 63 P. S. § 659.	
-Fees for Nursing Education Programs- 49 Pa. Code, Chapter 21 (number not yet assigned)	Fall 2012, as Proposed.	This proposed rulemaking is necessary to set fees for the approval of nursing education programs. Statutory Authority: Section 11.2 of the Professional Nursing Law, 63 P. S. § 221.2, and Section 17.5 of the Practical Nursing Law, 63 P. S. § 667.5, set forth the authority to the setting of fees by regulation. Section 6.2 of the Professional Nursing Law, 63 P. S. § 216.2, provides the Board's authority to approve nursing education programs. Sections 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k) and 17.6 of the Practical Nursing Law, 63 P. S. § 667.6, provide the general rulemaking authority of the Board.	
-Volunteer License- 49 Pa. Code, Chapter 21, Subchapter F, §§ 21.601—21.607. (16A-5139)	Fall 2012, as Final (proposed-omitted).	This regulation would amend the volunteer license regulations to conform to amendments to the Volunteer Health Services Act. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
-Child Abuse Reporting Requirements- 49 Pa. Code §§ 21.501—21.507 (16A-5140)	Fall 2012, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL), 23 P. S. 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL, 23 P. S. § 6383 (b)(2); section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k); and Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6	
State Board of Examiners of Nursing Home Administrators -Sexual Misconduct - 49 Pa. Code §§ 39.1 and 39.9 (16A-6211)	Fall 2012, as Proposed.	This proposed rulemaking would add sexual abuse and sexual misconduct as offenses for which a nursing home administrator's license may be disciplined. Statutory Authority: Sections 4(c) and 6(g) of the Nursing Home Administrators Licensure Act, 63 P. S. §§ 1104(c) and 1106(g).	Chris Stuckey (717) 783-7155
-Continued Competence- 49 Pa. Code, Chapter 39 (16A-6213)	Fall 2012, as Proposed	This proposed rulemaking would provide the requirements for demonstrating continued competence when reactivating a license that has been inactive for more than 5 years. Statutory Authority: Section 4(a)(4), (9) and (c) of the Nursing Home Administrators Licensure Act, 63 P. S. § 1104(a)(4),(9) and (c).	
Schedule of Civil Penalties- 49 Pa. Code, Chapter 43b, § 43b.17 (16A-6215)	Summer 2012, as Proposed.	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Examiners of Nursing Home Administrators to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
-Continuing Education- 49 Pa. Code, Chapter 39 (16A-6216)	Fall 2012, as Proposed	This proposed regulation updates the Board's existing regulations relating to continuing education requirements and reporting. Statutory Authority: Sections 4(c) and 9(b) of the Nursing Home Administrators Act, 63 P. S. §§ 1104(c) and 1109 (b).	
State Board of Occupational Therapy Education and Licensure - Continued Competency - 49 Pa. Code §§ 42.50—42.58 (16A-677)	Summer 2012, as Final.	The proposed rulemaking would implement section 15(a) of the Occupational Therapy Practice Act, 63 P. S. § 1515(a), which authorizes the board to establish additional requirements for the license renewal designed to assure continued competency. Statutory Authority: Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).	Judy Harner (717) 783-1389
-Referrals by Certified Registered Nurses Practitioners and Physician Assistants - 49 Pa. Code Chapter 42 (16A-678)	Summer 2012, as Final (Proposed omitted)	The regulation would conform the board's regulations with changes made by Act 48 of 2007 and Act 45 of 2008, which permit CRNPs and Physician Assistants to make referrals to Occupational Therapists. Statutory Authority: Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).	
-Child Abuse Reporting Requirements- 49 Pa. Code Chapter 42 (16A-679)	Fall 2012, as Final (proposed omitted)	This regulation updates the Board's regulations on mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL). 23 P. S. 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL requires the Board to promulgate regulations consistent with the CPSL; Section (5)(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b) directs the Board to adopt regulations consistent with law.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
-Code of Ethics- 49 Pa. Code § 42.24 (16A-6710)	Spring 2012, as Proposed	This proposed rulemaking would update and amend the Board's existing code of ethics to adopt the AOTA ethics standards. Statutory Authority: Section (5)(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505 (b).	
State Board of Optometry Schedule of Civil Penalties - Optometrists 49 Pa. Code, Chapter 43b (16A-5212)	Summer 2012, as Proposed.	This proposed rulemaking would adopt a schedule of civil penalties for continuing education violations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties.	Mary Sue Ferster (717) 783-7155
-Volunteer License- 49 Pa. Code § 23.26 (16A-5214)	Fall 2012, as Final (Proposed- omitted).	This regulation would amend the Board's volunteer license regulations to conform to amendments to the Volunteer Health Services Statutory Authority: Section 3(b)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14).	
-Child Abuse Reporting Requirements- 49 Pa. Code §§ 23.111—23.116 (16A-5215)	Fall 2012, as Final (proposed- omitted)	This regulations updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL), 23 P. S. 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383(b)(2); and section 3(b)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14).	
State Board of Osteopathic Medicine -Perfusionists - 49 Pa. Code, Chapter 25 (16A-5324)	Summer 2012, as Proposed	This regulation would set forth the requirements for licensure of perfusionists. Statutory Authority: Section 4 of the Act of June 11, 2008 (P.L. 161, No. 20) requires the Board to promulgate regulations to implement licensure of perfusionists.	Tammy Dougherty (717) 783-4858
- Licensure of Respiratory Therapists and Physician Assistants - 49 Pa. Code, Chapter 25 (16A-5321)	Fall 2012, as Final	The rulemaking implements the amendments made to the Osteopathic Medical Practice Act by the Act of July 4, 2008 (P. L. 589, No. 46) relating to licensure of respiratory therapists and physician assistants. Statutory Authority: Section 8 of the Act of July 4, 2008 (P. L. 589, No. 46) requires the Board and the State Board of Medicine to jointly promulgate regulations to implement the amendments.	
-Volunteer License- 49 Pa. Code, Chapter 25, Subchapter L, §§ 25.601—25.607. (16A-5323)	Fall 2012, as Final (proposed omitted)	This regulation would amend the Board's volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002 and Act 29 of 2007. Statutory Authority: Section 16 of the Osteopathic Medicine Act, 63 P. S. § 271.16.	
-Genetic Counselors - 49 Pa. Code Chapter 25 (16A-5328)	Fall 2012, as Proposed	This proposed rulemaking would implement the act of December 22, 2011 (P. L. ____ , No. 126) relating to the licensure of genetic counselors. Statutory Authority: Section 3 of Act 126 of 2011 requires the Board to promulgate regulations within 12 months. Section 16 of the Osteopathic Medicine Practice Act, 63 P. S. § 271.16, provides the general regulatory authority of the Board.	
-Licensure of Athletic Trainers- 49 Pa. Code Chapter 25, Subchapter M (16A-5325)	Summer 2012, as Final (proposed omitted)	This regulation is required to amend the Board's regulations regarding athletic trainers to refer to "licensure" rather than "certification" as amended by the act of December 22, 2011 (P.L. 1109, No. 123). Statutory Authority: Section 16 of the Osteopathic Medicine Practice Act, 63 P. S. § 271.16.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
-Schedule of Civil Penalties- 49 Pa Code Chapter 43b. (16A-5327)	Summer 2012, as Proposed	This proposed rulemaking would establish a schedule of civil penalties for the State Board of Osteopathic Medicine to implement Act 48 civil penalties for failure to report complaints filed against an osteopathic physician in the medical professional liability action. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
-Child Abuse Reporting Requirements- 49 Pa. Code §§ 25.401—25.416 (16A-5326)	Fall 2012, as final (proposed-omitted)	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL), 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383 (b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 16 of the Osteopathic Medicine Practice Act, 63 P. S. § 271.16.	
State Board of Pharmacy -Compounding Practices- 49 Pa. Code Chapter 27 (16A-5419)	Fall 2012, as Proposed	This proposed rulemaking would establish standards for the compounding of drugs by pharmacists. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9) grants the authority to promulgate rules and regulations to effectuate the purposes of the act. Section 2 of the Pharmacy Act, 63 P. S. § 390-2(11) defines the practice of pharmacy to include the compounding of drugs.	Melanie Zimmerman (717) 783-7156
-Cancer Drug Repository Program - 49 Pa. Code, Chapter 27 (16A-5423)	Fall 2012, as Final	The regulation would establish the eligibility criteria, standards and procedures for the administration of a cancer drug repository program. Statutory authority: Section 7 of the Act of May 13, 2008 (P. L. 139, No. 14), known as the Cancer Drug Repository Program Act, requires the Board to promulgate regulations to carry out the purposes of the act.	
- Pharmacy Internship- 49 Pa. Code, Chapter 27 (16A-5424)	Summer 2012, as Proposed.	This proposed rulemaking would update the Board's regulations relating to the pharmacy internship required under section 3 of the Pharmacy Act. Statutory Authority: Section 3 of the Pharmacy Act, 63 P. S. § 390-3(c) requires the Board to establish by regulation the internship requirements which must be satisfactorily completed prior to issuance of a pharmacist license.	
-Collaborative Management of Drug Therapy- 49 Pa. Code Chapter 27 (16A-5425)	Summer 2012, as Proposed	This proposed rulemaking would implement Act 29 of 2010, which provides for collaborative drug therapy management between a pharmacist and a licensed physician. Statutory Authority: Section 5 of the act of June 1, 2010 (P. L. 201, No. 29) requires the Board to promulgate regulations to implement Act 29 within 18 months of its effective date.	
-Emergency Preparedness- 49 Pa. Code, Chapter 27 (16A-5426)	Fall 2012, as Proposed	The proposed rulemaking would establish procedures and standards for the operation of remote emergency pharmacies in the event of an emergency caused by a natural or manmade disaster or any other exceptional situation that causes an extraordinary demand for pharmacy services. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	
-General Revisions to Standards of Practice- 49 Pa. Code, Chapter 27, § 27.18 (16A-5427)	Fall 2012, as Proposed	This proposed rulemaking would update the Board's regulations relating to standards of practice for pharmacists. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
-Correctional Facility Drug Redistribution - 49 Pa. Code, Chapter 27 (number not yet assigned)	Fall 2012, as Proposed.	This proposed rulemaking is required to conform the Board's regulations to the act of July 9, 2010 (P. L. 457, No. 59), which permits a vendor pharmacy to redistribute drugs returned by a correctional facility to other correctional facilities. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	
-Electronic Prescribing of Controlled Substances- 49 Pa. Code, Chapter 27, (16A-5428)	Summer 2012, as Final (proposed omitted)	This regulation is intended to establish standards for pharmacies and pharmacists to receive dispense and archive electronic prescriptions for controlled substances to comport with recent regulations promulgated by the Federal Drug Enforcement Agency. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	
-Schedule of Civil Penalties - 49 Pa. Code, Chapter 43b, § 43b.7 (number not yet assigned)	Fall 2012, as Proposed.	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Pharmacy to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
State Board of Physical Therapy -Act 38 Revisions - 49 Pa. Code, Chapter 40 (16A-6514)	Summer 2012, as Final.	The regulation implements the amendments to the Physical Therapy Practice Act made by the Act of July 4, 2008 (P. L. 293, No. 38). Statutory authority: Section 16 of the Act of July 4, 2008 (P. L. 293, No. 38) requires the Board to promulgate regulations to implement the amendments and additions of that act.	Michelle Roberts (717) 783-7134
-Schedule of Civil Penalties - 49 Pa. Code, Chapter 43b. (number not yet assigned)	Fall 2012, as Proposed.	This proposed rulemaking would establish a schedule of civil penalties for the State Board of Physical Therapy to implement Act 48 civil penalties for practicing on a lapsed license. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
-Child Abuse Reporting Requirements- 49 Pa. Code §§ 40.201—40.207 (16A-6515)	Fall 2012, as final (proposed-omitted)	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL), 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 3(a) of the Physical Therapy Practice Act, 63 P. S. § 1303(a).	
State Board of Podiatry - Certificate of Authority to Perform Acupuncture- 49 Pa. Code, Chapter 29 (16A-449)	Fall 2012, as Proposed.	This proposed rulemaking would establish the fees and regulate the practice of acupuncture by podiatrists under the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803.	Tammy Dougherty (717) 783-4858
-Schedule of Civil Penalties - Podiatrists 49 Pa. Code, Chapter 43b (16A-4413)	Fall 2012, as Proposed.	This proposed regulation would adopt a schedule of civil penalties for continuing education violations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties.	
-Volunteer License- 49 Pa. Code § 29.55 (16A-4411)	Fall 2012, as Final (proposed-omitted).	This regulation would amend the Board's volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
-Child Abuse Reporting Requirements- 49 Pa. Code §§ 29.91—29.97 (16A-4412)	Fall 2012, as Final (proposed-omitted)	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL, 23 P. S. § 6383 (b)(2); and section 15 of the Podiatry Practice Act, 63 P. S. § 42.15	
-Therapeutic Drugs- 49 Pa. Code § 29.41 (16A-4414)	Fall 2012, as Proposed	This proposed rulemaking would amend the list of therapeutic drugs that podiatrists may prescribe. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15	
State Board of Psychology -Continuing Education- 49 Pa. Code § 41.59 (16A-6317)	Fall 2012, as Proposed.	This proposed rulemaking would amend the Board's continuing education requirements regarding home study, instruction and carry over. Statutory Authority: Section 15 of the Professional Psychologists Practice Act, 63 P. S. § 1215.	Chris Stuckey (717) 783-7155
-Code of Ethics - 49 Pa. Code § 41.61 (16A-6318)	Summer 2012, as Proposed.	This proposed rulemaking would update the Board's Code of Conduct so that it would be in line with changes to the American Psychological Association and the Association of State and Provincial Psychology Boards. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	
-Education - 49 Pa. Code § 41.31 (16A-6320)	Spring 2012, as Proposed.	This proposed rulemaking would clarify the education and examination requirements. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	
-Part-time Experience- 49 Pa. Code § 41.31 (16A-6321)	Spring 2012, as Proposed	The proposed rulemaking would clarify the requirements for part-time experience. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	
-Child Abuse Reporting Requirements- 49 Pa. Code Chapter 41 (16A-6322)	Fall 2012, as Final (proposed omitted)	This regulation would amend the Board's regulations to conform to changes made to the Child Protective Services Act. Statutory Authority: Section 6383 (b)(2) of the Child Protective Services Law, 23 Pa.C.S. § 6383 (b)(2) and section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	
State Board of Certified Real Estate Appraisers Continuing Education Enforcement - 49 Pa. Code §§ 36.41 and 36.241. (16A-7016)	Fall 2012, as Proposed.	The proposed rulemaking establishes procedures for the enforcement of noncompliance with continuing education requirements. Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2).	Heidy Weirich (717) 783-4866
Schedule of Civil Penalties - Real Estate Appraisers - 49 Pa. Code § 43b.15a (16A-49)	Fall 2012, as Proposed.	The proposed rulemaking will codify and amend the Board's current schedule of civil penalties statement of policy. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties, with the approval of the Board.	
Certified Pennsylvania Evaluators- 49 Pa. Code § 36.265 (16A-7018)	Fall 2012, as Proposed	This proposed rulemaking would revise requirements for the use of certificate number and title for Certified Pennsylvania Evaluators to make the regulation consistent with standards of USPAP, the International Association of Assessment Officers and existing practice in county assessment offices. Statutory Authority: Section 3 of the Assessors Certification Act, 63 P.S § 458.3.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
-Appraisal Management Companies - General Temporary Regulations - 49 Pa. Code, Chapter 36, Subchapter D (16A-7017)	Fall 2012, as temporary regulations	These temporary regulations will provide for the registration of appraisal management companies under the act of February 2, 2012 (P. L. 30, No. 4), known as the Appraisal Management Company Registration Act. Section 4(b) of the Appraisal Management Company Act, 63 P. S. § 457.24(b), authorizes the Board to promulgate temporary regulations.	
-Implementation of Application Deadline Extension- 49 Pa. Code §§ 36.11 and 36.12 (16A-7019)	Summer 2012, as final (proposal-omitted)	This regulation would extend the deadline to apply for certification as a general or residential real estate appraiser, having met the less stringent educational requirements by July 1, 2008, for an additional year until January 1, 2013. Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.9.	
-Biennial Renewal Fees- 49 Pa. Code § 36.6 (number not yet assigned)	Fall 2012, as Proposed.	The proposed rulemaking would increase biennial renewal fees to meet projected expenditures as required by law. Statutory Authority: Section 9 of the Real Estate Appraiser Certification Act, 63 P. S. § 457.9.	
State Real Estate Commission -Education - 49 Pa. Code §§ 35.384 and 35.385. (16A-5613)	Fall 2012, as Final.	This regulation would require new licensees to complete a mandatory 14-hour post-licensure course in lieu of their continuing education. Statutory Authority: Sections 404 and 404.1 of the Real Estate Licensing and Registration Act, 63 P. S. §§ 455.404 and 455.404a.	Patricia Ridley (717) 783-3658
-Advertising and Solicitation - 49 Pa. Code § 35.305 (16A-5620)	Fall 2012, as Proposed.	The proposed rulemaking would require licensees to advertise or otherwise hold themselves out to the public only under the name listed on their licenses. Statutory Authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404.	
-Escrow Requirements- 49 Pa. Code Chapter 35 (16A-5622)	Fall 2012, as Proposed	This proposed rulemaking would establish additional escrow requirements consistent with the changes made by Act 14 of 2009. Statutory Authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404	
- Schedule of Civil Penalties - 49 Pa. Code, Chapter 43b, § 43b.8 (16A-5623)	Fall 2012, as Proposed.	This proposed rulemaking would amend the schedule of civil penalties for the State Real Estate Commission to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors -Schedule of Civil Penalties - 49 Pa. Code Chapter 43b. (16A-6917)	Fall 2012, as Proposed	This proposed rulemaking would establish a schedule of civil penalties for the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors to implement Act 48 civil penalties for practicing without a licenses or practicing on a lapsed license. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Sandra Matter (717) 783-1389
-Continuing Education Audit and Enforcement- 49 Pa. Code Chapters 47—49 (16A-6918)	Fall 2012, as Proposed	This proposed rulemaking would establish provisions for the enforcement of the continuing education requirements for licenses social workers, licenses clinical social workers, licenses marriage and family therapists and licenses professional counselors. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
-General Revisions- 49 Pa. Code, Chapters 47—49 (number not yet assigned)	Fall 2012, as Proposed.	This proposed rulemaking will eliminate outdated regulations, and update existing regulations to comport with current standards of the profession and current practices of the Board. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).	
-Child Abuse Report Requirements- 49 Pa. Code §§ 47.51—47.57 (16A-6919)	Fall 2012, as final (proposed-omitted)	This regulation would amend the board's regulations to conform to changes made to the Child Protective Services Act. Statutory Authority: Section 6383(b)(2) of the Child Protective Services Law, 23 Pa. C.S. § 6383(b)(2) and section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2),	
-Biennial Renewal Fees- 49 Pa. Code § 47.4 (16A-6920)	Fall 2012, as Proposed	The proposed rulemaking would increase biennial renewal fees to meet projected expenditures as required by law. Statutory Authority: Section 18(c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1918(c).	
-Qualifications for License- 49 Pa. Code §§ 47.12c, 48.13 and 49.13 (number not yet assigned)	Fall 2012, as final (proposed-omitted)	This regulation would amend the Board's existing regulations to incorporate changes made by the act of March 14, 2012 (P. L. 191, No. 17) relating to the qualification for licensure of license clinical social workers, marriage and family therapists and professional counselors. Statutory Authority: Section 6(2) of the Social Workers, Marriage, and Family Therapists and Professional Counselors Act 63 P. S. § 1906(2).	
State Board of Examiners in Speech-Language and Hearing -General Revisions- 49 Pa. Code, Chapter 45. (16A-6803)	Fall 2012, as Proposed.	This proposed rulemaking would update of the regulations of the Board to delete or amend outdated regulations. Statutory Authority: Section 5(2) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(2).	Sandra Matter (717) 783-1389
-Continuing Education and Waivers- 49 Pa. Code Chapter 45 (Number not yet assigned)	Fall 2012, as Proposed	This proposed rulemaking is intended to clarify the continuing education regulations for licensees who hold more than one license issues by the Board. Statutory Authority: Section 5(2) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(2).	
-Child Abuse Reporting Requirements- 49 Pa. Code §§ 45.501—45.407 (16A-6806)	Fall 2012, as final (proposed-omitted)	This regulation would amend the board's regulations to confirm to changes made to the Child Protective Services Act. Statutory Authority: Section 6383(b)(2) of the Child Protective Services Law, 23 Pa.C.S. § 6383 (b)(2) and section 5(2) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(2).	
-Termination of Grandfather Provisions- 49 Pa. Code § 45.21 (16A-6806)	Summer 2012, as Proposed	This proposed rulemaking is intended to terminate an outdated grandfathering provision. Statutory Authority: Section 5(2) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(2).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Vehicle Manufacturers, Dealers and Salespersons -Salesperson License- 49 Pa. Code, Chapter 19 (16A-609)	Fall 2012, as proposed.	This proposed rulemaking would clarify and update the requirements for salespersons in order to permit salespersons to sell at other locations of the same dealer. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).	Janice Cline (717) 783-1697
-Fee for Out-of-state RV Dealer Participating in a Show- 49 Pa. Code § 19.4 (16A-6011)	Fall 2012, as proposed.	This proposed rulemaking would establish a fee for processing applications under section 32.1(c) for the act, 63 P. S. § 818.32a(c), for out-of-state RV dealers to register with the Board in order to participate in an RV show in this Commonwealth. Statutory Authority: Sections 4(9) and 32.1(c) of the Board of Vehicles Act, 63 P. S. §§ 818.4(9) and 818.32.1(c).	
State Board of Veterinary Medicine -Dental Procedures- 49 Pa. Code, Chapter 31 (16A-5718)	Summer 2012, as Final.	This regulation would address issues relating to veterinary dentistry. Statutory Authority: Section 5 of the Veterinary Medicine Practice Act, 63 P. S. § 485.5.	Michelle Roberts (717) 783-7134
-Facilities - 49 Pa. Code, Chapter 31 (16A-5720)	Fall 2012, as Proposed.	This proposed rulemaking would establish standards for and require registration of veterinary facilities. Statutory Authority: Sections 5 and 27 of the Veterinary Medicine Practice Act, 63 P. S. §§ 485.5 and 485.27.	
-Professional Conduct; Notice of Animal Supervision - 49 Pa. Code § 31.21 (16A-5725)	Fall 2012, as Final.	The regulation would amend the Rules of Professional Conduct for veterinarians to require notice regarding the hours and level of supervision whenever an animal is under the care and custody of the veterinarian's facility. Statutory Authority: Section 5(1) and (2) of the Veterinary Medicine Practice Act (Act) (63 P. S. § 485.5(1) and (2))	
STATE EMPLOYEES' RETIREMENT SYSTEM			
4 Pa. Code § 249.53. Exemption from execution; assignment of rights. (This would delete State Employees' Credit Union payment language.)	While this has been proceeding consistent with the CDL and requirements of 4 Pa. Code § 247.11, further action is deferred pending deletion of the corresponding statutory section.	This is obsolete. No credit union currently meets the statutory requirements and it is unlikely that any new ones will. A corresponding statutory amendment is also being considered.	Brian McDonough, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 David Durbin (717) 783-7210
STATE POLICE			
Title 37 Pa. Code § 41.5 Designation of Emergency Vehicles	June 2014	Title 75 Pa.C.S. § 6106 allows PSP to designate emergency vehicles upon certain findings. This regulation would add Philadelphia Prison System vehicles used to escort ambulances transporting sick or injured inmates to the class of vehicles eligible for designation.	Major Marshall A. Martin (717) 783-5566
STATE SYSTEM OF HIGHER EDUCATION			
No regulations being developed or considered at this date.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
TRANSPORTATION			
43 - Temporary Registration Cards and Plates 67 Pa. Code, Chapter 43	Estimated promulgation, January 2013	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supersedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations or fines will be removed from the regulation, as these items are now addressed in the required contracts.	Andy Cleaver (717) 787-2171
175 - Vehicle Equipment and Inspection 67 PA Code, Chapter 175	Estimated promulgation, May 2013	Many changes are needed to bring the regulations in line with changes in the Vehicle Code. Other changes include an initiative to update recertification requirements for safety inspectors and accommodate electronic recordkeeping of vehicle safety inspection findings. The changes will also allow for the utilization of laser guided system to improve quality, efficiency and safety associated with snow plow and line painting operations.	Kristen Singer (717) 787-2171 James Smith (717) 787-4299
23 - Delivery of Certificates of Title 67 Pa. Code, Chapter 23	Estimated promulgation, November 2012	The method of title delivery has changed due to the electronic lien and title program (75 Pa.C.S. Section 1151). This Chapter needs to be updated to reflect the ability to transmit titles with liens electronically, rather than by mail.	Andy Cleaver (717) 787-2171
17 - Authorization to Verify ID Numbers 67 Pa. Code, Chapter 17	Estimated promulgation, January 2013	Changes are needed to document the Vehicle Identification Number (VIN) verification process. The VIN verification process is not currently documented in either the Vehicle Code or in regulations.	Andy Cleaver (717) 787-2171
71 - School Bus Drivers 67 Pa. Code, Chapter 71	Estimated promulgation, January 2013	The regulations will be updated to help ensure that school bus drivers diagnosed with various cardiovascular diseases are in stable condition. The regulation will also update the medical standards for school bus drivers that have brain disease, cognitive impairment or a mental/emotional disorder.	Rich Kirkpatrick (717) 783-5958
83 - Physical and Mental Criteria - Including Vision Standards Relating to the Licensing of Drivers 67 Pa. Code, Chapter 83	Estimated promulgation, September 2013	The regulations will be undated to help ensure that license holders diagnosed with various cardiovascular diseases are in stable condition. The regulations will also update the medical standards for license holders that have brain disease, cognitive impairment or a mental/emotional disorder.	Rich Kirkpatrick (717) 783-5983
84 - Dual Control Learner's Permit 67 Pa. Code, Chapter 84	Estimated promulgation, December 2012	The regulation is being updated to clarify the requirements for issuing a dual control learner's permit.	Rich Kirkpatrick (717) 783-5958
105 - Mechanical Electrical and Electronic Speed Timing Devices 67 Pa. Code, Chapter 105	On hold, pending analysis	The regulations are being updated to reflect changes in equipment technology relating to calibration and maintenance of speed timing devices used for enforcement purposes and to delete references to obsolete equipment and calibration procedures.	Kristen Singer (717) 787-2171
255 - Messenger Services 67 Pa. Code, Chapter 255	Estimated promulgation, January 2013	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supersedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations, or fines will be removed from the regulation as these items are now addressed in the required contracts.	Andy Cleaver (717) 787-2171

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 427 - Public Transportation (Act 44 of 2008)	Published for public comment March 2012, estimated final promulgation November 2012.	Act 44 of 2008, Chapter 15, Sustainable Mobility Options, authorizes almost all public transportation funding programs for the Commonwealth. The legislation required the Department to develop regulations for several sections of the legislation. The temporary regulations were published in the <i>Pennsylvania Bulletin</i> on July 18, 2011. Permanent regulations were published on November 12, 2011. IRRC provided comments to Office of Chief Counsel. As of May 15, 2012, Offices of Chief Counsel is in the process of addressing the IRRC comments.	LaVerne Collins (717) 787-1214
Chapter 101, Authorizing Appropriately Attired Persons to Direct, Control, or Regulate Traffic	Estimated publication September 2012, as proposed	The proposed regulation change is needed to be consistent with a Federal Highway Administration rule making (23 CFR Par 634: "Worker Visibility Rule"—issued November 24, 2008).	Matt Briggs (717) 783-6268
Chapter 441 - Driveway/Local Road Regulations Fees	Estimated publication July 2012, as proposed	Allows sales agreement or mineral right owners to apply for permits, update sight distance requirements to AASHTO standards, relocate driveway designs to Publication 282 to allow immediate updates, allow driveway applications to be submitted by electronic submission, remove fees and fee structure from regulation and publish in <i>Pennsylvania Bulletin</i> , and update outdated references.	Mike Dzurko (717) 787-7350
Chapter 459, Utility Regulation fees	Estimated publication as proposed rulemaking, July 2012	Allow utility applications to be submitted by electronic submission, allows newest techniques in utility work to be used, remove fees and fee structure from regulation and publish in <i>Pennsylvania Bulletin</i> , and updating outdated references.	Glenn Rowe (717) 787-3620
Chapter 443, Roadside rest areas	Estimated publication as proposed rulemaking, July 2012.	These amendments more clearly delineate what activities are prohibited and permitted at roadside rest areas.	Terry Pearsal (717) 787-0466

[Pa.B. Doc. No. 12-1280. Filed for public inspection July 6, 2012, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meeting Scheduled

The Health Care Cost Containment Council (Council) has scheduled the annual meeting on Thursday, July 12, 2012, at 10 a.m.

The meeting will be held at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodation due to a disability who wish to attend the meeting, should contact Reneé Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 12-1281. Filed for public inspection July 6, 2012, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, June 21, 2012, and announced the following:

Action Taken—Regulations Approved:

State Board of Education #6-325: Safe Schools (amends 22 Pa. Code Chapter 10)

Pennsylvania Liquor Control Board #54-71: Limited Winery Container Size Restrictions (amends 40 Pa. Code Chapter 11)

Environmental Quality Board #7-471: Employer Trip Reduction; Repeal (amends 25 Pa. Code Chapters 121 and 126)

Environmental Quality Board #7-472: Portable Fuel Containers; Repeal (repeals 25 Pa. Code §§ 130.101—130.108)

Environmental Quality Board #7-473: St. Joe Resources Company; Repeal (repeals 25 Pa. Code § 128.21)

Action Taken—Regulation Disapproved: Order Not Yet Issued

*Environmental Quality Board #7-460: Noncoal Mining Fees

*Will advise when order is issued.

Approval Order

Public Meeting Held
June 21, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*State Board of Education—
Safe Schools;
Regulation No. 6-325 (#2928)*

On May 21, 2012, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Education (Board). This rulemaking amends 22 Pa. Code Chapter 10. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking establishes protocol and procedures regarding notification of and response to incidents on school property, as well as a model memorandum of understanding between school entities and local police departments.

We have determined this regulation is consistent with the statutory authority of the Board (24 P. S. § 13-1302.1-A) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
June 21, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Pennsylvania Liquor Control Board—
Limited Winery Container Size Restrictions;
Regulation No. 54-71 (#2945)*

On May 16, 2012, the Independent Regulatory Review Commission (Commission) received this regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking amends 40 Pa. Code Chapter 11. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking deletes the container size restrictions imposed upon limited license wineries.

We have determined this regulation is consistent with the statutory authority of the Board (47 P. S. § 2-207(g) and (i)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
June 21, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Environmental Quality Board—
Employer Trip Reduction; Repeal;
Regulation No. 7-471 (#2946)*

On May 21, 2012, the Independent Regulatory Review Commission (Commission) received this regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 121 and 126. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation repeals requirements for employer trip reduction plans that address air quality problems in severe ozone nonattainment areas.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P. S. § 4005(a)(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
June 21, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Environmental Quality Board—
Portable Fuel Containers; Repeal;
Regulation No. 7-472 (#2947)*

On May 21, 2012, the Independent Regulatory Review Commission received this regulation from the Environmental Quality Board (EQB). This rulemaking repeals 25 Pa. Code §§ 130.101—130.108. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation deletes a subchapter relating to the emissions of volatile organic compounds from portable fuel containers that has been superseded by a more stringent federal requirement.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P. S. § 4005) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
June 21, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Environmental Quality Board—
St. Joe Resources Company; Repeal;
Regulation No. 7-473 (#2948)*

On May 21, 2012, the Independent Regulatory Review Commission (Commission) received this regulation from the Environmental Quality Board (EQB). This rulemaking repeals 25 Pa. Code § 128.21. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The alternative emission reduction limitations specified in this provision are no longer necessary due to changes in operations and the operating permit since the regulation originally took effect in 1986.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P. S. § 4005(a)(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-1282. Filed for public inspection July 6, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Appeal of Spring Grove Exxon 32 under the Storage Tank and spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2011-0126(M); Doc. No. UT12-06-18

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant provisions of law.

A prehearing telephone conference will be held on August 16, 2012, at 9:30 a.m. A hearing will occur on August 30, 2012, at 9:30 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administra-

tor at the previously listed address on or before August 1, 2012. Answers to petitions to intervene, if any, shall be filed on or before August 15, 2012.

On or before August 1, 2012, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1283. Filed for public inspection July 6, 2012, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Extension of the Fuel Cost Recovery Surcharge

Public Meeting held
June 21, 2012

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

*Extension of the Fuel Cost Recovery Surcharge;
R-2009-2108518; S.P. 28209*

Order

By the Commission:

The Pennsylvania Public Utility Commission (Commission) by its Fuel Cost Recovery Surcharge Order at Special Permission Number 28209, ratified June 1, 2006, authorized call or demand, paratransit, and airport transfer carriers under the jurisdiction of this Commission to adjust rates and fares to offset significant increases in the cost of fuel. The fuel surcharge became effective on July 1, 2006, and has been extended in the five years following. It is currently scheduled to terminate on June 30, 2012.

In letters submitted by the Pennsylvania Taxicab and Paratransit Association, as well as other carriers, the Commission has been asked to extend the fuel cost recovery surcharge. The letters cite the concern of additional expenses to the industry as the reason for this request.

Initially, all call or demand, paratransit, and airport transfer carriers were authorized to collect the surcharge found on the Fuel Surcharge page of the Commission's website. The average price of fuel was posted on the third Friday of each month, with the effective date of the surcharge being the first day of the subsequent month. The Commission determined the average cost of unleaded regular gasoline based upon gasoline prices in the index of the Energy Information Administration of the U.S. Department of Energy. The amount of the fuel surcharge was determined by locating the average price of gasoline on a chart, also displayed on that page, and selecting the corresponding fuel surcharge in the column for the respective type of transportation.

Determination of the amounts to be charged was based

on the cost of gasoline per trip. The constants used for calculations were those based upon statistics from the Taxicab, Limousine and Paratransit Association: The average trip length of 6.8 miles for call or demand carriers and 13.61 miles for paratransit and airport transfer carriers; the average miles per gallon per vehicle of 15.04 for call or demand carriers and 13.01 for paratransit and airport transfer carriers; and \$1.35 per gallon of unleaded regular gasoline (the average cost in 2002 according to Energy Information Administration of the Department of Energy). The cost per trip was calculated by multiplying the price of gasoline by the ratio of miles per trip to miles per gallon. The cost per trip at \$1.35 per gallon would serve as the base line. The results are tabulated in the chart below.

PASSENGER CARRIER FUEL SURCHARGE CHART

FUEL (\$/Gal)	TAXICABS*	PARATRANSIT/ AIRPORT TRANSFER**
\$2.00 - \$2.09	\$.75	\$.70
\$2.10 - \$2.19	\$.30	\$.80
\$2.20 - \$2.29	\$.35	\$.90
\$2.30 - \$2.39	\$.40	\$1.00
\$2.40 - \$2.49	\$.45	\$1.10
\$2.50 - \$2.59	\$.50	\$1.20
\$2.60 - \$2.69	\$.55	\$1.30
\$2.70 - \$2.79	\$.60	\$1.40
\$2.80 - \$2.89	\$.65	\$1.50
\$2.90 - \$2.99	\$.70	\$1.60
\$3.00 - \$3.09	\$.75	\$1.70
\$3.10 - \$3.19	\$.80	\$1.80
\$3.20 - \$3.29	\$.85	\$1.95
\$3.30 - \$3.39	\$.90	\$2.05
\$3.40 - \$3.49	\$.95	\$2.15
\$3.50 - \$3.59	\$1.00	\$2.25
\$3.60 - \$3.69	\$1.05	\$2.35
\$3.70 - \$3.79	\$1.10	\$2.45
\$3.80 - \$3.89	\$1.15	\$2.55
\$3.90 - \$3.99	\$1.20	\$2.65
\$4.00 - \$4.09	\$1.25	\$2.75
\$4.10 - \$4.19	\$1.30	\$2.85
\$4.20 - \$4.29	\$1.35	\$2.95
\$4.30 - \$4.39	\$1.40	\$3.05
\$4.40 - \$4.49	\$1.45	\$3.15
\$4.50 - \$4.59	\$1.50	\$3.25
\$4.60 - \$4.69	\$1.55	\$3.35
\$4.70 - \$4.79	\$1.60	\$3.45
\$4.80 - \$4.89	\$1.65	\$3.55
\$4.90 - \$4.99	\$1.70	\$3.65
\$5.00 - \$5.09	\$1.75	\$3.75
\$5.10 - \$5.19	\$1.80	\$3.85
\$5.20 - \$5.29	\$1.85	\$3.95
\$5.30 - \$5.39	\$1.90	\$4.05

FUEL (\$/Gal)	TAXICABS*	PARATRANSIT/ AIRPORT TRANSFER**
\$5.40 - \$5.49	\$1.95	\$4.15
\$5.50 - \$5.59	\$2.00	\$4.25
\$5.60 - \$5.69	\$2.05	\$4.35
\$5.70 - \$5.79	\$2.10	\$4.45
\$5.80 - \$5.89	\$2.15	\$4.55
\$5.90 - \$5.99	\$2.20	\$4.65
\$6.00 - \$6.09	\$2.25	\$4.75

* The amount is per trip.

** The amount is per paying passenger per trip.

The Commission's intention was to create flexibility for both the carriers and the Commission. By establishing gasoline prices which would "trigger" a change in the surcharge, it would no longer be necessary to monitor the surcharge at different intervals. This flexibility would also aid in eliminating the need for emergency petitions, as was the case following Hurricane Katrina in 2005.

In the process of considering this request, the Commission has analyzed current information available from the Energy Information Administration of the U.S. Department of Energy, the American Automobile Association, and OPIS Energy Group. Data from these groups indicate that the retail price of gasoline will continue to increase throughout the summer months and even beyond, due to increased demand and the uncertainty of supply.

Many refineries have failed to return from unplanned outages and maintenance. Should more unplanned outages occur, there will be a significant impact on the future path of prices. Several analysts expect to see refinery maintenance remain relatively high even into June. High import volumes also play a part in keeping supplies adequate. Additionally, there remain many trouble spots across the globe that could affect the crude oil supply, prices, and gasoline prices (e.g., Venezuela, Nigeria, Iran, etc.). Projections such as this indicate that the cost of gasoline will remain a problem for the transportation industry.

Based on our review, it appears that an extension of the Fuel Cost Recovery is an appropriate way to address the high costs and instability of gasoline prices at the present time. As in previous orders the industry is reminded it should not continue to rely on this measure as a means of relief and members of the industry will have the responsibility of taking appropriate measures.

The Commission has received several comments regarding the advantages and disadvantages of the structure of the Fuel Cost Recovery Surcharge as it currently exists. In the subsequent period of the extension, the Bureau of Technical Utility Support will be analyzing and evaluating the Fuel Cost Recovery Surcharge for possible improvements.

After due consideration, we have determined that fuel costs are not likely to decrease significantly. Based upon the evidence available, we are of the opinion that the passenger motor carrier industry continues to have a need for the Fuel Cost Recovery Surcharge to permit the recovery of fuel expenditures; *Therefore,*

It Is Ordered That:

1. The Fuel Cost Recovery Surcharge established at Special Permission No. 28209 be and is hereby extended until June 30, 2013, unless changed, cancelled, or extended by the Commission.

2. On the third Friday of every month, the Commission shall post on its website at www.puc.state.pa.us/transport/motor/fuel_surcharge.aspx the average cost of unleaded regular gasoline upon which the surcharge will be determined.

3. Call or demand, paratransit, and airport transfer carriers rendering transportation service under the jurisdiction of the PA Public Utility Commission shall notify the public by placing a notice in all vehicles, which shall read: "The PA Public Utility Commission has authorized a fuel surcharge under Special Permission No. 28209. The surcharge has been extended and shall terminate on June 30, 2013. The current surcharge is (insert current charge here) per trip for each paying passenger."

4. The Fuel Cost Recovery Surcharge established at Special Permission No. 28209 be continued until midnight, June 30, 2013, at which time it will expire.

5. The Secretary of this Commission shall duly certify this order and deposit same with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1284. Filed for public inspection July 6, 2012, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 23, 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-2012-2295523. Gerald E. Kelly, t/a Kelly Transport (361 Oman Road, Bloomsburg, Columbia County, PA 17815)—in Group and Party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Columbia County, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2012-2295701. Larry R. Shade (P. O. Box 398, Gratz, Dauphin County, PA 17030)—in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Dauphin, Northumberland and Schuylkill, to points in Pennsylvania, and return.

A-2012-2296719. Davon Christian, t/a Christian's Transportation Services (155 Greenland Drive, Lancaster, Lancaster County, PA 17602)—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-2012-2300663. Siegfried Chauffeur Services, Inc. (P. O. Box 8874, Allentown, Lehigh County, PA 18105)—persons, in limousine service, from points in the Counties of Lehigh, Northampton and Berks, to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.

A-2012-2300639. Paul's Cab Service, Inc. (735 Market Street, Sunbury, Northumberland, PA 17801)—upon call or demand service, in the Borough of Lewisburg, Union County and within an airline distance of 5 miles; and in the Borough of Milton, Northumberland County, and within an airline distance of 5 miles.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-2012-2296330. Tropical Tanning and Beauty Salon, Inc., t/a Arrive N Style Limousine Service (14 Bellefonte Avenue, Suite 1, Lock Haven, PA 17745)—a

corporation of the Commonwealth of Pennsylvania—in Group and Party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Cameron, Centre, Clearfield, Clinton, Dauphin, Lycoming, Mifflin, Northumberland, Potter, Snyder and Tioga Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1285. Filed for public inspection July 6, 2012, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 12-045.1, Request for Proposal—Design of Finger Pier Architectural, Structural & MEP Repairs, until 2 p.m. on Thursday, August 2, 2012. Information (including mandatory prebid information) can be obtained from the PRPA web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 12-1286. Filed for public inspection July 6, 2012, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 12-0416.1, Pier 82 Installation of New Inlet, Submersible Pumps and Piping, until 2:30 p.m. on Thursday, August 2, 2012. Information (including mandatory prebid information) can be obtained from the PRPA web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 12-1287. Filed for public inspection July 6, 2012, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION [58 PA. CODE CH. 147]

[Correction]

Special Permits; Mentored Youth Hunting Program Permit

An error occurred in the final-form rulemaking which appeared at 42 Pa.B. 3594, 3595 (June 23, 2012). The fiscal note number was incorrect. The correct fiscal note is as follows.

Fiscal Note: Fiscal Note 48-336 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-1160. Filed for public inspection June 22, 2012, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD [58 PA. CODE CHS. 461a, 524, 528, 529, 605a, 613a AND 615a] Table Game Devices

(Editor's Note: This final-form rulemaking replaces the defective final-form rulemaking published at 42 Pa.B. 2675 (May 12, 2012). The document published at 42 Pa.B. 2675 did not contain amendments to Chapter 461a. The defective version of the final-form rulemaking was approved by the Office of Attorney General on February 3, 2012. The Office of Attorney General rescinded approval on June 8, 2012. See 42 Pa.B. 3595 (June 23, 2012). The Office of Attorney General approved this final-form rulemaking on June 19, 2012. The Independent Regulatory Review Commission, the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee approved this final-form rulemaking as stated in the Regulatory Review section of this preamble.)

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 13A02(1) and (2), 1317.2, 1319, 1319.1 and 1341A, rescinds Chapters 524, 528 and 529, amends Chapter 461a (relating to slot machine and table game device testing and control) and adds Chapters 605a, 613a and 615a (relating to electronic gaming tables; gaming related gaming service providers; and conditional table game device licenses) to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

Under 4 Pa.C.S. § 13A03 (relating to temporary table game regulations), the Board initially adopted temporary regulations in Chapters 524, 528 and 529. With this final-form rulemaking, the Board is replacing the temporary regulations in Chapter 524 with the permanent regulations in Chapter 605a, the temporary regulations in Chapter 528 with the permanent regulations in Chapter 613a and the temporary regulations in Chapter 529 with the permanent regulations in Chapter 615a.

Explanation of Chapter 605a

Section 605a.1 (relating to definitions) provides definitions of “electronic wagering system” and “game account” that are applicable to the chapter. These definitions mirror the definitions in 4 Pa.C.S. Part II (relating to gaming) or reflect commonly used terms in the gaming industry.

Section 605a.2 (relating to electronic wagering systems) sets forth the requirements for electronic wagering systems. An electronic wagering system allows players to place wagers electronically on some form of display and adds winnings or deducts losses automatically. This section specifies the minimum requirements for these systems and requires that they be tested by the Bureau of Gaming Laboratory Operations (Bureau) and approved prior to use in the licensed facility.

Section 605a.3 (relating to procedures for buying in to and cashing out of a table game using an electronic wagering system) provides the procedures whereby a player may “buy in to” a table game, which is how the player purchases credits that can be used to play the game, and the procedures for “cashing out” of the game, which is how the player receives any funds remaining in his gaming account when he is ready to leave the game.

Section 605a.4 (relating to electronic gaming tables) contains the requirements for electronic gaming tables. An electronic gaming table uses an electronic wagering system, but still requires a dealer or boxperson to conduct the game. This section includes the technical requirements for the tables, the meters the tables must have and the requirement that the tables be tested by the Bureau and approved prior to use.

Section 605a.5 (relating to fully automated electronic gaming tables) contains the requirements for fully automated electronic gaming tables. The difference between an electronic gaming table and a fully automated electronic gaming table is that a fully automated electronic gaming table operates without a dealer, boxperson or any other employee of the certificate holder. This section is structured in the same manner as § 605a.4 and contains the technical requirements of the tables, the meters these tables must have and the requirement that the tables be tested by the Bureau and approved prior to use.

Section 605a.6 (relating to integrated live Roulette wheels used on fully automated electronic gaming tables) contains the specific statistical requirements that the Roulette wheels used on fully automated electronic gaming tables must meet regarding the randomness of the resulting spins and the actions that are to occur if the roulette wheel does not satisfy the statistical test.

Section 605a.7 (relating to progressive table game systems) sets forth meter requirements for progressive table game systems, requires Bureau testing and approval of progressive jackpots offered and limits the circumstances under which a progressive jackpot may be turned back to a lesser amount. These provisions are similar to Chapter 461a governing progressive jackpots offered on slot machines.

Explanation of Chapter 613a

Chapter 613a sets forth the certification process for gaming related gaming service providers. A gaming related gaming service provider is a class of gaming service provider that provides new table games or side wagers,

game variations or similar innovations for which they have typically received or applied for a patent. Although these entities and individuals provide the table games and side wagers played in the licensed facility, they are not otherwise required to be licensed as a manufacturer or supplier. The Board is therefore creating a classification of gaming service provider for these individuals and entities.

Included in Chapter 613a are provisions regarding the following: which entities or individuals are considered gaming related gaming service providers; the application and renewal process; the qualification process for key individuals who own or are employed by the gaming related gaming service provider; gaming related gaming service provider responsibilities; the gaming related gaming service provider list; permission to conduct business prior to certification; requirements regarding using a gaming related gaming service provider; and certificate holders' duty to investigate. These requirements mirror the application and qualification requirements of all certified gaming service providers in Chapter 437a (relating to gaming service provider certification and registration).

Explanation of Chapter 615a

Chapter 615a establishes the requirements regarding the issuance of a conditional table game device license to entities that have applied for a table game device manufacturer, manufacturer designee or supplier license.

As part of the act of January 7, 2010 (P. L. 1, No. 1) (Act 1), entities that want to manufacture or supply table game devices are required to obtain a table game device manufacturer or supplier license. For entities that are not currently licensed, this will require the entities to file a manufacturer, manufacturer designee or supplier license application with the Board.

Typically, these applications can take 1 year or more to process due to the extensive background investigations that are required. The Board may therefore issue a conditional license to a table game device manufacturer, manufacturer designee or supplier applicant that meets the requirements in § 615a.1 (relating to table game devices, conditional licenses). More specifically, these applicants will have to do the following: submit a complete application; be licensed in good standing in a jurisdiction that has licensing standards which provide similar safeguards to those in this Commonwealth; have an expression of interest in acquiring the equipment they manufacture or supply from a certificate holder or a manufacturer, manufacturer designee or supplier licensee; have successfully completed a preliminary screening, including the applicant's criminal history; and have paid the applicable application and licensing fees. To date, the Board has determined that Ontario, New Jersey, Nevada, Mississippi and Louisiana have licensing standards that are equivalent to the Commonwealth's standards.

Table game device manufacturer, manufacturer designee or supplier applicants that meet these requirements will be able to provide table game devices while the review of their license application continues. If, however, as part of the continuing investigation, the Office of Enforcement Counsel issues a Notice of Recommendation of Denial, the Bureau of Licensing may rescind the conditional license. If this occurs, the Bureau of Licensing will notify the conditional licensee and all certificate holders that the conditional licensee is no longer authorized to provide table game devices in this Commonwealth. This notice will be sent by registered mail and

will contain a date after which the applicant will no longer be permitted to provide table game devices.

Comment and Response Summary

Notice of proposed rulemaking was published at 41 Pa.B. 605 (January 29, 2011). During the comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC).

General Comments

In §§ 605a.2(c) and (e), 605a.4(b), 605a.7(b) and (c) and 604a.7(d)(3), IRRC requested that the final-form rulemaking contain procedures for the Bureau's testing and approval of electronic wagering systems, electronic gaming tables and progressive table game systems. A cross reference to the provisions for testing and approval in § 461a.4 (relating to submission for testing and approval) was added in these sections and is the same process currently used for the testing and approval of slot machines and associated equipment.

Instead of updating Chapter 461a in a future rulemaking to specifically include table game devices that are required to be submitted to the Bureau for testing and subsequent approval and to reduce confusion to the regulated community, the Board added amendments to Chapter 461a to the final-form rulemaking to include table game devices and gaming related services.

Amendments to Chapter 461a reflect that the Bureau, after completion of testing, reports its findings to the Board's Executive Director for approval. The Board previously delegated authority to the Executive Director to approve slot machines, table game device and gaming related services. Changing the references in Chapter 461a from the Board to the Executive Director codifies that delegation of authority.

Section 461a.4(c) addresses the six types of table game devices and associated equipment that are required to be submitted to the Bureau for testing. Additionally, the requirements for submission of gaming related services to the Bureau for testing was added in § 461a.4(g)(10).

Chapter 605a

In § 605a.2(d)(3)(ii), (6) and (7)(vii) and (viii), IRRC had questions regarding the Poker rake and Poker revenue and requested that a definition be added to the final-form rulemaking. The final-form rulemaking contains a cross reference to § 637a.17 (relating to Poker revenue) regarding Poker revenue and the collection of the Poker rake.

In § 605a.2(d)(7), which addresses the reports that the electronic wagering system must be capable of generating, IRRC requested specificity regarding who the reports are to be submitted to and what the certificate holder is required to do with the reports. For clarity, the final-form rulemaking requires that the system be capable of generating the reports in subsection (d)(7)(i)—(xii) but does not require that they be submitted to the Board or the Department of Revenue (Department). The information in subsection (d)(7)(i)—(xii) is used by the certificate holder in its revenue audit to determine the total win on the table, the hold percentage and the tax that is owed to the Commonwealth. Board staff and the Department may request these reports during an audit to verify meters or the total win on the machines and the taxes collected. The reports may also assist the certificate holder, Board staff and the Pennsylvania State Police in determining if there was theft or cheating in the play or the revenue count on the electronic gaming table.

In §§ 605a.4(g) and 605a.5(d)(12), which specify the meters that the electronic gaming table or fully auto-

mated electronic gaming table are required to have, IRRC was concerned that the catch-all provisions in §§ 605a.4(g)(8) and 605a.5(d)(12) did not provide the regulated community with a clear standard.

This catch-all language is consistent with the meter requirements in § 461a.7 (relating to slot machine minimum design standards) and was included because meters are the only way to ascertain the gross table game revenue on an electronic gaming table and therefore the tax owed to the Commonwealth. As technology rapidly changes in the gaming industry, the Bureau and the Department need a mechanism to require additional meters if the meters currently required are inadequate to determine gross table game revenue. Because it takes a minimum of 6 months to promulgate a regulation, use of the technical standards is the only way the Board can develop new standards for these new products in a timely manner.

The technical standards are not intended to be permanent rules. As a technology matures, it is the Board's intention to initiate proposed rulemakings which will bring the applicable technical standards into the body of the Board's regulations.

Technical standards are used extensively in other gaming jurisdictions for the same reason the Board is proposing to use them here, which is to promote rapid approval of new games, technology and equipment. Without technical standards, manufacturers would face long delays before they could offer their products in this Commonwealth. Additionally, certificate holders would not be able to offer the newest games or take advantage of new systems or equipment as quickly as their competitors in other states. In an industry as competitive as gaming, not using technical standards would result in loss of revenue to not only the licensees but also the Commonwealth.

Chapter 613a

In Chapter 613a, IRRC asked why the Board created the term "gaming related gaming service provider" instead of using the term "gaming service provider."

The Board created this class of gaming service provider because these entities and individuals provide new table games, side wagers and variations (gaming related services) but are not otherwise required to be licensed as a manufacturer or supplier. The monetary thresholds currently applicable to gaming service providers are impractical for gaming related gaming service providers since the annual lease amounts paid by the certificate holders would not necessitate, in most instances, the gaming related gaming service provider to be certified or even register with the Board. To protect the integrity of gaming, the Board determined that all gaming service providers that provide a gaming related service should be certified based on the nature of the product supplied to the certificate holder.

For clarity, the definitions of "gaming related gaming service provider" and a "gaming related service" were added in § 613a.1(a) (relating to definitions; general requirements). The language that was deleted from this section was incorporated into the definitions. The application requirement was then moved to subsection (b).

In § 613a.2(a) (relating to gaming related gaming service provider certification applications), IRRC asked why the certificate holder was required to submit the documentation and fee for the gaming related gaming service provider.

The requirement in the temporary and proposed regulations was similar to the sponsored gaming service pro-

vider application procedures which required that the application be submitted by a licensee that intended to utilize the good or service that the gaming service provider was supplying. The certificate holder did not pay the fee but only submitted the information on behalf of the gaming service provider.

When table games were implemented, to ensure that the Board prioritized its resources and focused on only those companies that offered a product that a certificate holder intended to use, gaming related gaming service provider applications were required to be submitted by the certificate holder that intended to use the gaming related service. This requirement is no longer necessary and was therefore eliminated in the final-form rulemaking.

Also in subsection (a)(1), IRRC recommended that the language allowing the Board to direct that a different number of applications be submitted be deleted in the final-form rulemaking. The language allowing the Board to direct an alternative number of applications was included in the proposed rulemaking because the Bureau of Licensing contemplated more online applications in the future which would eliminate the need for an original and one copy to be submitted in paper form. At this time, however, paper applications for gaming related gaming service providers are still required.

In § 613a.6 (relating to gaming related gaming service provider list), IRRC suggested that the final-form rulemaking state where the list of certified gaming related gaming service providers may be found. Language was added specifying that the list may be found on the Board's web site.

In § 613a.7 (relating to requirements for use of a gaming related gaming service provider), as suggested, the definition of a "gaming related service" was added in § 613a.1(a). In subsection (a)(1), similar to the procedures for the Bureau's testing and approval of electronic wagering systems in § 605a.2, gaming related gaming service providers will also submit their gaming related service to the Bureau for review and approval in accordance with § 461a.4(g)(10). As previously discussed, § 461a.4 was updated and included in this final-form rulemaking to specifically incorporate gaming related services in the submission and approval process.

In subsection (a)(4), the cross reference to the application fee for gaming related gaming service provider certification was included in the final-form rulemaking as suggested by IRRC.

In § 613a.8 (relating to permission to conduct business prior to certification), IRRC requested that the Board explain how the practice of authorizing an applicant to do business prior to certification protects the integrity of gaming.

Interim authorization was contemplated under 4 Pa.C.S. § 1317.2(e) (relating to gaming service provider). To be eligible for interim authorization, the gaming related gaming service provider shall submit its application which is initially reviewed by the Bureau of Licensing. Prior to being added to the authorization list, the gaming related gaming service provider undergoes a review for Federal and State tax clearance as well as an initial review of all individuals who are required to be qualified. Also, the certificate holder that intends to utilize the gaming related gaming service provider's goods or services is required to conduct due diligence on the gaming related gaming service provider and submit a statement with the application affirming that the certifi-

cate holder believes that the applicant meets the qualification requirements. Lastly, if the applicant's suitability is in question or the applicant no longer cooperates in the application or investigation process, the Bureau of Licensing will rescind interim authorization.

If a gaming related gaming service provider has received interim authorization and the Bureau of Investigations and Enforcement (BIE) discovers derogatory information relating to an applicant's suitability during the BIE's investigation, the gaming related gaming service provider's interim authorization may be immediately rescinded pending the Board's decision regarding the gaming related gaming service provider's application. All of the following procedures were designed to ensure the integrity of gaming pending the BIE's complete investigation.

If the Office of Enforcement Counsel recommends that the gaming related gaming service provider's application be denied, the gaming related service may no longer be utilized in the licensed facility after the date specified in the Bureau of Licensing's Notice of Rescission. This requirement was added in § 613a.8(b)(2).

As of September 2011, a total of six gaming related gaming service providers have applied for certification. Four are on the authorized list and two are pending but are not yet authorized to provide a gaming related service to a certificate holder.

Chapter 615a

IRRC had similar concerns regarding how the practice of issuing a conditional table game device license to a manufacturer or supplier adequately protects the integrity of gaming.

To be eligible for a conditional license, an applicant shall be a certified gaming service provider in this Commonwealth or be licensed in good standing in another gaming jurisdiction in the United States or Canada that the Board has determined has similar licensing standards that are as comprehensive and thorough and provide similar safeguards as those in 4 Pa.C.S. Part II. The Board has determined that several gaming jurisdictions have similar standards, including Ontario, New Jersey, Nevada, Mississippi and Louisiana. Additionally, like gaming related gaming service providers, the applicant shall pass an initial application review, undergo a review for Federal and State tax clearance as well as an initial criminal history review of all individuals who are required to be licensed. These safeguards ensure that the integrity of gaming is protected in this Commonwealth.

As of September 2011, there were nine table game device manufacturers and manufacturer designees that were awarded conditional licenses of which three have already been fully investigated and licensed by the Board. None of the conditional licenses have been revoked.

IRRC also requested that a definition of "table game device" be included in this chapter. A table game device is a statutorily defined term in 4 Pa.C.S. § 1103 (relating to definitions) and includes gaming tables, cards, dice, chips, shufflers, tiles, dominoes, wheels, drop boxes or any mechanical, electrical or computerized contrivance, terminal, machine or other device, apparatus, equipment or supplies used to conduct a table game. The statutory definition is included in Chapter 601a (relating to general table game provisions), which contains the definitions applicable to the chapters in Subpart K (relating to table games).

IRRC also requested that the final-form rulemaking contain some specificity regarding the fee the manufact-

urer, manufacturer designee or supplier is required to pay in accordance with § 615a.1(b). In the final-form rulemaking, reference to the application fee was added in subsection (b)(1) and the reference to the licensing fee, as posted on the Board's web site, was added in subsection (b)(5).

Additional Revisions

Throughout Chapter 605a, the language regarding the testing and approval process for electronic wagering systems was amended. The language in the proposed rulemaking stated that the Bureau tests and approves electronic wagering systems; however, while the Bureau does do the testing, the Board's Executive Director approves the systems for use. The updated language more accurately reflects current agency practice and is consistent with the process in § 461a.4.

In § 605a.1, the definitions of "electronic gaming table," "fully automated electronic gaming table" and "progressive table game system" were deleted from this final-form rulemaking. These terms are used several times throughout Subpart K and were moved to § 601a.1 (relating to definitions), which contains the general definitions applicable to Subpart K.

Proposed § 605a.2(a) required that if an electronic wagering system was utilized, wagering had to be done using that system. The Board recently approved a side wager in Blackjack which utilizes an electronic wagering system for the placement of that side wager; however, not all wagers at that Blackjack table require the use of the electronic wagering system. Language was therefore added allowing for wagers or only those wagers that are specified in the rules of the game to be made utilizing the electronic wagering system.

In §§ 605a.2(b) and 605a.4(b), key control was modified allowing the slots department to have control of the key that accesses the fully automated electronic gaming tables. This was updated to allow flexibility since the fully automated machines are similar to slot machines and are typically serviced by slot tech department employees not table game department employees.

In §§ 613a.2(c) and 613a.7(2), language was deleted and replaced with the definition of "gaming related service" as defined in § 613a.1(a).

In § 613a.8(a)(2), an incorrect reference was updated and the language regarding the certificate holder submitting the application was deleted. Language was added requiring that prior to a gaming related gaming service provider receiving authorization to conduct business with a certificate holder, the gaming related gaming service provider's application must pass a preliminary review.

Subsection (a)(3) was updated to reflect that it is not the Bureau of Licensing that makes a determination regarding suitability but is informed if an applicant's suitability may be at issue.

Subsection (a)(5) was added which requires that the gaming related gaming service provider successfully pass a preliminary review of its criminal history prior to receiving authorization to conduct business with a certificate holder. This added language is consistent with current agency practice.

For clarity, in Chapter 615a, the term "applicant" was changed to "conditional licensee" in several instances. Also, in § 615a.1(a), the phrase "prior to licensure" was deleted because a conditional license is a type of license so the phrase is not applicable.

Affected Parties

With respect to Chapter 605a, slot machine licensees that elect to become certificate holders and decide to install electronic or fully automated gaming tables will be required to comply with this chapter. Additionally, manufacturers of electronic or fully automated gaming tables will be required to submit their tables to the Bureau for testing and will have to meet the design requirements in this chapter.

The Board will experience increased regulatory demands to review the tables submitted by manufacturers and review the procedures and inspect the tables installed at licensed facilities.

Regarding Chapter 613a, individuals and entities that want to become gaming related gaming services providers will have to complete a certification application and pay the applicable fees. To date, the Board has received six applications for certification from gaming related gaming service providers. Applications the Board receives will be reviewed and investigated by existing agency staff.

Regarding Chapter 615a, certificate holders will benefit from this final-form rulemaking because they will have more sources from whom they may obtain table game devices in a shorter period of time. Additionally, applicants for table game device manufacturer, manufacturer designee or supplier licenses will benefit from being able to offer their products in this Commonwealth within a shorter period of time without jeopardizing the integrity of gaming.

The Board has experienced increased regulatory demands resulting from the implementation of table games, including the review of electronic and fully automated tables, gaming related services and the review of additional applications from gaming related gaming service providers, table game device manufacturers, manufacturer designees and suppliers.

Fiscal Impact

Commonwealth. The Bureau experienced increased costs regarding the review of electronic gaming tables and gaming related services that manufacturers and gaming related gaming service providers have elected to offer for sale in this Commonwealth. These costs, however, will be recovered directly from manufacturers or gaming related gaming service providers as required under 4 Pa.C.S. Part II. The Board also anticipates that additional demands will be placed on existing staff regarding the inspection of these tables when they are installed in a licensed facility. However, because most certificate holders are not using many of these tables at this time, the Board does not expect it will need to hire additional personnel to meet these demands.

Additionally, the Board experienced increased costs related to the review of the applications for gaming related gaming service provider certification and for conditional table game device licenses for manufacturers, manufacturer designees and suppliers. However, the increased costs did not exceed the initial additional supplemental funding of approximately \$2.1 million provided under Act 1.

Political subdivisions. This final-form rulemaking will not have a fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties will benefit from the local share funding mandated by Act 1.

Private sector. This final-form rulemaking will result in additional costs for certificate holders that elect to use electronic or fully automated electronic gaming tables

because these tables are more expensive. However, these costs would be offset by reduced labor costs and increased speed of play.

Manufacturers of electronic gaming tables and providers of gaming related services will have to reimburse the Bureau for the costs incurred by the Bureau to complete its technical review of these gaming tables. It is anticipated that the manufacturers and gaming related gaming service providers will recover the costs as part of the prices they charge for these tables.

Applicants for a table game device manufacturer, manufacturer designee or supplier license and gaming related gaming service provider certification will have to complete the applicable existing Board license or certification application forms and pay the associated application, investigation, licensing or certification fees. There will not be additional forms required or fees imposed in connection with the conditional licenses for manufacturers, manufacturer designees and suppliers.

General public. This final-form rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

This final-form rulemaking will require manufacturers and gaming related gaming service providers to submit their equipment, manuals and other technical information regarding the particular gaming related service, electronic or fully automated gaming table that they submit to the Bureau for approval.

With respect to manufacturer, manufacturer designee, supplier and gaming related gaming service provider applicants, they will be required to file the normal applications and related materials for a license or certification.

Effective Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 19, 2011, the Board submitted a copy of the proposed rulemaking, published at 41 Pa.B. 605, and a copy of the Regulatory Analysis Form to IRRC and to the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on January 11, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 12, 2012, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of

July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II.

Order

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

(a) The regulations of the Board, 58 Pa. Code, are amended by deleting §§ 524.1—524.7, 528.1—528.9, 529.1 and 529.2, by amending §§ 461a.3, 461a.4 and 461a.26 and by adding §§ 605a.1—605a.7, 613a.1—613a.9 and 615a.1 to read as set forth in Annex A.

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

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

WILLIAM H. RYAN, Jr.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 626 (January 28, 2012).)

Fiscal Note: Fiscal Note 125-138 remains valid for the final adoption of the subject regulations.

Annex A

Title 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 461a. SLOT MACHINE AND TABLE GAME DEVICE TESTING AND CONTROL

§ 461a.3. Testing and approval generally.

(a) In accordance with sections 1320 and 13A41 of the act (relating to slot machine testing and certification standards; and table game device and associated equipment testing and certification standards), slot machines, table game devices and associated equipment operated in this Commonwealth must be tested and approved in accordance with § 461a.4(g) (relating to submission for testing and approval).

(b) The general cost of establishment and operation of the Board's testing facility shall be paid by each manufacturer licensee and gaming related gaming service provider on a quarterly basis based upon each manufacturer's or gaming related gaming service provider's proportion of the total number of products reviewed.

(c) The Board will require payment of all costs for the testing and approval of slot machines, table game devices and associated equipment submitted by manufacturers or gaming related gaming service providers or installed at a licensed facility based on the actual direct costs incurred by the Board.

(d) The Board will require a manufacturer licensee or gaming related gaming service provider seeking approval of a slot machine, table game device or associated equipment to pay all costs of transportation, inspection and testing.

§ 461a.4. Submission for testing and approval.

(a) A slot machine, table game device or associated equipment identified in subsection (c) (collectively re-

ferred to as "products" or "equipment, device or software"), or a modification thereto, may not be offered for sale, lease or distribution for ultimate use by a slot machine licensee in this Commonwealth unless a prototype identical in all mechanical, electrical, electronic and other respects has been tested by the Bureau of Gaming Laboratory Operations and approved by the Board's Executive Director.

(b) When an applicant for, or holder of, a slot machine license develops software or a system that is functionally equivalent to any of the slot systems or table game systems enumerated in subsection (c), that software or system shall be subject to the testing and approval process of this subpart to the same extent as if the software or system were developed by an applicant for, or holder of, a manufacturer license. Any reference in this subpart to the responsibilities of a manufacturer applies to an applicant for, or holder of, a slot machine license developing software or systems subject to testing and approval under this subpart.

(c) For the purposes of this section, slot machines, table game devices and associated equipment that shall be submitted for testing and approval include:

(1) Slot machines, including bill validators and printers.

(2) Slot monitoring systems, to the extent the systems interface with slot machines and related systems.

(3) Casino management systems, to the extent the systems interface with slot machines and related systems.

(4) Player tracking systems, to the extent the systems interface with slot machines and related systems.

(5) Progressive systems, including wide area progressive systems.

(6) Gaming voucher systems.

(7) External bonusing systems.

(8) Cashless funds transfer systems.

(9) Machines performing gaming voucher, coupon or jackpot payout transactions.

(10) Coupon systems, to the extent the systems interface with slot machines and related systems.

(11) Other related systems.

(12) Table game devices including:

(i) Electronic gaming tables as described in § 605a.4 (relating to electronic gaming tables).

(ii) Fully automated electronic gaming tables as described in § 605a.5 (relating to fully automated electronic gaming tables).

(iii) Progressive table game systems as described in § 605a.7 (relating to progressive table game systems).

(iv) Automated card shuffling devices as described in § 603a.17 (relating to dealing shoes; automated card shuffling devices).

(v) Electronic dealing shoes as described in § 603a.17.

(vi) Electronic wagering systems as described in § 605a.2 (relating to electronic wagering systems).

(d) Slot machine prototypes, table game device prototypes and associated equipment prototypes, and modifications thereto, which are subject to testing and approval under this section will be evaluated by the Bureau of Gaming Laboratory Operations for overall operational integrity and compliance with the act, this subpart and

technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. In addition, with regard to any slot machine, fully automated electronic gaming table or modification thereto, the Bureau of Gaming Laboratory Operations will test for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines.

(e) The Bureau of Gaming Laboratory Operations may prescribe a standard product submission checklist, together with supplemental product specific submission checklists for completion by an applicant for, or holder of, a manufacturer license, to facilitate the examination and analysis of a prototype or modification.

(f) The Board may require the chief engineer of the applicant for, or holder of, a manufacturer license or the engineer in charge of the division of the manufacturer responsible for producing the product submitted to attest that the product was properly and completely tested by the manufacturer prior to its submission to the Bureau of Gaming Laboratory Operations.

(g) When an applicant for, or holder of, a manufacturer license seeks Board approval of a slot machine prototype, table game device prototype, as described in subsection (c)(12), associated equipment prototype, or any modification thereto, the manufacturer shall submit to the Bureau of Gaming Laboratory Operations the following:

(1) A prototype of the equipment, device or software accompanied by a written request for testing and approval. The manufacturer shall transport the equipment, device or software at its own expense and deliver it to the Bureau of Gaming Laboratory Operations in accordance with instructions provided.

(2) Certifications required under subsection (f) providing assurances from the manufacturer that the product was properly and completely tested and emulated by the manufacturer prior to its submission to the Bureau of Gaming Laboratory Operations and that the product, device or software complies with the act, this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site, including applicable requirements related to the central control computer.

(3) An executed copy of a current product submission checklist, and any product specific supplemental submission checklists applicable to the submitted equipment, device or software.

(4) A complete, comprehensive and technically accurate description of the equipment, device or software, accompanied by applicable diagrams, schematics and specifications, together with documentation with regard to the manner in which the product was tested and emulated by the manufacturer prior to its submission to the Bureau of Gaming Laboratory Operations.

(5) Any hardware, software and other equipment, inclusive of technical support and maintenance applicable thereto, required by the Bureau of Gaming Laboratory Operations to conduct the testing and approval process contemplated by the act, this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(6) In the case of a slot machine prototype or table game device prototype, the following additional information:

(i) A copy of all executable software, including data and graphics information, on electronically readable, unalterable media.

(ii) A copy of all source code for programs that cannot be reasonably demonstrated to have any use other than in a slot machine or electronic gaming table, on electronically readable, unalterable media.

(iii) A copy of all graphical images displayed on the slot machine or table game device, including reel strips, rules, instructions and paytables.

(iv) A mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy.

(v) Hardware block diagrams of the major subsystems.

(vi) A complete set of schematics for all subsystems.

(vii) A wiring harness connection diagram.

(viii) A technical and an operator manual.

(ix) A description of security methodologies incorporated into the design of the slot machine table game device, including, when applicable, encryption methodology for all alterable media, auto-authentication of software and recovery capability of the slot machine or table game device for power interruption.

(x) For meters required by this subpart or technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site, a cross reference of product meters to the required meters, if necessary.

(xi) A description of tower light functions indicating the corresponding condition.

(xii) A description of error conditions and the corresponding action required by the operator.

(xiii) A description of the use and function of available dip switch settings or configurable options.

(xiv) A description of the pseudo random number generator or generators used to determine game outcome, including a detailed explanation of operational methodology, and a description of the manner by which the pseudo random number generator and random number selection process is impervious to outside influences, interference from electro-magnetic, electrostatic and radio frequencies, and influence from ancillary equipment by means of data communications. Test results in support of representations shall be submitted. For the purposes of this section, "game outcome" means the results of a wager.

(xv) Specialized hardware, software or testing equipment, inclusive of technical support and maintenance, needed to complete the evaluation, which may include an emulator for a specified microprocessor, PCs, extender cables for CPU boards, target reel strips and door defeats. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(xvi) A compiler, or reasonable access to a compiler, for the purpose of building applicable code modules.

(xvii) Program storage media including EPROMs, EEPROMs and any type of alterable media for slot machine or table game device software.

(xviii) Technical specifications for any microprocessor or microcontroller.

(xix) A complete, comprehensive and technically accurate description of the manner in which the slot machine or fully automated electronic gaming table was tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines or fully automated electronic gaming tables.

(xx) Additional documentation requested by the Bureau of Gaming Laboratory Operations relating to the slot machine or table game device.

(7) In the case of a modification to a slot machine or table game device prototype, including a change in theme, the following additional information:

(i) A complete, comprehensive and technically accurate description of the proposed modification to the slot machine or table game device prototype, accompanied by applicable diagrams, schematics and specifications.

(ii) When a change in theme is involved, a copy of the graphical images displayed on the slot machine or table game device including reel strips, rules, instructions and paytables.

(iii) When a change in the manner in which the theoretical payout percentage is achieved is involved, a mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy.

(iv) A complete, comprehensive and technically accurate description of the manner in which the slot machine or fully automated electronic gaming table was tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines or fully automated electronic gaming tables.

(v) Additional documentation requested by the Bureau of Gaming Laboratory Operations relating to the modification of the slot machine or table game device.

(8) In the case of a slot monitoring system, casino management system, player tracking system, wide area progressive system, gaming voucher system, external bonusing system, cashless funds transfer system, automated gaming voucher, coupon redemption or jackpot payout machine, coupon system, table game device or any other equipment or system required to be tested and approved under subsection (c):

(i) A technical and an operator manual.

(ii) A description of security methodologies incorporated into the design of the system to include, when applicable, password protection, encryption methodology and its application, auto-authentication, network redundancy, back-up and recovery procedures.

(iii) A complete schematic or network diagram of the system's major components accompanied by a description

of each component's functionality and a software object report. The description must disclose the functions performed by each component.

(iv) A description of the data flow, in narrative and in schematic form, including specifics with regard to data cabling and, when appropriate, communications methodology for multisite applications.

(v) A list of computer operating systems and third party software incorporated into the system together with a description of their interoperability.

(vi) System software and hardware installation procedures.

(vii) A list of available system reports.

(viii) When applicable, features for each system which may include patron and employee card functions, promotions, reconciliation procedures and patron services.

(ix) A description of the interoperability testing including test results for each submitted system's connection to, as applicable, slot machines, voucher, coupon redemption and jackpot payout machines, computerized systems for counting money, vouchers and coupons. This list must identify the tested products by manufacturer, model and software identification and version number.

(x) A narrative describing the method used to authenticate software.

(xi) All source code.

(xii) A complete, comprehensive and accurate description, accompanied by applicable diagrams, schematics and specifications, of the creation of a voucher and the redemption options available.

(xiii) A complete, comprehensive and technically accurate description, accompanied by applicable diagrams, schematics and specifications, of the creation of a coupon and the redemption options available.

(xiv) Any specialized hardware, software or other equipment, inclusive of technical support and maintenance applicable thereto, required by the Bureau of Gaming Laboratory Operations to conduct the testing and approval process contemplated by the act, this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(xv) Additional documentation requested by the Board related to the equipment or system being tested.

(9) In the case of a modification to any of the systems identified in paragraph (8), the following additional information:

(i) A complete, comprehensive and technically accurate description of the proposed modification to the system, accompanied by applicable diagrams, schematics and specifications.

(ii) A brief narrative disclosing the purpose for the modification.

(iii) Additional documentation requested by the Bureau of Gaming Laboratory Operations relating to the modification.

(10) In the case of gaming related services, as described in § 613a.1 (relating to definitions; general requirements), which are submitted by an applicant for or holder of a manufacturer license or gaming related gaming service provider certification:

(i) A mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of the strategy.

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

(iii) The true odds, the payout odds and the house advantage for each wager.

(iv) A sketch or picture of the game layout, if any.

(v) Sketches or pictures of the equipment used to play the game.

(h) At the conclusion of testing of a prototype or modification by the Bureau of Gaming Laboratory Operations, but prior to a decision to approve a prototype or modification, the Board's Executive Director may require a trial period of scope and duration as he deems appropriate to assess the operation of the prototype or modification in a live gaming environment. The conduct of the trial period shall be subject to compliance by the licensed manufacturer, licensed manufacturer designee, applicable licensed suppliers, gaming related gaming service provider and the slot machine licensee with specific terms and conditions as may be required by the Board's Executive Director, which may include development and implementation of product specific accounting and internal controls, periodic data reporting to the Board's Executive Director and compliance with technical standards on trial periods or the prototype or modification adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. The Board's Executive Director may authorize the receipt of compensation by a licensed manufacturer, licensed manufacturer designee, licensed supplier or gaming related gaming service provider during the trial period. The Board's Executive Director may order termination of the trial period if it determines that the licensed manufacturer, licensed manufacturer designee, applicable licensed suppliers, gaming related gaming service provider or the slot machine licensee conducting the trial period has not complied with the terms and conditions required by the Board's Executive Director or that the product is not performing as expected.

(i) At the conclusion of testing of a prototype or modification, the Bureau of Gaming Laboratory Operations will report to the Board's Executive Director the results of its testing. Upon receipt of the Bureau of Gaming Laboratory Operations' report, the Board's Executive Director will:

(1) Approve, approve with conditions or reject the submitted prototype or modification.

(2) Require additional testing or a trial period under subsection (h).

(j) The Board's Executive Director approval of a prototype or modification does not constitute a guarantee of the prototype's or modification's safety.

(k) A slot machine licensee is prohibited from installing in its licensed facility a slot machine, table game device or associated equipment, or modification thereto, that is required to be tested unless the equipment, device or software has been approved by the Board's Executive Director. A slot machine licensee may not modify, alter or tamper with an approved slot machine, table game device

or associated equipment. A slot machine, table game device or associated equipment installed in a licensed facility in contravention of this requirement will be subject to seizure by the Board.

(l) Notwithstanding subsection (k), the Board's Executive Director may authorize installation of a modification to a slot machine prototype, table game device prototype or associated equipment prototype on an emergency basis to prevent cheating or malfunction, upon the written request of a licensed manufacturer. The request must expressly detail the name and employer of any persons to be involved in the installation of the modification and the manner in which it is to be effected. Within 15 days of receipt of any authorization to install an emergency modification, the manufacturer shall submit the modification for full testing and approval in accordance with this subpart.

(m) A slot machine licensee shall immediately notify the Bureau of Gaming Laboratory Operations and the casino compliance representatives at the licensed facility of any known or suspected defect or malfunction in any slot machine, table game device or associated equipment installed in its licensed facility. The slot machine licensee shall comply with instructions issued by the Bureau of Gaming Laboratory Operations with regard to the continued operation of the slot machine, table game device or associated equipment.

(n) Concurrent with the initial receipt of slot machines, a slot machine license shall file a slot machine master list as required by § 463a.5 (relating to slot machine master lists).

(o) The testing of equipment, devices or software under this subpart may require the dismantling of the product and testing that may result in damage to, or destruction of, one or more systems or components. Once submitted for testing, equipment, devices or software will not be returned to the manufacturer.

§ 461a.26. Testing and software installation on the live gaming floor.

(a) Prior to the testing of slot machines, table game devices as described in § 461a.4(c)(12) (relating to submission for testing and approval), associated equipment and displays on a live gaming floor during a slot machine licensee's normal hours of operation, the slot machine licensee shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance in writing at least 72 hours prior to the test date and receive the required approvals from the Bureau of Gaming Laboratory Operations prior to beginning testing. The notification must include the following:

(1) A detailed narrative description of the type of testing to be conducted, including the reason for the testing, a list of individuals conducting the testing and the slot machine licensee's procedures for conducting the testing.

(2) The date, time and approximate duration of the testing.

(3) The model, slot machine location number and asset number of the slot machine or machines or table game device to be tested.

(4) The location within the licensed facility where the testing will occur.

(b) A slot machine licensee shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance at least 72 hours prior to the installation of

any new software or the installation of any change in previously approved software and receive the required approvals prior to the installation of:

- (1) Automated gaming voucher and coupon redemption machines.
 - (2) Wide area progressive systems.
 - (3) Slot monitoring systems.
 - (4) Casino management systems.
 - (5) Player tracking systems.
 - (6) External bonusing systems.
 - (7) Cashless funds transfer systems.
 - (8) Server supported slot systems.
 - (9) Server based slot systems.
 - (10) Automated jackpot payout machines.
 - (11) Electronic gaming tables.
 - (12) Fully automated electronic gaming tables.
 - (13) Progressive table game systems.
 - (14) Electronic wagering systems.
- (c) The notification required under subsection (b) must include:
- (1) A description of the reasons for the new installation or change in previously approved software.
 - (2) A list of the current computer components, software identifications or versions that are to be modified or replaced.
 - (3) A list of the proposed computer components, software identifications or versions that will modify or replace the existing components or software.
 - (4) The method to be used to complete the proposed installation.
 - (5) The date and time that the proposed modification will be installed and the estimated time for completion.
 - (6) The name, title and employer of the persons performing the installation.
 - (7) The plan to handle disruptions, if any, to the gaming floor.
 - (8) The approximate length of time the gaming floor or systems will be disrupted.
 - (9) Plans for system backup prior to any proposed installation.

Subpart K. TABLE GAMES
CHAPTER 524. (Reserved)

Sec.
524.1—524.7. (Reserved).

CHAPTER 528. (Reserved)

Sec.
528.1—528.9. (Reserved).

CHAPTER 529. (Reserved)

Sec.
529.1. (Reserved).
529.2. (Reserved).

CHAPTER 605a. ELECTRONIC GAMING TABLES

Sec.
605a.1. Definitions.
605a.2. Electronic wagering systems.
605a.3. Procedures for buying in to and cashing out of a table game using an electronic wagering system.
605a.4. Electronic gaming tables.
605a.5. Fully automated electronic gaming tables.

605a.6. Integrated live Roulette wheels used on fully automated electronic gaming tables.
605a.7. Progressive table game systems.

§ 605a.1. Definitions.

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

Electronic wagering system—A computer or server and any related hardware, software or other device that permits wagering to be conducted at a gaming table.

Game account—The funds that are available to a player for use at an electronic gaming table.

§ 605a.2. Electronic wagering systems.

(a) A certificate holder may conduct electronic wagering at a gaming table in accordance with this chapter. Electronic wagering at a gaming table shall be conducted through the use of an electronic wagering system. If an electronic wagering system is in use at a gaming table, wagers placed at that gaming table, or only those wagers that are specified in the rules of the game, shall be made using the electronic wagering system.

(b) An electronic wagering system must be a dedicated computer system. The computer or server controlling the system shall be under dual key control, with one key controlled by the finance department and the other key controlled by the table games department or the slot operations department if the computer or server is controlling a fully automated electronic gaming table.

(c) All aspects of an electronic wagering system, including the computer or server and any related hardware, software or related devices shall be tested by the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to use at any licensed facility in this Commonwealth.

(d) An electronic wagering system must:

(1) Credit funds to the game account of a player when a player buys in to a game at a particular gaming table and debit any remaining funds from the game account when a player cashes out of the game.

(2) Permit a player to wager from a game account, collect losing wagers from the game account and pay winning wagers by crediting the amount of the winnings and corresponding wager to the game account.

(3) In the game of Poker:

(i) Debit game accounts and increment pots for wagers placed, and distribute winning pots by crediting the game accounts of the winning players in the appropriate amounts.

(ii) Extract the rake from players or pots according to the rake procedures established in accordance with § 637a.17 (relating to Poker revenue) and debit the game accounts of players in the appropriate amounts.

(iii) Make each player's balance or table stakes visible to all players in the game.

(4) Depict the transactions described in paragraphs (1)—(3) through one or more electronic fund displays that are visible to each player and the dealer or boxperson.

(5) Disclose to each player at all times the current balance in the player's game account.

(6) Accurately report and audit the table game's win or loss or Poker revenue in accordance with § 637a.17.

(7) Be capable of generating reports setting forth, by gaming day, for each gaming table using the electronic wagering system:

- (i) The total amount deposited into the game account of each player.
- (ii) The total amount deposited into game accounts by all players.
- (iii) The total amount credited to the game account of each player in payment of winnings.
- (iv) The total amount credited to the game accounts of all players in payment of winnings.
- (v) The total amount collected from each player as losing wagers.
- (vi) The total amount collected from all players as losing wagers.
- (vii) For Poker, if applicable, the total amount deducted from the game account of each player for collection of Poker rake time charges in accordance with § 637a.17.
- (viii) For Poker, if applicable, the total amount collected from the accounts of all players for collection of Poker rake time charges in accordance with § 637a.17.
- (ix) For Poker, if applicable, the total amount collected from Poker pots for collection of Poker rake in accordance with § 637a.17.
- (x) The total amount withdrawn from game accounts by each player.
- (xi) The total amount withdrawn from game accounts by all players.
- (xii) The table game win or loss or Poker revenue.

(e) After installation, electronic wagering systems shall be inspected by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 prior to use at any licensed facility in this Commonwealth.

§ 605a.3. Procedures for buying in to and cashing out of a table game using an electronic wagering system.

(a) A player shall buy in to a table game using an electronic wagering system as follows:

- (1) If the gaming table is equipped with a bill validator, a player shall buy in to the game by either:
 - (i) Inserting currency or, if the table game is a fully automated electronic gaming table, a gaming voucher, into the bill validator. The electronic wagering system must credit an equivalent amount of funds into the game account of the player, which must be displayed on the electronic fund display.
 - (ii) Presenting currency or value chips to the dealer or boxperson if the table game is not a fully automated electronic gaming table.
- (2) If the gaming table is not equipped with a bill validator, a player shall buy in to the game by presenting currency or value chips to the dealer or boxperson.
- (3) When a player presents currency or value chips to a dealer or boxperson, the dealer or boxperson shall credit an equivalent amount of funds to the game account of the player, which shall be registered on the electronic fund display and acknowledged by the player.

(b) A player shall cash out of a table game using an electronic wagering system as follows:

(1) If the gaming table is a fully automated electronic gaming table, by receiving a gaming voucher equal in value to the balance in the game account of the player.

(2) If the gaming table is not a fully automated electronic gaming table, by receiving value chips from the dealer or boxperson from the table inventory container equal in value to the balance in the game account of the player.

(3) If the gaming table is not a fully automated electronic gaming table, after cashing out the player, the dealer or boxperson shall zero out the amount on the electronic fund display of the player.

§ 605a.4. Electronic gaming tables.

(a) An electronic gaming table must comply with the requirements in § 605a.2 (relating to electronic wagering systems).

(b) An electronic gaming table system must contain a dedicated computer system. The computer or server controlling the system shall be under dual key control, with one key controlled by the finance department and the other key controlled by the table games department or the slot operations department if the computer or server is controlling a fully automated electronic gaming table. All aspects of an electronic gaming table system, including the computer or server and related hardware, software or related devices shall be tested by the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval), for compliance with the requirements of this section, prior to use at any licensed facility in this Commonwealth.

(c) An electronic gaming table must have the capacity to allow the Bureau of Gaming Laboratory Operations to verify all relevant control software for authenticity.

(d) A certificate holder using an electronic gaming table system shall include in its internal controls, at a minimum:

- (1) Procedures to ensure the physical security of the computer or server and related hardware, software and other devices.
- (2) Procedures to ensure the integrity and security of all sensitive data and software.
- (3) Procedures to ensure that access to sensitive data and software is limited to appropriate personnel only.
- (4) Procedures to ensure the logging of the events and the availability of records to permit an effective audit of the conduct of the system and the reporting of revenue.

(e) An electronic gaming table must have the ability to authenticate the transmission of data between the various components of the electronic gaming table system.

(f) An electronic gaming table system must display a signal clearly visible to the surveillance department whenever a door or cabinet at an electronic gaming table is open, whenever there is a malfunction in the operation of the electronic gaming table system, or any component thereof, including whenever a printer or currency jam occurs.

(g) An electronic gaming table that is not a fully automated electronic gaming table must be equipped with the following meters, when applicable:

- (1) *Coin in*. A meter that accumulates the total value of all wagers.

(2) *Coin out.* A meter that accumulates the total value of all amounts directly paid by the electronic gaming table as a result of winning wagers. This meter may not record amounts awarded as the result of a progressive payout.

(3) *Attendant paid jackpots.* A meter that accumulates the total value of credits paid by an attendant resulting from a single winning outcome, the amount of which is not capable of being paid by the electronic gaming table. This meter may not record amounts awarded as the result of a progressive payout.

(4) *Attendant paid cancelled credits.* A meter that accumulates the total value of all amounts paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the electronic gaming table.

(5) *Bill in.* A meter that accumulates the total value of currency accepted. The electronic gaming table must also have a specific meter for each denomination.

(6) *Electronic gaming table paid progressive payout.* For electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the electronic gaming table.

(7) *Attendant paid progressive payout.* For electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid by an attendant as a result of progressive awards that are not capable of being paid by the electronic gaming table.

(8) *Additional meters.* Other meters required by technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site.

§ 605a.5. Fully automated electronic gaming tables.

(a) A fully automated electronic gaming table must comply with the comprehensive protocol specifications required under section 1324 of the act (relating to protocol information) that are necessary to enable the fully automated electronic gaming table to communicate with the Department's central control computer system, for the purpose of transmitting auditing program information, real time information retrieval and fully automated table electronic game activation and disabling.

(b) A fully automated electronic gaming table must have installed software or hardware that distinguishes the fully automated electronic gaming table from a slot machine as defined by the act.

(c) A fully automated electronic gaming table must have the capability to accept currency or gaming vouchers and to issue a gaming voucher to a player for any winnings.

(d) A fully automated electronic gaming table must be equipped with the following meters, where applicable:

(1) *Coin in.* A meter that accumulates the total value of all wagers.

(2) *Coin out.* A meter that accumulates the total value of all amounts directly paid by the fully automated electronic gaming table as a result of winning wagers. This meter may not record amounts awarded as the result of a progressive payout.

(3) *Attendant paid jackpots.* A meter that accumulates the total value of credits paid by an attendant resulting from a single winning outcome, the amount of which is not capable of being paid by the fully automated elec-

tronic gaming table. This meter may not record amounts awarded as the result of a progressive payout.

(4) *Attendant paid cancelled credits.* A meter that accumulates the total value of all amounts paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the fully automated electronic gaming table.

(5) *Bill in.* A meter that accumulates the total value of currency accepted. The fully automated electronic gaming table must also have a specific meter for each denomination.

(6) *Voucher in—cashable/value.* A meter that accumulates the total value of cashable gaming vouchers accepted by the fully automated electronic gaming table.

(7) *Voucher in—cashable/count.* A meter that accumulates the total number of cashable gaming vouchers accepted by the fully automated electronic gaming table.

(8) *Voucher out—cashable/value.* A meter that accumulates the total value of cashable gaming vouchers issued by the fully automated electronic gaming table.

(9) *Voucher out—cashable/count.* A meter that accumulates the total number of cashable gaming vouchers accepted by the fully automated electronic gaming table.

(10) *Fully automated electronic gaming table paid progressive payout.* For fully automated electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the fully automated electronic gaming table.

(11) *Attendant paid progressive payout.* For fully automated electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid by an attendant as a result of progressive awards that are not capable of being paid by the fully automated electronic gaming table.

(12) *Additional meters.* Other meters required by technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site.

§ 605a.6. Integrated live Roulette wheels used on fully automated electronic gaming tables.

(a) A fully automated electronic gaming table with an integrated live Roulette wheel must randomize the method by which the outcome is determined. This includes, but is not limited to the speed at which the ball is ejected onto the wheel and the speed at which the wheel rotates.

(b) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of determining if the wheel meets a 95% confidence limit using a standard chi-squared test for goodness of fit. The calculation must be made based on the following criteria:

(1) Ten thousand outcomes have been generated.

(2) A new calculation must be made for each 10,000 subsequent outcomes.

(3) The calculation must consider only the most recent 10,000 outcomes.

(c) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of displaying a visual notification, clearable by an attendant, if at any time the live Roulette wheel has failed the chi-squared test for goodness of fit under subsection (b).

(d) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of disabling play in the event that the wheel has failed to meet

the 95% confidence limit for goodness of fit test required under subsection (b) for two consecutive testing periods. Attendant interaction shall be required before enabling the table for play.

(e) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of providing a report that shows the results of the last chi-squared test as well as the previous 9 chi-squared tests. The report must contain the following:

- (1) The time and date the test was performed.
- (2) The table ID or any comparable identifier.
- (3) The number of games used to perform the test.
- (4) The outcome of the test.

§ 605a.7. Progressive table game systems.

(a) Each progressive fully automated electronic gaming table, electronic gaming table or live table game must have:

(1) A progressive meter visible from the front of the gaming table, which may increase in value based upon wagers, that advises the players of the amount which can be won if the player receives the corresponding outcome.

(2) A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by a fully automated electronic gaming table or electronic gaming table.

(3) A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by an attendant as a result of progressive awards that are not capable of being paid by a fully automated electronic gaming table or electronic gaming table.

(4) A cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots paid directly by a fully automated electronic gaming table, electronic gaming table, or attendant.

(5) A key and keyed switch to reset the progressive meter or meters or other reset mechanism.

(6) A key locking the compartment housing the progressive meter or meters or other means by which to preclude unauthorized alterations to the progressive meters. The key or alternative security method must be different than the key or reset mechanism in paragraph (5).

(b) A table game that offers a progressive jackpot may not be placed on the gaming floor until the certificate holder or, if applicable, the progressive system operator, has submitted the following to the Bureau of Gaming Laboratory Operations for review and approval, in accordance with § 461a.4 (relating to submission for testing and approval):

- (1) The initial and reset amounts at which the progressive meter or meters will be set.
- (2) The proposed system for controlling the keys and applicable logical access controls to the table games.
- (3) The proposed rate of progression for each progressive jackpot.
- (4) The proposed limit for the progressive jackpot, if any.

(c) A table game that offers either a new progressive jackpot or a modification of an existing progressive jackpot may not be made available for play by the public

until the table game has been tested by the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4.

(d) Progressive meters may not be turned back to a lesser amount unless one of the following occurs:

(1) The amount indicated has been actually paid to a winning patron.

(2) The progressive jackpot amount won by the patron has been recorded in accordance with a system of internal controls approved under § 465a.2 (relating to internal control systems and audit protocols).

(3) The progressive jackpot has, upon approval in accordance with § 461a.4, been transferred to another progressive table game.

(4) The change is necessitated by a table game or meter malfunction, in which case, a written explanation shall be sent to the Bureau of Gaming Laboratory Operations.

CHAPTER 613a. GAMING RELATED GAMING SERVICE PROVIDERS

<p>Sec. 613a.1. 613a.2. 613a.3. 613a.4. 613a.5. 613a.6. 613a.7. 613a.8. 613a.9.</p>	<p>Definitions; general requirements. Gaming related gaming service provider certification applications. Qualification of individuals and entities. Certification term and renewal. Certified gaming related gaming service provider responsibilities. Gaming related gaming service provider list. Requirements for use of a gaming related gaming service provider. Permission to conduct business prior to certification. Certificate holders' duty to investigate.</p>
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§ 613a.1. Definitions; general requirements.

(a) *Definitions.* The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Gaming related gaming service provider—A gaming service provider that provides a gaming related service, is the owner of a patent or has a patent pending for a gaming related service.

Gaming related service—A new game, wager, game variation, side bet or similar innovation relating to a table game.

(b) *Certification.* A person seeking to provide a gaming related service to a certificate holder shall apply to the Board for certification as a gaming related gaming service provider.

§ 613a.2. Gaming related gaming service provider certification applications.

(a) A gaming related gaming service provider seeking certification shall submit:

- (1) An original and one copy of a Gaming Related Gaming Service Provider Certification Application and Disclosure Information Form.
- (2) The nonrefundable application fee posted on the Board's web site at www.pgcb.pa.gov.

(3) Applications and release authorizations for each individual required to be qualified under § 613a.3 (relating to qualification of individuals and entities).

(4) A written statement from a certificate holder, stating that the certificate holder intends to do business with the gaming related gaming service provider for the purpose of utilizing a gaming related service.

(b) In addition to the materials required under subsection (a), an applicant for gaming related gaming service provider certification shall:

(1) Promptly provide information requested by the Board relating to its application and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) A gaming related gaming service provider certification will not be issued until all fees and costs, including any Bureau of Gaming Laboratory Operations costs incurred in the review of the proposed gaming related service, have been paid.

§ 613a.3. Qualification of individuals and entities.

(a) The following individuals are required to submit a Pennsylvania Personal History Disclosure Form and be found qualified by the Board:

(1) Each officer and director of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification. For the purposes of this paragraph, the term "officer" means a president, chief executive officer, a chief financial officer and a chief operating officer and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(2) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the certified gaming related gaming service provider or applicant for gaming related gaming service provider certification. A certified gaming related gaming service provider or applicant for gaming related gaming service provider certification shall provide information or documentation requested by the Board necessary to determine compliance with this paragraph.

(3) Each salesperson of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification who solicits or will be soliciting business from, or has regular contact with, any representatives of a certificate holder.

(b) Each entity that directly owns 20% or more of the voting securities of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification shall be required to file a Gaming Service Provider Certification Form—Private Holding Company with the Board and be found qualified by the Board.

(c) The following persons may be required to submit a Gaming Service Provider Certification Form—Private Holding Company or a Pennsylvania Personal History Disclosure Form and be found qualified by the Board if the Board determines that the qualification of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth:

(1) An intermediary or holding company of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification not otherwise required to be qualified.

(2) An officer or director of an intermediary or holding company of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification.

(3) An employee of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification.

(4) A person who holds any direct or indirect ownership or beneficial interest in a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification, or has the right to any profits or distribution, directly or indirectly, from the certified gaming related gaming service provider or applicant for gaming related gaming service provider certification.

(5) A trustee of a trust that is required to be found qualified under this section.

(d) The Bureau of Licensing may issue a temporary credential to an individual who is required to be qualified by the Board under this section if:

(1) The individual's presence in the licensed facility is needed.

(2) The company with which the individual is associated is on the Authorized Gaming Related Gaming Service Provider List.

(e) The Bureau of Licensing will issue a permanent credential to an individual who has been found qualified under this section if the gaming related gaming service provider has been certified.

§ 613a.4. Certification term and renewal.

(a) Gaming related gaming service provider certifications, and renewals issued under this chapter will be valid for 4 years from the date of Board approval.

(b) A certified gaming related gaming service provider shall submit to the Board a completed renewal application and fee, as posted on the Board's web site, at least 60 days prior to the expiration of a certification.

(c) A certification for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the certification that the Board has approved or denied the certification.

§ 613a.5. Certified gaming related gaming service provider responsibilities.

A holder of a gaming related gaming service provider certification shall have a continuing duty to:

(1) Provide information requested by the Board relating to licensing or regulation; cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions; and comply with conditions, restrictions, requirements, orders and rulings of the Board in accordance with the act.

(2) Report a change in circumstances that may render the holder of a gaming related gaming service provider certification ineligible, unqualified or unsuitable to hold a certification under the standards and requirements of the act and of this part.

§ 613a.6. Gaming related gaming service provider list.

The Board will maintain and post on its web site a list of gaming related gaming service providers that are certified and have had their gaming related service reviewed by the Bureau of Gaming Laboratory Operations.

§ 613a.7. Requirements for use of a gaming related gaming service provider.

Prior to use of a gaming related service by a certificate holder the following must occur:

(1) The gaming related gaming service provider providing the gaming related service must submit its gaming related service to the Bureau of Gaming Laboratory

Operations for review in accordance with § 461a.4 (relating to submission for testing and approval).

(2) The gaming related gaming service provider shall pay all Bureau of Gaming Laboratory Operations costs incurred in the review of the proposed gaming related service.

(3) The certificate holder shall make a written request to the Board's Executive Director and receive written approval for use of the new gaming related service in accordance with § 601a.3 (relating to request to offer a new table game or new feature for an existing table game).

(4) The gaming related gaming service provider shall pay the certification fee required under § 613a.2(a)(2) (relating to gaming related gaming service provider certification applications) and will either receive written authorization from the Bureau of Licensing to conduct business prior to certification or be certified.

§ 613a.8. Permission to conduct business prior to certification.

(a) Notwithstanding § 613a.1 (relating to definitions; general requirements), the Bureau of Licensing may authorize an applicant for gaming related gaming service provider certification to conduct business with a certificate holder prior to the certification of the gaming related gaming service provider if the following criteria are met:

(1) A completed Gaming Related Gaming Service Provider Certification Application and Disclosure Information Form has been filed in accordance with § 613a.2 (relating to gaming related gaming service provider certification applications) and passed a preliminary review.

(2) The certificate holder certifies that it has performed due diligence on the gaming related gaming service provider.

(3) The applicant for gaming related gaming service provider certification agrees, in writing, that the grant of permission to conduct business prior to certification does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the authorization granted under this section, with or without prior notice to the applicant, if the Bureau of Licensing is informed that the suitability of the applicant may be at issue or the applicant fails to cooperate in the application or investigatory process.

(4) The gaming related gaming service provider and the certificate holder have satisfied the requirements in § 613a.7 (relating to requirements for use of a gaming related gaming service provider).

(5) The gaming related gaming service provider has passed a preliminary review of its criminal history.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for gaming related gaming service provider certification, the Bureau of Licensing may rescind the permission granted to the applicant for gaming related gaming service provider certification to conduct business with a certificate holder under subsection (a). If the permission is rescinded:

(1) The applicant for gaming related gaming service provider certification shall cease conducting business with the certificate holder by the date specified in the notice of the rescission under subsection (c).

(2) The certificate holder shall cease utilizing the gaming related service from the applicant for gaming related gaming service provider certification by the date specified in the notice of the rescission under subsection (c).

(c) The Bureau of Licensing will notify the applicant for gaming related gaming service provider certification and the certificate holder by registered mail that permission to conduct business with the certificate holder, as authorized under subsection (a), has been rescinded and that the certificate holder shall cease conducting business with the applicant for gaming related gaming service provider certification by the date specified in the notice.

§ 613a.9. Certificate holders' duty to investigate.

(a) A certificate holder shall investigate the background and qualifications of the applicants for gaming related gaming service provider certification with whom it intends to have a contractual relationship or enter into an agreement.

(b) A certificate holder shall have an affirmative duty to avoid agreements or relationships with persons applying for gaming related gaming service provider certification whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth, or who threaten the integrity of gaming in this Commonwealth.

(c) A certificate holder shall have a duty to inform the Board of an action by an applicant for or holder of a gaming related gaming service provider certification which the certificate holder believes would constitute a violation of the act or this part.

CHAPTER 615a. CONDITIONAL TABLE GAME DEVICE LICENSES

Sec.
615a.1. Table game devices, conditional licenses.

§ 615a.1. Table game devices, conditional licenses.

(a) The Board may grant an applicant for a table game device manufacturer, manufacturer designee or supplier license a conditional license to conduct table game business in this Commonwealth.

(b) To be eligible to obtain a conditional table game device license, the applicant for a table game device manufacturer, manufacturer designee or supplier license shall:

(1) Submit a completed manufacturer, manufacturer designee or supplier license application, including the nonrefundable application fee as posted on the Board's web site at www.pgcb.pa.gov, and pass a preliminary review.

(2) Be certified as a gaming service provider in this Commonwealth or be licensed in good standing to manufacture or provide table game devices in another jurisdiction in the United States or Canada that the Board has determined has licensing standards that are as comprehensive and thorough and provide similar adequate safeguards as those required under the act.

(3) Submit a written statement from a slot machine licensee, manufacturer licensee, manufacturer designee licensee or supplier licensee that the slot machine licensee, manufacturer licensee, manufacturer designee licensee or supplier licensee intends to do business with the applicant for the purpose of purchasing, selling or marketing table game devices.

(4) Pass a preliminary review of the applicant's criminal history.

(5) Submit full payment of the licensing fee, as posted on the Board's web site, for the table game device manufacturer, manufacturer designee or supplier license prior to the issuance of the conditional license.

(c) An applicant for a table game device manufacturer, manufacturer designee or supplier license that has received a conditional license shall provide monthly transaction reports to the Bureau of Licensing by the 20th calendar day of the following month during the period of conditional licensure. The monthly transaction reports must include:

- (1) The date table game devices were provided to a licensee.
- (2) A description of the table game devices provided.
- (3) The amount paid by the licensee for the table game devices.
- (4) A copy of the invoice for the table game devices.

(d) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for a table game device manufacturer, manufacturer designee or supplier license that has received a conditional license, the Bureau of Licensing may rescind the conditional license. If the conditional license is rescinded, the conditional licensee shall cease conducting business by the date specified in the notice of the rescission sent to the conditional licensee by the Bureau of Licensing under subsection (e).

(e) When the Bureau of Licensing rescinds a conditional license, the Bureau of Licensing will notify the holder of the conditional license and all slot machine licensees, manufacturer licensees, manufacturer designee licensees and supplier licensees by registered mail that:

- (1) Permission for the conditional licensee to conduct business under subsection (a) has been rescinded.
- (2) Slot machine licensees, manufacturer licensees, manufacturer designee licensees and supplier licensees shall cease conducting business with the conditional licensee by the date specified in the notice.
- (f) Pending a hearing on the Notice of Recommendation for Denial, the conditional licensee may not seek or conduct any new business in this Commonwealth and may only complete transactions that were commenced prior to the date specified in the notice of rescission.

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PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CHS. 549, 561, 633a AND 645a]

[Correction]

Table Game Rules for Blackjack and Pai Gow Poker

Typographical errors occurred in the ordering language and annex of the final-form rulemaking published at 42 Pa.B. 2922, 2925, 2944 (May 19, 2012). The chapter number of § 645a.14 was published incorrectly. The correct version of the ordering language and section heading is as follows, with ellipses referring to the existing text:

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—645a.14 to read as set forth in Annex A.

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Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 645a. PAI GOW POKER

§ 645a.14. Irregularities; invalid roll of dice.

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[Pa.B. Doc. No. 12-971. Filed for public inspection May 18, 2012, 9:00 a.m.]

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PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CHS. 555, 563, 639a AND 647a]
Table Game Rules for Caribbean Stud Poker and Texas Hold 'Em Bonus 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 555 and 563 and adds Chapters 639a and 647a (relating to Caribbean Stud Poker; and Texas Hold 'Em Bonus Poker) to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

With this final-form rulemaking, the Board is replacing the temporary regulations in Chapter 555 with the permanent regulations in Chapter 639a and the temporary regulations in Chapter 563 with the permanent regulations in Chapter 647a.

Explanation of Chapter 639a

Chapter 639a contains the rules governing the play of Caribbean Stud Poker. Section 639a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 639a.2 (relating to Caribbean Stud Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Caribbean Stud Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for permissible wagers; and how irregularities in play are to be handled.

Explanation of Chapter 647a

Chapter 647a contains the rules governing the play of Texas Hold 'Em Bonus Poker. Section 647a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 647a.2 (relating to Texas Hold 'Em Bonus Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Texas Hold 'Em Bonus Poker table for play; the shuffling of cards; the value and rank of the

cards; permissible wagers; dealing procedures; the payout odds for permissible wagers; and how irregularities in play are to be handled.

Based on public comments received on the temporary rulemaking, the dealing procedure in § 647a.10 (relating to procedure for dealing the cards from an automated dealing shoe) for dealing the cards from an automated dealing shoe has been updated to accommodate the use of an automated dealing shoe that automatically reshuffles the cards.

Comment and Response Summary

Notice of proposed rulemaking was published at 41 Pa.B. 3975 (July 23, 2011). On September 21, 2011, the Board received comments from the Independent Regulatory Review Commission (IRRC) on the proposed rulemaking. There were no other commentators on this final-form rulemaking.

General comments

IRRC commented that several of the sections in Caribbean Stud Poker and Texas Hold 'Em Bonus Poker require operators to obtain approval of equipment and table game layouts from the Bureau of Gaming Operations (BGO) or the Bureau of Casino Compliance (BCC). The proposed rulemaking, however, didn't specify how that approval was to be obtained. IRRC suggested adding the submission and approval process or a cross reference to where the process may be found.

In the final-form rulemaking, the Board amended the requirements to state that the operators submit information to the BGO for Executive Director approval. Additionally, throughout the final-form rulemaking, the cross reference to the submission and approval process in § 601a.10 (relating to approval of table game layouts, signage and equipment) was added.

House edge

IRRC requested more information regarding the house edge for Caribbean Stud Poker and Texas Hold 'Em Bonus Poker and asked that the Board compare it to other gaming jurisdictions.

Only one facility in this Commonwealth currently offers Caribbean Stud Poker. The basic house edge for the game is approximately 5.22%. The house edge for New Jersey from July to November 2011 ranged from -17.4% to 39.5%.

The house edge for Texas Hold 'Em Bonus Poker in this Commonwealth from July to November 2011 was between 12.63% and 38.72%. For the same time period, the house edge for New Jersey was between 12.3% and 52.0%.

Hand deal

Sections 639a.9(a)(1) and 647a.9(a)(1) (relating to procedures for dealing the cards from the hand; and procedure for dealing the cards from the hand) require 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. This 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. If a dealer is dealing the cards from the hand and the shuffling device becomes inoperable, the dealer is not required to stop the games but can continue to deal provided that a dealing shoe is then used in accordance with § 639a.8, § 639a.10, § 647a.8 or § 647a.10.

Removal of cards

Section 639a.11(d) (relating to procedure for completion of each round of play) states that after wagers have been settled, the dealer shall remove the remaining cards from the table. IRRC inquired whether the integrity of gaming would be compromised by leaving the cards on the table until wagers are settled.

The language in this section is a catch all provision in the rulemakings regarding table games. The cards associated with forfeited wagers are immediately collected under § 639a.11(c). Additionally, operators typically collect the cards after each player's winning wagers have been settled provided that the cards of a player who has won 100% of the progressive meter must remain on the layout until the paperwork is completed. Subsection (d) is intended to ensure that cards that remain on the table are collected and placed in the discard rack. Subsection (d) was not intended to require that the cards remain until every player's wagers have been settled. Language was added clarifying that after wagers "of the player" have been settled, the cards shall be collected. The same language was added to Texas Hold 'Em Bonus Poker in § 647a.11(i) (relating to procedure for completion of each round of play).

Additional Revisions

In §§ 637a.1 and 647a.1, the definition of "round of play" was deleted from the final-form rulemaking. This definition is in § 601a.1 (relating to definitions), which contains the definitions applicable to Subpart K (relating to table games). The remaining revisions were made for clarity or consistency with other chapters on table game rules of play.

Affected Parties

Certificate holders that elect to offer the games of Caribbean Stud Poker and Texas Hold 'Em Bonus Poker will be required to comply with these requirements. The requirements for the games are standard throughout the industry, consistent with 4 Pa.C.S. Part II (relating to gaming) and necessary for the protection of the gaming public and the revenues generated from table games.

The Board has experienced increased regulatory demands resulting from the implementation of table games including the review of Rules Submissions, table layouts, signage and gaming guides.

Fiscal Impact

Commonwealth. The Board will have to review each certificate holder's table games Rules Submissions, table layouts, signage and gaming guides to ensure compliance with the regulatory requirements in 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. The 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 Caribbean Stud Poker and Texas Hold 'Em Bonus 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. The 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 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 July 7, 2011, the Board submitted a copy of the proposed rulemaking, published at 41 Pa.B. 3975, 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 May 16, 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 May 17, 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 (relating to gaming).

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 §§ 555.1—555.14 and 563.1—563.13

and by adding §§ 639.1—639.13 and 647.1—647.13 to read as set forth in Annex A.

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

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

WILLIAM H. RYAN, Jr.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 3182 (June 2, 2012).)

Fiscal Note: Fiscal Note 125-154 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 555. (Reserved)

Sec.

555.1—555.14. (Reserved).

CHAPTER 563. (Reserved)

Sec.

563.1—563.13. (Reserved).

CHAPTER 639a. CARIBBEAN STUD POKER

Sec.

- 639a.1. Definitions.
- 639a.2. Caribbean Stud Poker table physical characteristics.
- 639a.3. Cards; number of decks.
- 639a.4. Opening of the table for gaming.
- 639a.5. Shuffle and cut of the cards.
- 639a.6. Caribbean Stud Poker rankings.
- 639a.7. Wagers.
- 639a.8. Procedure for dealing the cards from a manual dealing shoe.
- 639a.9. Procedures for dealing the cards from the hand.
- 639a.10. Procedures for dealing the cards from an automated dealing shoe.
- 639a.11. Procedure for completion of each round of play.
- 639a.12. Payout odds; rate of progression.
- 639a.13. Irregularities.

§ 639a.1. Definitions.

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

Bet Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Fold—The withdrawal of a player from a round of play by not making a Bet Wager.

Hand—The five-card hand that is held by each player and the dealer after the cards are dealt.

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

Progressive Payout Hand—The term means either of the following:

(i) A player's five-card Poker hand with a rank of three-of-a-kind or better.

(ii) If included in the paytable selected by the certificate holder, a two pair or better as defined in § 639a.6(b) (relating to Caribbean Stud Poker rankings).

§ 639a.2. Caribbean Stud Poker table physical characteristics.

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

(b) The layout for a Caribbean Stud 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) Two separate betting areas designated for the placement of Ante and Bet Wagers for each player.
- (3) If the certificate holder offers the optional Progressive Payout Wager authorized under § 639a.7(d)(2) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.
- (4) If the certificate holder offers the optional Caribbean Stud Bonus Wager authorized under § 639a.7(d)(3), a separate area designated for the placement of the Caribbean Stud Bonus Wager for each player.
- (5) 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 Caribbean Stud Poker table.
- (6) An inscription indicating that the Bet Wager will be returned if the dealer has less than an ace/king. If the information is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Caribbean Stud Poker table.
- (c) If a certificate holder offers a Progressive Payout Wager in accordance with § 639a.7(d)(2), the Caribbean Stud Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

- (1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.
- (2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."
- (d) Each Caribbean Stud Poker 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.

(e) Each Caribbean Stud Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 639a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Caribbean Stud Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Caribbean Stud Poker may be played with two decks of cards in accordance with the following requirements:

- (1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.
- (2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.
- (3) Both decks 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 Caribbean Stud Poker shall be changed at least every:

- (1) Four hours if the cards are dealt by hand.
- (2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 639a.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 § 639a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

§ 639a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuf-

fling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

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

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

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 639a.8, § 639a.9 or § 639a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

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

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

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

(f) If there is no gaming activity at a Caribbean Stud Poker table which is open for gaming, the cards shall be spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 639a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted 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 (d)—(f) do not apply.

§ 639a.6. Caribbean Stud Poker rankings.

(a) The rank of the cards used in Caribbean Stud Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or straight formed with a 2, 3, 4 and 5, but may not be combined with any other sequence of cards (for example, queen, king, ace, 2 and 3). All suits shall be equal in rank.

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

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

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the

highest ranking straight flush and a 5, 4, 3, 2 and ace being the lowest ranking straight flush.

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

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with an ace, king, queen, jack, 9 being the highest ranking flush and a 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and a 5, 4, 3, 2 and ace being the lowest ranking straight.

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

(8) Two pair, which is a hand containing two pairs, with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(9) A pair, which is a hand containing 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 hands that are of identical Poker hand rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

§ 639a.7. Wagers.

(a) Wagers at Caribbean Stud Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

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

(c) All wagers, except the Bet Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 639a.8, § 639a.9 or § 639a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 639a.11(b) (relating to procedure for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Caribbean Stud Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing an Ante Wager, then a Bet Wager, in accordance with § 639a.11(b).

(2) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Caribbean Stud Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Caribbean Stud Poker table the option to make an additional Caribbean Stud Bonus Wager that the player's cards will form a five-card Poker hand with a rank of a pair of 10s or better. After placing an Ante Wager, a player may make the additional Caribbean Stud Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(e) A player may not wager on more than one player position at a Caribbean Stud Poker table.

§ 639a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 639a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who placed an Ante Wager in accordance with § 639a.7(d)(1) (relating to wagers).

(2) One card face up to the area designated for the placement of the dealer's hand.

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

(4) A second card face down to the area designated for the placement of the dealer's hand to the right of the dealer's first card.

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

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

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 639a.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 § 639a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who has placed an Ante Wager in accordance with § 639a.7(d)(1) (relating to wagers).

(2) One card face up to an area designated for the placement of the dealer's hand.

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

(4) A second card face down to the area designated for the placement of the dealer's hand to the right of the dealer's first card.

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

(c) After five cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 639a.10. Procedures for dealing the cards from an automated dealing shoe.

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

(1) After the procedures required under § 639a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager in accordance with § 639a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed an Ante Wager. The dealer shall then deliver a stack of five cards face down to the area designated for the placement of the dealer's cards and spread the cards face down on the layout so the top card of the stack is to the dealer's right and the bottom card is to the dealer's left. The dealer shall turn the bottom card of the stack (the card on the

dealer's far left) face up on the area designated for the placement of the dealer's cards.

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

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or dealer has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 639a.11. Procedure for completion of each round of play.

(a) After the dealing procedures required under § 639a.8, § 639a.9 or § 639a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Caribbean Stud Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep the five cards in full view of the dealer at all times.

(3) After each player has made a decision regarding the Bet Wager as required under subsection (b), the player's cards shall be placed face down on the appropriate area of the layout and the player may not touch the cards again.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to make a Bet Wager in an amount equal to two times the amount of the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player has placed an Ante Wager and a Caribbean Stud Bonus Wager or Progressive Payout Wager but does not make a Bet Wager, the player shall forfeit all wagers.

(c) After each player who has placed an Ante Wager has either placed a Bet Wager on the designated area of the layout or forfeited his wager and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's four hole cards and place the cards so as to form the highest possible ranking five-card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the

dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the five cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and form the highest possible ranking five-card Poker hand for each player.

(3) If the dealer's highest ranking five-card Poker hand:

(i) Is lower than an ace-king, the dealer shall return each player's Bet Wager and pay out the player's Ante Wager made by the player in accordance with the payout odds in § 639a.12(a) and (b) (relating to payout odds; rate of progression).

(ii) Is an ace-king or better, and the player's highest ranking five-card Poker hand:

(A) Is ranked lower than the dealer's five-card Poker hand, the dealer shall immediately collect the Ante and Bet Wagers made by the player.

(B) Is ranked higher than the dealer's five-card Poker hand, the dealer shall pay the Ante and Bet Wagers made by the player in accordance with the payout odds in § 639a.12(a) and (b).

(C) Is equal in rank to the dealer's five-card hand, the dealer shall return the Ante and Bet Wagers made by the player.

(4) The dealer shall settle any Caribbean Stud Bonus Wager made by the player by determining whether the player's five-card Poker hand qualifies for a payout in accordance with § 639a.12(c). A winning Caribbean Stud Bonus Wager shall be paid irrespective of whether the player's five-card Poker hand outranks the dealer's hand.

(5) After settling a player's Ante, Bet and Caribbean Stud Bonus Wagers, the dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's five-card Poker hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

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

(ii) Verify that the appropriate light on the progressive table game system has been illuminated.

(iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 639a.12(d). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(d) After all wagers of the player 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.

§ 639a.12. Payout odds; rate of progression.

(a) A certificate holder shall pay each winning Ante Wager at odds of 1 to 1.

(b) A certificate holder shall pay winning Bet Wagers in accordance with the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100 to 1
Straight flush	50 to 1
Four-of-a-kind	20 to 1
Full house	7 to 1
Flush	5 to 1
Straight	4 to 1
Three-of-a-kind	3 to 1
Two pair	2 to 1
A pair or less	1 to 1

(c) If a certificate holder offers the Caribbean Stud Bonus Wager, the certificate holder shall pay each winning Caribbean Stud Bonus Wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Royal flush	1,000 to 1	1,000 to 1	1,000 to 1
Straight flush	200 to 1	200 to 1	200 to 1
Four-of-a-kind	100 to 1	100 to 1	100 to 1
Full house	50 to 1	50 to 1	50 to 1
Flush	40 to 1	40 to 1	40 to 1
Straight	25 to 1	25 to 1	20 to 1
Three-of-a-kind	7 to 1	6 to 1	6 to 1
Two pair	3 to 1	3 to 1	3 to 1
A pair of 10s or better	1 to 1	1 to 1	1 to 1

(d) If a certificate holder offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Royal flush	100% of meter	100% of meter	100% of meter
Straight flush	5,000 for 1	10% of meter	10% of meter
Four-of-a-kind	500 for 1	500 for 1	200 for 1
Full house	100 for 1	100 for 1	50 for 1
Flush	50 for 1	50 for 1	40 for 1
Straight	10 for 1	10 for 1	30 for 1
Three-of-a-kind	3 for 1	3 for 1	9 for 1
Two pair	2 for 1	2 for 1	N/A

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and may not be less than \$10,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 639a.11(c)(5) (relating to procedure for completion of each round of play).

§ 639a.13. Irregularities.

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

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

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the dealer's hole cards are inadvertently exposed prior to each player having either folded or placed a Bet Wager as provided under § 639a.11 (relating to procedure for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

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

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

CHAPTER 647a. TEXAS HOLD 'EM BONUS POKER

Sec.

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§ 647a.1. Definitions.

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

Burn—To remove the top or next card from the deck and place it face down in the discard rack without exposing the card to anyone.

Community card—A card which may be used by each player and the dealer to form the best possible five-card Poker hand.

Flop—The first three community cards dealt during a round of play.

Flop Wager—The second wager that a player shall make prior to the Flop being dealt to continue participation in the round of play.

Fold—The withdrawal of a player from a round of play by not making a Flop Wager.

Hand—The five-card Poker hand formed from the two cards of the player or the dealer and any of the five community cards.

River card—The fifth and final community card dealt during a round of play.

River Wager—The fourth wager that a player may place prior to the River card being dealt.

Turn card—The fourth community card dealt during a round of play.

Turn Wager—The third wager that a player may place prior to the Turn card being dealt.

§ 647a.2. Texas Hold 'Em Bonus Poker table physical characteristics.

(a) Texas Hold 'Em Bonus 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 Texas Hold 'Em Bonus Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

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

(2) Four separate betting areas designated for the placement of Ante, Flop, Turn and River Wagers for each player.

(3) A separate area designated for the placement of the five community cards located directly in front of the table inventory container.

(4) A separate area designated for the placement of the dealer's two cards.

(5) If the certificate holder offers the optional Texas Hold 'Em Bonus Wager authorized under § 647a.7(d)(2) (relating to wagers), a separate area designated for the placement of the Texas Hold 'Em Bonus Wager for each player.

(6) Inscriptions that advise patrons of 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 for all permissible wagers shall be posted at each Texas Hold 'Em Bonus Poker table.

(7) Inscriptions indicating the following:

(i) The Ante Wager will be returned if the player's winning hand is not a straight or better or a flush or better as specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(ii) The payout limit per hand established by the certificate holder under § 647a.12(c) (relating to payout odds; payout limitation) or a generic inscription indicating that the game is subject to the posted payout limit.

(8) If the information required under paragraph (7) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Texas Hold 'Em Bonus Poker table.

(c) Each Texas Hold 'Em Bonus Poker 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.

(d) Each Texas Hold 'Em Bonus Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 647a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Texas Hold 'Em Bonus Poker shall be played with one deck of cards that are identical in appearance and two cover cards.

(b) If an automated card shuffling device is utilized, Texas Hold 'Em Bonus Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

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

(3) Both decks 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 Texas Hold 'Em Bonus Poker shall be changed:

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

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

§ 647a.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 out in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 647a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and preshuffled in accordance with

§ 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

§ 647a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

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

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

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

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

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

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

(f) If there is no gaming activity at a Texas Hold 'Em Bonus Poker table which is open for gaming, the cards shall be spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 647a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted 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 (d)—(f) do not apply.

§ 647a.6. Texas Hold 'Em Bonus Poker rankings.

(a) The rank of the cards used in Texas Hold 'Em Bonus Poker, in order of highest to lowest rank, shall be:

ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example queen, king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible five-card Poker hands at the game of Texas Hold 'Em Bonus Poker, in order of highest to lowest rank, shall be:

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

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest straight flush.

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

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

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

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

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

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

§ 647a.7. Wagers.

(a) Wagers at Texas Hold 'Em Bonus Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Texas Hold 'Em Bonus Poker table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round

of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All Ante and Texas Hold 'Em Bonus Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 647a.11(b), (d) and (f) (relating to procedure for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Texas Hold 'Em Bonus Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing an Ante Wager then a Flop, Turn and River Wager in accordance with § 647a.11(b), (d) and (f).

(2) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Texas Hold 'Em Bonus Poker table the option to make an additional Texas Hold 'Em Bonus Wager that the player's first two cards will qualify for a payout in accordance with § 647a.12(b) (relating to payout odds; payout limitation). A Texas Hold 'Em Bonus Wager shall have no bearing on any other wager made by the player.

(e) A player may not wager on more than one player position at a Texas Hold 'Em Bonus Poker table.

§ 647a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location as 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 § 647a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards and after all Ante and Texas Hold 'Em Bonus Wagers have been placed, the dealer shall announce "no more bets."

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

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time, face down, to each player who placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed an Ante Wager and the dealer have two cards.

(e) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 647a.11(c), (e) and (g) (relating to procedure for completion of each round of play). After all community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 647a.9. Procedure for dealing the cards from the hand.

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

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

(2) After the procedures required under § 647a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(b) The dealer shall announce "no more bets" and then deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed an Ante Wager and the dealer have two cards.

(c) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 647a.11(c), (e) and (f) (relating to procedure for completion of each round of play). After all community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine

if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 647a.10. Procedure for dealing the cards from an automated dealing shoe.

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

(1) After the procedures required under § 647a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets."

(b) The dealer shall deliver the first stack of two cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack of two cards face down to each of the other players who has placed an Ante Wager. The dealer shall then deliver a stack of two cards face down under a cover card to the area designated for the dealer's cards.

(c) After each stack of two cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the remaining cards from the automated dealing shoe and, following the procedures in § 647a.9(a)(2) (relating to procedure for dealing the cards from the hand), deal from his hand the five community cards in accordance with § 647a.11(c), (e) and (f) (relating to procedure for completion of each round of play). After all five community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe which automatically reshuffles the cards, the five community cards may be dispensed before the two cards are dispensed to each player and to the dealer. The community cards shall then be revealed in accordance with § 647a.11(c), (e) and (f).

§ 647a.11. Procedure for completion of each round of play.

(a) After the dealing procedures required under § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Texas Hold 'Em Bonus Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to place a Flop Wager prior to the dealing of the Flop. The player may either fold or place a Flop Wager equal to twice the amount of the player's Ante Wager. If a player:

(1) Places a Flop Wager, the wager shall be placed in the area designated for the Flop Wager.

(2) Folds, the player's Ante Wager shall be collected by the dealer and placed in the table inventory container. If the player:

(i) Has also placed a Texas Hold 'Em Bonus Wager, the dealer shall place the cards of the player face down underneath the Texas Hold 'Em Bonus Wager pending its resolution at the conclusion of the round of play.

(ii) Has not placed a Texas Hold 'Em Bonus Wager, the dealer shall immediately collect the player's cards and place them in the discard rack.

(c) After each player has either placed a Flop Wager or folded, the dealer shall burn the next card. The dealer shall then deal the Flop face up to the designated area for the community cards.

(d) After the Flop has been dealt, the dealer shall, beginning with the player farthest to the dealer's left who has placed a Flop Wager and moving clockwise around the table, ask each player who has placed a Flop Wager if he wishes to place a Turn Wager prior to the dealing of the Turn card. The player may either check and remain in the game or place a Turn Wager in an amount equal to the player's Ante Wager.

(e) Once all remaining players have either placed a Turn Wager or checked, the dealer shall burn the next card. The dealer shall then deal the Turn card face up to the designated area for the community cards.

(f) After the Flop and Turn cards have been dealt, the dealer shall, beginning with the player farthest to the dealer's left who has placed a Flop Wager and moving clockwise around the table, ask each player if he wishes to place a River Wager prior to the dealing of the River card. The player may either check and remain in the game or place a River Wager in an amount equal to the player's Ante Wager.

(g) Once all remaining players have either placed a River Wager or checked, the dealer shall burn the next card face down. The dealer shall then deal the River card face up to the designated area for the community cards.

(h) After the five community cards have been dealt, the dealer shall remove the cover card on top of the dealer's

cards and turn his two cards face up on the layout. The dealer shall then select five cards using the dealer's two cards and the five community cards to form the highest ranking five-card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right who has placed a Flop Wager and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the two cards of each player who has placed a Flop Wager face up on the layout.

(2) The dealer shall examine the cards of the player and select the five cards using the player's two cards and the five community cards to form the highest ranking five-card Poker hand. The wagers of each player shall be resolved one player at a time regardless of outcome. If a player's one card Poker hand:

(i) Is ranked lower than the dealer's five-card Poker hand, the dealer shall immediately collect the Ante, Flop, Turn and River Wagers made by the player.

(ii) Is ranked higher than the dealer's five-card Poker hand, the dealer shall pay the Ante, Flop, Turn and River Wagers in accordance with the payout odds in § 647a.12 (relating to payout odds; payout limitation). The player's Ante Wager will be returned if the player's winning hand is not a straight or higher or a flush or higher as specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(iii) Is equal in rank to the dealer's five-card hand, the dealer shall return the player's Ante, Flop, Turn and River Wagers.

(3) After settling a player's Ante, Flop, Turn and River Wagers, the dealer shall settle any Texas Hold 'Em Bonus Wager made by the player by determining whether the player's two cards qualify for a payout in accordance with § 647a.12(b).

(i) After all wagers of the player 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.

§ 647a.12. Payout odds; payout limitation.

(a) A certificate holder shall pay each winning Ante, Flop, Turn and River Wager at odds of 1 to 1.

(b) A certificate holder shall pay each winning Texas Hold 'Em Bonus Wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Ace-ace (dealer and player)	1,000 to 1	N/A
Ace-ace	30 to 1	30 to 1
Ace-king (same suit)	25 to 1	25 to 1
Ace-queen or ace-jack (same suit)	20 to 1	20 to 1
Ace-king (different suits)	15 to 1	15 to 1
King-king, queen-queen or jack-jack	10 to 1	10 to 1
Ace-queen or ace-jack (different suits)	5 to 1	5 to 1
A pair of 10-10 through 2-2	3 to 1	3 to 1

(c) Notwithstanding the payout odds in subsections (a) and (b), the maximum aggregate payout limit on all winning Ante, Flop, Turn, River and Texas Hold 'Em Bonus Wagers for any hand shall be \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater.

§ 647a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the foregoing, if the cards are found face up after each player and the dealer have received their initial two cards, any Texas Hold 'Em Bonus Wager shall be settled in accordance with the payout odds in § 647a.12(b) (relating to payout odds; payout limitation).

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

(c) If any player, the dealer or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If either of the cards dealt to the dealer in Texas Hold 'Em Bonus Poker is inadvertently exposed prior to each player having either folded or placed a Flop, Turn or River Wager as provided for under § 647a.11 (relating to procedure for completion of each round of play), all hands shall be void and all Ante, Flop, Turn and River Wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the foregoing, if a player has placed a Texas Hold 'Em Bonus Wager, the wager shall be settled in accordance with the payout odds in § 647a.12(b).

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

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

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe 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.

[Pa.B. Doc. No. 12-1289. Filed for public inspection July 6, 2012, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 557, 559, 565, 569, 641a, 643a, 649a AND 653a]

Table Game Rules for Four Card Poker, Let It Ride Poker, Three Card Poker and Ultimate Texas Hold 'Em 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 557, 559, 565 and 569 and adds Chapters 641a, 643a, 649a and 653a 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 557, 559, 565 and 569. With this final-form rulemaking, the Board is replacing the temporary regulations in Chapter 557 with the permanent regulations in Chapter 641a (relating to Four Card Poker), temporary regulations in Chapter 559 with the permanent regulations in Chapter 643a (relating to Let It Ride Poker), the temporary regulations in Chapter 565 with the permanent regulations in Chapter 649a (relating to Three Card Poker) and the temporary regulations in Chapter 569 with the permanent regulations in Chapter 653a (relating to Ultimate Texas Hold 'Em Poker).

Explanation of Chapter 641a

Chapter 641a contains the rules governing the play of Four Card Poker. Section 641a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 641a.2 (relating to Four Card Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Four Card 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.

Explanation of Chapter 643a

Chapter 643a contains the rules governing the play of Let It Ride Poker. Section 643a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 643a.2 (relating to Let It Ride Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Let It Ride 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, pay tables for the various wagers were updated in this final-form rulemaking to provide additional options for the operators.

Explanation of Chapter 649a

Chapter 649a contains the rules governing the play of Three Card Poker. Section 649a.1 (relating to definitions) contains the definitions of terms used throughout the

chapter. In § 649a.2 (relating to Three Card Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Three Card 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, pay tables for the various wagers were updated in this final-form rulemaking to provide additional options for the operators.

Explanation of Chapter 653a

Chapter 653a contains the rules governing the play of Ultimate Texas Hold 'Em Poker. Section 653a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 653a.2 (relating to Ultimate Texas Hold 'Em Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Ultimate Texas Hold 'Em 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 dealing procedure in § 653a.10 (relating to procedures for dealing the cards from an automated dealing shoe) for dealing the cards from an automated dealing shoe has been updated to accommodate the use of an automated dealing shoe that automatically reshuffles the cards.

Comment and Response Summary

Notice of proposed rulemaking was published at 41 Pa.B. 3836 (July 16, 2011). During the comment period, the Board received comments from Mountainview Thoroughbred Racing Association (Hollywood). Additionally, on September 14, 2011, the Board received comments from the Independent Regulatory Review Commission (IRRC) on the proposed rulemaking.

General Comments

IRRC commented that several of the sections 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, cross references to the submission and approval process in § 601a.10 (relating to approval of table game layouts, signage and equipment) were added.

House Edge

IRRC requested more information regarding the house edge for all four table games in this final-form rulemaking and asked that the Board compare it to other gaming jurisdictions.

The house edge for Four Card Poker in this Commonwealth from July to November 2011 was between 13.5% and 32.9%. The house edge for New Jersey for the same time period was between 10.4% and 50.4%.

For Three Card Poker in this Commonwealth, the house edge was between 18.69% and 42.8%. In New Jersey for the months between July and November 2011, the house edge was between 7.2% and 42.5%.

The house edge for Let It Ride Poker in this Commonwealth from July to November 2011 was between 3.32% and 42.58%. The house edge for New Jersey for the same time period was between 3.9% and 32.6%.

Only three facilities in this Commonwealth currently offer Ultimate Texas Hold 'Em Poker. The basic house edge for the game is approximately 2.19%. The house edge for New Jersey from July to November 2011 was between 0.08% and 37.2%.

Changing of Cards

Sections 641a.3(c)(2), 643a.3(c)(2), 649a.3(c)(2) and 653a.3(c)(2) require 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. IRRC inquired whether the integrity of gaming would be compromised if the Board adopted the suggested revision.

Unlike Blackjack, all four table games in this final-form rulemaking are 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 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.

Inspection of Cards

Sections 641a.4, 643a.4, 649a.4 and 653a.4 require operators to spread the cards for inspection for the first player arriving at the table. Hollywood believes this step is unnecessary and wastes time as players infrequently inspect cards. The Board believes that allowing players to inspect the cards to ensure that all cards are present protects the integrity of the game.

Hand Deal

Sections 641a.9(a)(1), 643a.9(a)(1), 649a.9(a)(1) and 653a.9(a)(1) require that if cards are being dealt from the hand that an automated shuffling device be used. Hollywood believes that the procedures for shuffling and cutting the cards are sufficient for gaming protection. IRRC inquired whether the Board considered allowing a manual shuffle of the cards as the flexibility could assist in instances when the automated shuffler becomes inoperable.

The Board does not agree with Hollywood. This is a game protection issue on games played against the house. 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. If a dealer is dealing the cards from the hand and the shuffling device

becomes inoperable, the dealer is not required to stop the games but can continue to deal provided that a dealing shoe is then used in accordance with § 641a.8, § 641a.10, § 643a.8, § 643a.10, § 649a.8, § 649a.10, § 653a.8 or § 653a.10.

Removal of Cards

Section 641a.11(d) (relating to procedures for completion of each round of play) states that after all wagers have been settled, the dealer shall remove all remaining cards from the table. Hollywood believes that leaving the cards on the table until all wagers are settled diminishes the integrity of the game. IRRRC requested that the Board explain why the provision was necessary.

The language in this section is a catch all provision in the rulemakings regarding table games. Operators typically collect all cards after each player's winning wagers have been settled provided that the cards of a player who has won 100% of the progressive meter must remain on the layout until all paperwork is completed. Subsection (d) is intended to ensure that any cards that remain on the table be collected and placed in the discard rack and was not intended to require that all cards remain until every player's wagers have been settled. Language was added clarifying that after all wagers "of the player" have been settled, the cards shall be collected. The same language was added to in § 643a.11(g), 649a.11(d) and 653a.11(k) (relating to procedures for completion of each round of play).

Chapter 643a. Let It Ride Poker

Section 643a.11(a)(3) (relating to procedures for completion of each round of play) requires that cards be placed on the designated area of the layout. Hollywood requested that the Board allow operators to require that the cards be placed under Bet 3, making it more difficult for players to cheat by switching cards. The Board agrees and has allowed operators to specify in their Rules Submissions where the cards of the player shall be placed.

In subsections (c) and (e), which require that the community card be placed on top of the remaining cards then moved and turned over, Hollywood commented that the extra step was unnecessary and requested that the Board amend allowing the community cards to be dealt next to each other. The Board agrees and has amended this section accordingly.

Additional Revisions

Additional revisions were made throughout this final-form rulemaking for clarity and consistency with other chapters on table games.

Chapter 643a. Let It Ride Poker

In Chapter 643a, the Progressive Payout Wager was added as an optional side wager. The related definitions were added in § 643a.1, the table layout requirements were added in § 643a.2(b)(7) and (d) and the rankings for the Progressive Payout Wager were added in § 643a.6(d) (relating to Let It Ride Poker rankings). The payout odds and amounts were added in § 643a.12(d) (relating to payout odds; payout limitation).

Subsection (c) was amended so operators are no longer required to utilize a table game system for the placement of the Five Card Bonus Wager, which was previously referred to in the proposed rulemaking as the Let It Ride Bonus Wager.

In § 643a.12(b), table A was corrected and tables D, E and F were added. Tables A, B and C in subsection (c) were corrected.

Chapter 649a. Three Card Poker

The Super Royal payout was added to the Six Card Bonus Wager and is included in the hands eligible for a payout in § 649a.6(d) (relating to Three Card Poker rankings). Table E in § 649a.12(f) (relating to payout odds; Envy Bonus; rate of progression) reflects the Super Royal Payout. Additionally, table D was also added in subsection (f).

Chapter 653a. Ultimate Texas Hold 'Em Poker

A table B was added to § 653a.12(b) (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

Affected Parties

Certificate holders that elect to offer the games of Four Card Poker, Let It Ride Poker, Three Card Poker or Ultimate Texas Hold 'Em Poker will be required to comply with the requirements in this final-form rulemaking. The requirements for the games are standard throughout the industry, consistent with 4 Pa.C.S. Part II (relating to gaming) and necessary for the protection of the gaming public and the revenues generated from table games.

The Board has experienced increased regulatory demands resulting from the implementation of table games including the review of Rules Submissions, table layouts, signage and gaming guides.

Fiscal Impact

Commonwealth. The Board will have to review each certificate holder's table games Rules Submissions, table layouts, signage and gaming guides to ensure compliance with the regulatory requirements in 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. 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 Four Card Poker, Let It Ride Poker, Three Card Poker or Ultimate Texas Hold 'Em 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 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 14, 2011, the Board submitted a copy of the proposed rulemaking, published at 41 Pa.B. 3836, 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 May 16, 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 May 17, 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 §§ 557.1—557.13, 559.1—559.15, 565.1—565.11, 565.11a, 565.11b, 565.12, 565.13 and 569.1—569.13 and by adding §§ 641a.1—641a.13, 643a.1—643a.13, 649a.1—649a.13 and 653a.1—653a.13 to read as set forth in Annex A.

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

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

WILLIAM H. RYAN, Jr.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 3182 (June 2, 2012).)

Fiscal Note: Fiscal Note 125-152 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 557. (Reserved)**

Sec.
557.1—557.13. (Reserved).

CHAPTER 559. (Reserved)

Sec.
559.1—559.15. (Reserved).

CHAPTER 565. (Reserved)

Sec.
565.1—565.11. (Reserved).
565.11a. (Reserved).
565.11b. (Reserved).
565.12. (Reserved).
565.13. (Reserved).

CHAPTER 569. (Reserved)

Sec.
569.1—569.13. (Reserved).

CHAPTER 641a. FOUR CARD POKER

Sec.
641a.1. Definitions.
641a.2. Four Card Poker table physical characteristics.
641a.3. Cards; number of decks.
641a.4. Opening of the table for gaming.
641a.5. Shuffle and cut of the cards.
641a.6. Four Card Poker rankings.
641a.7. Wagers.
641a.8. Procedures for dealing the cards from a manual dealing shoe.
641a.9. Procedures for dealing the cards from the hand.
641a.10. Procedures for dealing the cards from an automated dealing shoe.
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§ 641a.1. Definitions.

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

Aces Up Wager—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of whether the player's hand outranks the dealer's hand.

Envy Bonus—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Four Card Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A player's Four Card Poker hand with a rank of four-of-a-kind or better or a straight flush or better, as defined in § 641a.6(b) (relating to Four Card Poker rankings), depending on the payable selected by the certificate holder.

Hand—The Four Card Poker hand that is held by each player and the dealer after the cards are dealt.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Progressive Payout Hand—A player's Four Card Poker hand with a rank of three-of-a-kind or better as defined in § 641a.6(b).

§ 641a.2. Four Card Poker table physical characteristics.

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

(b) The layout for a Four Card 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) Three separate betting areas designated for the placement of Ante, Play and Aces Up Wagers for each player.

(3) If the certificate holder offers the optional Progressive Payout Wager authorized under § 641a.7(d)(4) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Four Card Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 641a.7(d)(4), the Four Card Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

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

(d) Each Four Card Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Four Card Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 641a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Four Card Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Four Card Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

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

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

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

(1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 641a.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 § 641a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

§ 641a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

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

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

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 641a.8, § 641a.9 or § 641a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

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

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover

card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

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

(f) If there is no gaming activity at a Four Card Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 641a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted 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 (d)—(f) do not apply.

§ 641a.6. Four Card Poker rankings.

(a) The rank of the cards used in Four Card Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight with a 2, 3 and 4 but may not be combined with any other sequence of cards (for example: king, ace, 2 and 3). All suits shall be equal in rank.

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

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

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

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

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

(5) A straight, which is a hand consisting of four cards of more than one suit and of consecutive rank, with ace, king, queen and jack being the highest ranking straight and an ace, 2, 3 and 4 being the lowest ranking straight.

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

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

(c) When comparing two Poker hands that are of identical rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that

contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of equal rank after the application of this section, the hands shall be considered a tie.

§ 641a.7. Wagers.

(a) Wagers at Four Card Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

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

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedures in § 641a.8, § 641a.9 or § 641a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 641a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

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

(1) A player may compete solely against the dealer’s Four Card Poker hand by placing an Ante Wager then a Play Wager, in accordance with § 641a.11(b), in an amount from one to three times the amount of the player’s Ante Wager.

(2) A player may compete solely against a posted payable by placing an Aces Up Wager.

(3) A player may compete against both the dealer’s Four Card Poker hand and the posted payable by placing an Ante Wager and an Aces Up Wager in accordance with paragraphs (1) and (2).

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Four Card Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager or an Aces Up Wager, or both, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player’s respective Progressive Payout Wager has been accepted.

(e) A certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

§ 641a.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 § 641a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be

placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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

(d) The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 641a.7 (relating to wagers) and to the dealer until each player who placed a wager has five cards and the dealer has six cards. All cards dealt to the players and the first five cards dealt to the dealer shall be dealt face down. The dealer’s sixth card shall be dealt face up. The dealer’s fifth and sixth cards shall be dealt consecutively.

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

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 5 cards or the dealer has more or less than 6 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 641a.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 § 641a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use

that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 641a.7 (relating to wagers) and to the dealer until each player who placed a wager has five cards and the dealer has six cards. All cards dealt to the players and the first five cards dealt to the dealer shall be dealt face down. The sixth card dealt to the dealer shall be dealt face up. The dealer’s fifth and sixth cards shall be dealt consecutively.

(c) After five cards have been dealt to each player and six cards have been dealt to the dealer, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 5 cards or the dealer has more or less than 6 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 641a.10. Procedures for dealing the cards from an automated dealing shoe.

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

(1) After the procedures required under § 641a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive

table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed a wager in accordance with § 641a.7 (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with § 641a.7. The dealer shall then deliver a stack of five cards face down to the area designated for the placement of the dealer's cards. When the automated dealing shoe dispenses the next sequence of five cards, the dealer shall remove the stack and spread the cards face down on the layout so that the top card of the stack is to the dealer's right and the bottom card is to the dealer's left. The dealer shall turn the bottom card of the stack (the card on the dealer's far left) face up on the dealer's hand. The dealer shall collect the remaining four cards of that stack and place the cards in the discard rack without revealing the cards.

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

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 5 cards or the dealer has more or less than 6 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe that automatically reshuffles the cards, the dealer's six cards may be dispensed before the five cards are dispensed to each player.

§ 641a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 641a.8, § 641a.9 or § 641a.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 Four Card Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(b) After each player has examined his cards and placed the cards face down on the layout, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to make a Play Wager in an amount from one to three times the amount of the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player:

(1) Has placed an Ante Wager and an Aces Up Wager but does not make a Play Wager, the player shall forfeit the Ante Wager but may not forfeit the Aces Up Wager.

(2) Has placed an Ante Wager and a Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but may not forfeit the eligibility to receive an Envy Bonus under § 641a.12(d) (relating to payout odds; Envy Bonus; rate of progression).

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and select the four cards that form the highest possible ranking Four Card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the five cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and select the four cards that form the highest possible ranking Poker hand for each player.

(3) If a player's highest ranking Four Card Poker hand is ranked:

(i) Lower than the dealer's Four Card Poker hand, the dealer shall immediately collect the Ante and Play Wagers made by the player.

(ii) Higher than or equal to the dealer's Four Card Poker hand, the dealer shall pay the Ante and Play Wagers and any Ante Bonus in accordance with the payout odds in § 641a.12(a) and (b).

(4) After settling a player's Ante and Play Wagers, the dealer shall settle any Aces Up Wagers by determining whether the player's Four Card Poker hand qualifies for a payout in accordance with § 641a.12(c). A winning Aces Up Wager shall be paid irrespective of whether the player's Four Card Poker hand outranks the dealer's hand.

(5) The dealer shall then settle the player's Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

- (i) Verify that the hand is a winning hand.
- (ii) Verify that the appropriate light on the progressive table game system has been illuminated.
- (iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.
- (iv) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 641a.12(d). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus won in accordance with § 641a.12(d). A player making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Four Card Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(d) After all wagers of the player 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.

§ 641a.12. Payout odds; Envy Bonus; rate of progression.

- (a) A certificate holder shall pay each winning Ante Wager and Play Wager at odds of 1 to 1.
- (b) A player placing an Ante Wager and a Play Wager shall be paid a bonus on the Ante Wager, at the odds in the following payable, regardless of whether the player's Four Card Poker hand outranks the dealer's hand:

<i>Hand</i>	<i>Paytable</i>
Four-of-a-kind	25 to 1
Straight flush	20 to 1
Three-of-a-kind	2 to 1

(c) A player placing an Aces Up Wager shall be paid at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Four-of-a-kind	50 to 1	50 to 1	50 to 1
Straight flush	30 to 1	30 to 1	40 to 1
Three-of-a-kind	9 to 1	7 to 1	8 to 1
Flush	6 to 1	6 to 1	5 to 1
Straight	4 to 1	5 to 1	4 to 1
Two pair	2 to 1	2 to 1	3 to 1
Pair of aces	1 to 1	1 to 1	1 to 1

<i>Hand</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>
Four-of-a-kind	50 to 1	50 to 1	50 to 1
Straight flush	40 to 1	30 to 1	40 to 1
Three-of-a-kind	8 to 1	8 to 1	7 to 1
Flush	6 to 1	6 to 1	5 to 1
Straight	4 to 1	4 to 1	4 to 1
Two pair	2 to 1	2 to 1	3 to 1
Pair of aces	1 to 1	1 to 1	1 to 1

(d) If a certificate holder offers a Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Four aces	100% of meter	100% of meter
Four-of-a-kind	300 for 1	300 for 1
Straight flush	100 for 1	100 for 1
Three-of-a-kind	9 for 1	15 for 1

(2) A player shall receive the payout for only the highest ranking Four Card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$5,000 for payable A and \$1,000 for payable B.

(4) Winning Progressive Payout Hands shall be paid the amount on the meter when it is the player's turn to be paid in accordance with § 641a.11(c)(5) (relating to procedures for completion of each round of play).

(5) Envy Bonus payouts shall be made according to one of the following payouts, selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2, for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Paytable A Envy Bonus</i>	<i>Paytable B Envy Bonus</i>
Four aces	\$100	\$100
Four-of-a-kind	\$10	\$25
Straight flush	\$5	N/A

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Paytable A Envy Bonus</i>	<i>Paytable B Envy Bonus</i>
Four aces	\$500	\$500
Four-of-a-kind	\$50	\$125
Straight Flush	\$25	N/A

§ 641a.13. Irregularities.

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

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

(c) If a player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If one or more of the dealer's cards is inadvertently exposed prior to the dealer revealing his cards in accordance with § 641a.11(c) (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

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

(g) 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.

CHAPTER 643a. LET IT RIDE POKER

Sec.

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§ 643a.1. Definitions.

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

Community card—A card which is used by all players to form a five-card Poker hand.

Envy Bonus—An additional fixed sum payout made to a player who placed a Progressive Wager when another player at the Let It Ride Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A mini-royal, as defined in § 643a.6(d) (relating to Let It Ride Poker rankings), formed using the three cards dealt to a player.

Hand—The five-card Poker hand formed for each player by combining the three cards dealt to the player and the two community cards.

Let It Ride—When a player does not withdraw a wager as permitted under § 643a.11(b) and (d) (relating to procedures for completion of each round of play).

Progressive Payout Hand—A player's three cards with a rank of a three-of-a-kind or better or a straight or better, as defined in § 643a.6(d), depending on the payable selected by the certificate holder.

§ 643a.2. Let It Ride Poker table physical characteristics.

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

(b) The layout for a Let It Ride Poker table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

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

(2) Three separate betting areas designated for the placement of the Let It Ride Poker Wagers required under § 643a.7(d) (relating to wagers) for each player.

(3) Separate areas designated for the placement of the cards of each player.

(4) A separate area designated for the placement of the community cards located directly in front of the table inventory container.

(5) If the certificate holder offers the optional Five Card Bonus Wager authorized under § 643a.7(e), a separate area designated for the placement of the Five Card Bonus Wager for each player.

(6) If a certificate holder offers the optional Three Card Bonus Wager authorized under § 643a.7(f), a separate area designated for the placement of the Three Card Bonus Wager for each player.

(7) If the certificate holder offers the optional Progressive Payout Wager authorized under § 643a.7(g), a separate area designated for the placement of the Progressive Payout Wager for each player.

(8) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Let It Ride Poker table.

(9) An inscription indicating the payout limit per hand established by the certificate holder under § 643a.12(e) (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 Let It Ride Poker table.

(c) If a certificate holder offers the Five Card Bonus Wager in accordance with § 643a.7(e), the certificate holder may utilize a table game system, approved by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval), which includes:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Five Card Bonus Wager.

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

(d) If a certificate holder offers the Progressive Payout Wager in accordance with § 643a.7(g), the Let It Ride Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

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

(e) Each Let It Ride Poker 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 Let It Ride Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 643a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Let It Ride Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Let It Ride Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

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

(3) Both decks 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 Let It Ride Poker shall be changed at least every:

- (1) Four hours if the cards are dealt by hand.
- (2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 643a.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 § 643a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

§ 643a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

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

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

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 643a.8, § 643a.9 or § 643a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

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

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

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

(f) If there is no gaming activity at a Let It Ride Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 643a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted 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 (d)—(f) do not apply.

§ 643a.6. Let It Ride Poker rankings.

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

foregoing, an ace may be used to complete a straight flush or 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, 3). All suits shall be equal in rank.

(b) The permissible Poker hands at the game of Let It Ride Poker, in order of highest to lowest rank, shall be:

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

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest straight flush.

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

(4) A full house, which is a hand consisting of three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

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

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

(9) A pair, which is a hand containing two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) If the certificate holder offers the optional Three Card Bonus Wager under § 643a.7(f) (relating to wagers), the hands eligible for a payout shall be:

(1) A mini-royal, which is a straight flush of an ace, king and queen.

(2) A straight flush, which is a hand consisting of three cards of the same suit in consecutive ranking.

(3) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(4) A straight, which is a hand consisting of three cards of consecutive rank, including an ace, 2 and 3.

(5) A flush, which is a hand consisting of three cards of the same suit, not in consecutive order.

(6) A pair, which is a hand consisting of two cards of the same rank.

(d) If the certificate holder offers the Progressive Payout Wager under § 643a.7(g), the following hands eligible for a payout are:

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

(2) A straight flush, which is a hand, other than a mini-royal, consisting of three cards of the same suit in consecutive rank.

(3) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(4) A straight, which is a hand consisting of three cards of consecutive rank, including an ace, 2 and 3.

§ 643a.7. Wagers.

(a) Wagers at Let It Ride Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Let It Ride 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 Let It Ride Poker shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 643a.8, § 643a.9 or § 643a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 643a.11(b) and (d) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) To participate in a round of play, a player shall place three equal but separate Let It Ride Poker Wagers designated as Bet Number 1, Bet Number 2 and Bet Number 3. Bet Number 1 and Bet Number 2 may subsequently be removed by the player in accordance with § 643a.11(b) and (d).

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Let It Ride Poker table the option to make an additional Five Card Bonus Wager that the player will have a five-card Poker hand with a rank of a pair of tens or better, two pair or better or three-of-a-kind or better, depending on the payable selected by the certificate holder in its Rules Submission under § 601a.2. After placing the three wagers required under subsection (d), a player may make an additional Five Card Bonus Wager by placing a value chip onto the designated betting area for that player. If the certificate holder is utilizing a table game system, each player shall be responsible for verifying that the player's respective Five Card Bonus Wager has been accepted.

(f) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Let It Ride Poker table the option to make an additional Three Card Bonus Wager that the three cards dealt to the player will have a rank of a pair or better. After placing the three wagers required under subsection (d), a player may make an additional Three Card Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(g) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing the Let It Ride Poker Wagers, a player may

make an additional Progressive Payout Wager by placing a value chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(h) A Five Card Bonus Wager, Three Card Bonus Wager and Progressive Payout Wager do not have a bearing on any other wagers made by the player.

(i) A certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

§ 643a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 643a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce "no more bets" and:

(1) If the Five Card Bonus Wager is being offered utilizing a table game system, use the table game system to prevent the placement of any additional Five Card Bonus Wager. If any Five Card Bonus 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 Five Card Bonus Wagers accepted by the table game system. The dealer shall then place the value chips into the table inventory container.

(2) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers).

(2) One card face down to the area designated for the placement of the community cards.

(3) A second card face down to each player who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(4) A second card face down to the area designated for the placement of the community cards, which card shall be placed to the right of the first card dealt to this area.

(5) A third card face down to each player who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

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

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designed for the placement of the community cards has more or less than 2 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 643a.9. Procedure for dealing the cards from the hand.

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

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

(2) After the procedures required under § 643a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and:

(i) If the Five Card Bonus Wager is being offered utilizing a table game system, use the table game system to prevent the placement of any additional Five Card Bonus Wagers. If any Five Card Bonus 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 Five Card Bonus Wagers accepted by the table game system. The dealer shall then place the value chips into the table inventory container.

(ii) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers).

(2) One card face down to the area designated for the placement of the community cards.

(3) A second card face down to each player who placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(4) A second card face down to the area designated for the placement of the community cards, which card shall be placed to the right of the first card dealt to this area.

(5) A third card face down to each player who placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

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

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designated for the placement of the community cards has more or less than 2 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 643a.10. Procedure for dealing the cards from an automated dealing shoe.

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

(1) After the procedures required under § 643a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and:

(i) If the Five Card Bonus Wager is being offered utilizing a table game system, use the table game system to prevent the placement of any additional Five Card Bonus Wagers. If any Five Card Bonus 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 Five Card Bonus Wagers accepted by the table game system. The dealer shall then place the value chips into the table inventory container.

(ii) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed the three required wagers in accordance with § 643a.7(d). The dealer shall then deliver a stack of three cards face down to the area designated for the placement of the community cards and spread the stack within the designated area so that the top card is to the dealer's right and the bottom card is to the dealer's left. The dealer shall then remove the community card that is to his left and place that card in the discard rack without exposing the card.

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

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designated for the placement of the community cards has more or less than 2 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe that automatically reshuffles the cards, the two community cards may be dispensed before the three cards are dispensed to each player.

§ 643a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 643a.8, § 643a.9 or § 643a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure

for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Let It Ride Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his three cards in full view of the dealer at all times.

(3) After each player has made a decision regarding Bet Number 2 as required under subsection (d), the player's cards shall be placed face down on the appropriate area of the layout as specified by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table game Rules Submissions). The player may not touch the cards again.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to withdraw Bet Number 1 or Let It Ride. If a player:

(1) Chooses to let Bet Number 1 ride, that bet must remain on the designated betting area of the layout until the end of the round of play.

(2) Chooses to withdraw Bet Number 1, the dealer shall move the value chips on the betting area designated for Bet Number 1 toward the player who shall then immediately remove the value chips from the betting area.

(c) After each player has made a decision regarding Bet Number 1, the dealer shall then turn the community card that is to the dealer's left face up and place it to the right of the remaining community card. The exposed card shall become the first community card.

(d) After the first community card is exposed, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to withdraw Bet Number 2 or Let It Ride. This decision shall be made by each player regardless of the decision made concerning Bet Number 1. If a player:

(1) Chooses to let Bet Number 2 ride, that bet must remain on the designated betting area of the layout until the end of the round of play.

(2) Chooses to withdraw Bet Number 2, the dealer shall move the value chips on the betting area designated for Bet Number 2 toward the player who shall then immediately remove the value chips from the betting area.

(e) The dealer shall then turn the second community card face up on the table.

(f) After the second community card is turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the three cards of the player face up on the layout. The two community cards and the three cards dealt to the player shall form the five-card Poker hand of that player.

(2) The dealer shall examine the cards of the player and form the highest ranking five-card Poker hand for each player.

(3) The dealer shall first settle all Let It Ride Poker Wagers of that player by collecting losing wagers and paying winning wagers in accordance with § 643a.12(a) (relating to payout odds; payout limitation). After settling the player's Let It Ride Poker Wagers, the dealer shall settle any Five Card Bonus Wagers, Three Card Bonus Wagers or Progressive Payout Wagers as follows:

(i) If a player placed a Five Card Bonus Wager and the two community cards and the three cards dealt to the player form a five-card Poker hand of two pair or better, or if included in the payable selected by the certificate holder, a pair of tens, jacks, queens, kings or aces or better, the dealer shall pay the winning Five Card Bonus Wager in accordance with § 643a.12(b).

(ii) If a player placed a Three Card Bonus Wager and the three cards dealt to the player form a three-card Poker hand of a pair or better as defined in § 643a.6(c) (relating to Let It Ride Poker rankings), the dealer shall pay the winning Three Card Bonus Wager in accordance with § 643a.12(c).

(iii) If a player placed a Progressive Payout Wager and the three cards dealt to the player form a three-of-a-kind or better, as defined in § 643a.6(c), or a straight or better, depending on the payable selected by the certificate holder, 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 § 643a.12(d)(1). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(E) Pay any Envy Bonus won in accordance with § 643a.12(d)(5). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Let It Ride Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand.

(g) After all wagers of the player 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.

§ 643a.12. Payout odds; payout limitation.

(a) Subject to the payout limitation in subsection (d), a certificate holder shall pay out winning Let It Ride Poker 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 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Royal flush	1,000 to 1	500 to 1
Straight flush	200 to 1	200 to 1
Four-of-a-kind	50 to 1	50 to 1
Full house	11 to 1	11 to 1

Hand	Paytable A	Paytable B
Flush	8 to 1	8 to 1
Straight	5 to 1	5 to 1
Three-of-a-kind	3 to 1	3 to 1
Two pair	2 to 1	2 to 1
Pair of tens, jack queens, kings or aces	1 to 1	1 to 1

(b) If a certificate holder offers the Five Card Bonus Wager, the certificate holder shall pay out winning Five Card Bonus Wagers at the amounts 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
Royal flush	\$20,000	\$20,000	\$20,000
Straight flush	\$2,000	\$2,000	\$2,000
Four-of-a-kind	\$150	\$200	\$100
Full house	\$75	\$75	\$75
Flush	\$50	\$50	\$50
Straight	\$25	\$25	\$25
Three-of-a-kind	\$4	\$5	\$9
Two pair	\$3	\$4	\$6
Pair of tens, jacks, queens, kings or aces	\$2	\$1	\$0

Hand	Paytable D	Paytable E	Paytable F
Royal flush	\$10,000	\$10,000	\$10,000
Straight flush	\$2,000	\$2,000	\$2,000
Four-of-a-kind	\$200	\$200	\$100
Full house	\$75	\$100	\$75
Flush	\$50	\$50	\$50
Straight	\$25	\$25	\$25
Three-of-a-kind	\$5	\$10	\$9
Two pair	\$4	\$6	\$6
Pair of tens, jacks, queens, kings or aces	\$1	\$0	\$0

(c) If a certificate holder offers the Three Card Bonus Wager, the certificate holder shall pay out winning Three Card Bonus 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:

Hand	Paytable A	Paytable B	Paytable C
Straight flush	40 to 1	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1	30 to 1
Straight	6 to 1	5 to 1	6 to 1
Flush	4 to 1	4 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1

Hand	Paytable D	Paytable E	Paytable F
Mini-royal	50 to 1	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1	30 to 1
Straight	6 to 1	5 to 1	6 to 1
Flush	4 to 1	4 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1

(d) If a certificate holder offers the Progressive Payout Wager:

(1) The certificate holder shall pay out winning Progressive Payout 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:

Hand	Paytable A	Paytable B
Mini-royal, spades	100% of meter	100% of meter

Hand	Paytable A	Paytable B
Mini-royal, hearts, diamonds, clubs	500 for 1	500 for 1
Straight flush	70 for 1	100 for 1
Three-of-a-kind	60 for 1	90 for 1
Straight	6 for 1	

(2) A player shall receive the payout for only the highest ranking hand formed from the player's three cards.

(3) The rate of progression for the meter used for the progressive payouts in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amounts must also be in the certificate holder's Rules Submission and may not be less than \$1,000.

(4) 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 § 643a.11(f)(3)(iii) (relating to procedures for completion of each round of play).

(5) Envy Bonus payouts shall be made according to the following payout for every Envy Bonus Qualifying Hand based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

Hand	Envy Bonus
Mini-royal, spades	\$100
Mini-royal, hearts, diamonds, clubs	\$25

\$5 Progressive Payout Wager

Hand	Envy Bonus
Mini-royal, spades	\$500
Mini-royal, hearts, diamonds, clubs	\$125

(e) Notwithstanding the payout odds in subsection (a), a certificate holder may establish in its Rules Submission under § 601a.2 a maximum amount that is payable to a player on a single hand. The maximum amount shall be at least \$50,000 or the maximum amount that one patron could win per round when betting the minimum permissible wager, whichever is greater. Any maximum payout limit established by a certificate holder shall apply only to payouts of Let It Ride Poker Wagers placed under § 643a.7(d) (relating to wagers) but may not apply to payouts of Five Card Bonus Wagers placed under § 643a.7(e), Three Card Bonus Wagers placed under § 643a.7(f) or Progressive Payout Wagers placed under § 643a.7(g).

§ 643a.13. Irregularities.

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

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

(c) If any player or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If either of the community cards is inadvertently exposed prior to the dealer revealing the community cards in accordance with § 643a.11(c) and (e) (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

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

(g) 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.

CHAPTER 649a. THREE CARD POKER

Sec.
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§ 649a.1. Definitions.

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

Envy Bonus—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Three Card Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A player’s Three Card Poker hand of an ace, king and queen of the same suit.

Hand—The Three Card Poker hand that is held by each player and the dealer after the cards are dealt.

Pair Plus Wager—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player’s hand against the dealer’s hand.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Progressive Payout Hand—A player’s Three Card Poker hand with a rank of a three-of-a-kind or better, as defined in § 649a.6 (relating to Three Card Poker rankings), or a straight or better depending on the payable selected by the certificate holder.

§ 649a.2. Three Card Poker table physical characteristics.

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

(b) The layout for a Three Card Poker table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Three separate betting areas designed for the placement of Ante, Play and Pair Plus Wagers for each player.
- (3) If the certificate holder offers the optional Progressive Payout Wager authorized under § 649a.7(d)(4) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.
- (4) If the certificate holder offers the optional Six Card Bonus Wager authorized under § 649a.7(d)(5), a separate area designated for the placement of the Six Card Bonus Wager for each player.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder and the phrase “Dealer Plays with Queen High or Better.” If payout odds or amounts are not inscribed on the layout, a sign indicating the payout odds or amounts for all permissible wagers shall be posted at each Three Card Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 649a.7(d)(4), the Three Card Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

- (1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.
- (2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced “no more bets.”

(d) Each Three Card Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Three Card Poker table must have a discard rack securely attached to the top of the dealer’s side of the table.

§ 649a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Three Card Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Three Card Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

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

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

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

(c) The decks of cards used in Three Card Poker shall be changed at least every:

(1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 649a.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 § 649a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

§ 649a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

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

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

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 649a.8, § 649a.9 or § 649a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

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

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

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

(f) If there is no gaming activity at a Three Card Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 649a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted 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 (d)—(f) do not apply.

§ 649a.6. Three Card Poker rankings.

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

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

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

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

(3) A straight, which is a hand consisting of three cards of more than one suit and of consecutive rank, with an ace, king and queen being the highest ranking straight and an ace, 2 and 3 being the lowest ranking straight.

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

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

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

(d) If a certificate holder offers the optional Six Card Bonus Wager under § 649a.7(d)(5) (relating to wagers), the five-card Poker hands eligible for a payout are:

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

(2) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, regardless of suit.

(4) A full house, which is a hand consisting of three-of-a-kind and a pair.

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

(6) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, regardless of suit.

(8) A Super Royal, if the certificate holder selects payable E in § 649a.12(f) (relating to payout odds; Envy Bonus; rate of progression), which is a six-card Poker hand consisting of an ace, king, queen, jack, 10 and 9 of the same suit.

§ 649a.7. Wagers.

(a) Wagers at Three Card Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

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

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedures in § 649a.8, § 649a.9 or § 649a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 649a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

(d) The following wagers may be placed in the game of Three Card Poker:

(1) A player may compete solely against the dealer’s Three Card Poker hand by placing an Ante Wager then a Play Wager, in accordance with § 649a.11(b), in an amount equal to the player’s Ante Wager.

(2) A player may compete solely against a posted payable by placing a Pair Plus Wager.

(3) A player may compete against both the dealer’s Three Card Poker hand and the posted payable by placing an Ante Wager and a Pair Plus Wager in accordance with paragraphs (1) and (2).

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Three Card Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player’s respective Progressive Payout Wager has been accepted.

(5) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Three Card Poker table the option to make an additional Six Card Bonus Wager that the three cards dealt to the dealer and the three cards dealt to the player will form a five-card Poker hand with a rank of a three-of-a-kind or better. If the certificate holder has selected payable E in § 649a.12(f) (relating to payout odds; Envy Bonus; rate of progression), the three cards dealt to the dealer and the three cards dealt to the player shall be used to form a six-card Poker hand for purposes of the Super Royal payout. After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Six Card Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing “no more bets.”

(e) Notwithstanding subsection (d)(1)—(3), a certificate holder may offer a version of Three Card Poker requiring:

(1) As a precondition to the placement of a Pair Plus Wager, the placement of an Ante Wager in an amount equal to or greater than the Pair Plus Wager.

(2) As a precondition to the placement of a Pair Plus Wager, the placement of an Ante Wager in an amount equal to at least 1/2 the Pair Plus Wager.

(3) The compulsory placement of an Ante Wager and a Pair Plus Wager, provided that one wager may be placed in an amount up to a maximum of five times the amount of the other wager without regard to which wager is the greater of the two.

(f) A certificate holder shall specify in its Rules Submission under § 601a.2, the number of adjacent boxes on which a player may place a wager in one round of play.

§ 649a.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 § 649a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wa-

gers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 649a.7 (relating to wagers) and to the dealer until each player who placed a wager and the dealer have three cards. All cards shall be dealt face down.

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

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 649a.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 § 649a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory con-

tainer, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 649a.7 (relating to wagers) and to the dealer until each player who placed a wager and the dealer have three cards. All cards shall be dealt face down.

(c) After three cards have been dealt to each player and the dealer, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 649a.10. Procedures for dealing the cards from an automated dealing shoe.

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

(1) After the procedures required under § 649a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed a wager in accordance with § 649a.7 (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clock-

wise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with § 649a.7. The dealer shall then deliver a stack of three cards face down to the area designated for the placement of the dealer's cards.

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

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards is still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 649a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 649a.8, § 649a.9 or § 649a.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 Three Card Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his three cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to make a Play Wager in an amount equal to the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player:

(1) Has placed an Ante Wager and a Pair Plus Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager.

(2) Has placed an Ante Wager and a Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but may not forfeit the eligibility to receive an Envy Bonus under § 649a.12(e) (relating to payout odds; Envy Bonus; rate of progression).

(3) Has placed an Ante Wager, a Pair Plus Wager and a Six Card Bonus Wager, but does not make a Play Wager,

the player shall forfeit both the Ante Wager and the Pair Plus Wager but does not forfeit the Six Card Bonus Wager.

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated cards, except for the cards of those players who placed a Six Card Bonus Wager, and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and place the cards so as to form the highest possible ranking Three Card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the three cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and form the highest possible ranking Three Card Poker hand for each player.

(3) If the dealer's highest ranking Three Card Poker hand:

(i) Is lower than a queen high, the dealer shall pay each player's Ante Wager and return the player's Play Wager.

(ii) Is a queen high or better, and the player's highest ranking Three Card Poker hand is ranked:

(A) Lower than the dealer's Three Card Poker hand, the dealer shall immediately collect the Ante and Play Wagers made by the player.

(B) Higher than the dealer's Three Card Poker hand, the dealer shall pay the Ante and Play Wagers and any Ante Bonus in accordance with the payout odds in § 649a.12(a) and (b).

(C) Equally with the dealer's Three Card Poker hand, the dealer shall return the player's Ante and Play Wagers.

(4) After settling the player's Ante and Play Wagers, the dealer shall settle any Pair Plus Wagers by determining whether the player's Three Card Poker hand qualifies for a payout in accordance with § 649a.12(d). A winning Pair Plus Wager shall be paid irrespective of whether the player's Three Card Poker hand outranks the dealer's hand.

(5) The dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

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

(ii) Verify that the appropriate light on the progressive table game system has been illuminated.

(iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 649a.12(e). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the

cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus won in accordance with § 649a.12(e). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Three Card Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(6) The dealer shall then settle the Six Card Bonus Wager, if offered by the certificate holder. A winning Six Card Bonus Wager shall be paid irrespective of the outcome of the player's Ante Wager or Pair Plus Wager. The dealer shall arrange the dealer's three cards and the player's three cards to form the highest ranking five-card Poker hand for each player. If a player has a three-of-a-kind or better, as described in § 649a.6(d) (relating to Three Card Poker rankings), the dealer shall pay the winning Six Card Bonus Wager in accordance with the payout odds in § 649a.12(f). If the certificate holder has selected payable E in § 649a.12(f), the three cards dealt to the dealer and the three cards dealt to the player shall be used to form a six-card Poker hand for purposes of the Super Royal payout.

(d) After all wagers of the player 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.

§ 649a.12. Payout odds; Envy Bonus; rate of progression.

(a) A certificate holder shall pay each winning Ante Wager and Play Wager at odds of 1 to 1.

(b) A player placing an Ante Wager and a Play Wager shall be paid a bonus on the Ante Wager, at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions), regardless of whether the player's Three Card Poker hand outranks the dealer's hand:

Hand	Paytable A	Paytable B	Paytable C
Straight flush	5 to 1	5 to 1	4 to 1
Three-of-a-kind	4 to 1	3 to 1	3 to 1
Straight	1 to 1	1 to 1	1 to 1

(c) If a certificate holder offers the version of Three Card Poker as described in § 649a.7(e) (relating to wagers), a player placing an Ante Wager and Play Wager shall be paid an Ante 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:

Hand	Paytable A	Paytable B	Paytable C
Ace, king, queen of spades	50 to 1	50 to 1	50 to 1
Ace, king, queen of hearts, diamonds or clubs	5 to 1	50 to 1	10 to 1
Straight flush	4 to 1	8 to 1	6 to 1
Three-of-a-kind	3 to 1	6 to 1	3 to 1
Straight	1 to 1		

(d) A player placing a Pair Plus Wager shall be paid at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B	Paytable C
Straight flush	35 to 1	40 to 1	40 to 1
Three-of-a-kind	25 to 1	30 to 1	30 to 1
Straight	6 to 1	5 to 1	6 to 1
Flush	4 to 1	4 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1

Hand	Paytable D	Paytable E
Straight flush	40 to 1	40 to 1
Three-of-a-kind	30 to 1	25 to 1
Straight	6 to 1	6 to 1
Flush	4 to 1	4 to 1
Pair	1 to 1	1 to 1

(e) If a certificate holder offers a Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B
Ace, king and queen of spades	100% of meter	100% of meter
Ace, king and queen of hearts, diamonds or clubs	500 for 1	500 for 1
Straight flush	70 for 1	100 for 1
Three-of-a-kind	60 for 1	90 for 1
Straight	6 for 1	N/A

(2) A player shall receive the payout for only the highest ranking Three Card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payouts in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2 and must be at least 14% for Paytable A and 20% for Paytable B. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$1,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 649a.11(c) (relating to procedures for completion of each round of play).

(5) Envy Bonus payouts shall be made according to the following payouts for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

Hand	Envy Bonus
Ace, king and queen of spades	\$100
Ace, king and queen of hearts, diamonds or clubs	\$25

\$5 Progressive Payout Wager

Hand	Envy Bonus
Ace, king and queen of spades	\$500
Ace, king and queen of hearts, diamonds or clubs	\$125

(f) If a certificate holder offers the Six Card Bonus Wager, the certificate holder shall pay out winning Six Card Bonus Wagers at the amounts 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
Royal flush	1,000 to 1	1,000 to 1	1,000 to 1
Straight flush	200 to 1	200 to 1	200 to 1
Four-of-a-kind	50 to 1	100 to 1	100 to 1
Full house	25 to 1	20 to 1	20 to 1
Flush	20 to 1	15 to 1	15 to 1
Straight	10 to 1	9 to 1	10 to 1
Three-of-a-kind	5 to 1	8 to 1	7 to 1

Hand	Paytable D	Paytable E
Super Royal of diamonds		\$1,000,000
Super Royal of hearts, spades or clubs		\$100,000
Royal flush	1,000 to 1	1,000 to 1
Straight flush	200 to 1	200 to 1
Four-of-a-kind	50 to 1	50 to 1
Full house	25 to 1	20 to 1
Flush	15 to 1	15 to 1
Straight	10 to 1	10 to 1
Three-of-a-kind	5 to 1	5 to 1

§ 649a.13. Irregularities.

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

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

(c) If a player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If one or more of the dealer's cards is inadvertently exposed prior to the dealer revealing his cards in accordance with § 649a.11(c) (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

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

(g) 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.

CHAPTER 653a. ULTIMATE TEXAS HOLD 'EM POKER

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§ 653a.1. Definitions.

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

Burn—To remove the top or next card from the deck and place it face down in the discard rack without exposing the card to anyone.

Check—Waiving the right to place a Play Wager but remaining in the round of play.

Community card—A card which may be used by all players and the dealer to form the best possible five-card Poker hand.

Envy Bonus—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Ultimate Texas Hold 'Em Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better as defined in § 653a.6(b) (relating to Ultimate Texas Hold 'Em Poker rankings).

Flop—The first three community cards dealt during a round of play.

Fold—The withdrawal of a player from a round of play by not making a Play Wager.

Hand—The five-card Poker hand formed from the two cards of the player or the dealer and any of the five community cards.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Progressive Payout Hand—A player's five-card Poker hand with a rank of three-of-a-kind or better as defined in § 653a.6(b).

Trips Wager—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player's hand against the dealer's hand.

§ 653a.2. Ultimate Texas Hold 'Em Poker table physical characteristics.

(a) Ultimate Texas Hold 'Em Poker shall be played on a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for an Ultimate Texas Hold 'Em Poker table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

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

(2) Four separate betting areas designated for the placement of Ante, Blind, Play and Trips Wagers for each player. The Blind Wager betting area must be located to the right of the Ante Wager betting area and separated by an "=" symbol.

(3) A separate area designated for the placement of the five community cards located directly in front of the table inventory container.

(4) A separate area designated for the placement of the dealer's two cards.

(5) If a certificate holder offers the optional Progressive Payout Wager authorized under § 653a.7(d)(3) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Ultimate Texas Hold 'Em Poker table.

(7) Inscriptions indicating the following:

(i) An Ante Wager will push if the dealer has less than a pair.

(ii) A Blind Wager will push if the player's winning hand is not a straight or better or a flush or better, depending on the payable selected by the certificate holder.

(iii) The rules governing the required amount of a Play Wager as a multiple of the player's Ante Wager.

(iv) The payout limit per hand established by the certificate holder under § 653a.12(e) (relating to payout odds; Envy Bonus; rate of progression; payout limitation) or a generic inscription indicating that the game is subject to the posted payout limit.

(8) If the information required under paragraph (7) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Ultimate Texas Hold 'Em Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 653a.7(d)(3), the Ultimate Texas Hold 'Em Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

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

(d) Each Ultimate Texas Hold 'Em Poker 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.

(e) Each Ultimate Texas Hold 'Em Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 653a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Ultimate Texas Hold 'Em Poker shall be played with one deck of cards that are identical in appearance and two cover cards.

(b) If an automated card shuffling device is utilized, Ultimate Texas Hold 'Em Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

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

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

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

(c) The decks of cards used in Ultimate Texas Hold 'Em Poker shall be changed at least every:

(1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 653a.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 § 653a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are reinspected 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.

§ 653a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack.

The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

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

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

(1) If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with § 653a.8, § 653a.9 or § 653a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

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

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

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

(f) If there is no gaming activity at an Ultimate Texas Hold 'Em Poker table which is open for gaming, the cards shall be spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 653a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted 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 (d)—(f) do not apply.

§ 653a.6. Ultimate Texas Hold 'Em Poker rankings.

(a) The rank of the cards used in Ultimate Texas Hold 'Em Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example, queen, king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible five-card Poker hands at the game of Ultimate Texas Hold 'Em Poker, in order of highest to lowest rank, shall be:

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

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest ranking straight flush.

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

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

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

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

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

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

§ 653a.7. Wagers.

(a) Wagers at Ultimate Texas Hold 'Em Poker shall be made by placing value chips or plaques on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at an Ultimate Texas Hold 'Em Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 653a.8, § 653a.9 or § 653a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 653a.11(b), (d) or (f) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Ultimate Texas Hold 'Em Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing both an Ante Wager and a Blind Wager in equal amounts, then a Play Wager, in accordance with § 653a.11(b), (d) or (f).

(2) In addition to the Ante Wager and Blind Wager, a player may compete against a posted payable by placing a Trips Wager.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at an Ultimate Texas Hold 'Em Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing the Ante and Blind Wagers, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(e) A player may not wager on more than one player position at an Ultimate Texas Hold 'Em Poker table.

§ 653a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 653a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with § 653a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed the required wagers, and the dealer have two cards.

(e) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 653a.11 (relating to procedures for completion of each round of play). After all community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 653a.9. Procedure for dealing the cards from the hand.

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

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

(2) After the procedures required under § 653a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with § 653a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed the required wagers, and the dealer have two cards.

(c) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 653a.11 (relating to procedures for completion of each round of play). After all community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 653a.10. Procedures for dealing the cards from an automated dealing shoe.

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

(1) After the procedures required under § 653a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer’s left who has placed the required wagers in accordance with § 653a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a required wager in accordance with § 653a.7(d)(1). The dealer shall then deliver a stack of two cards face down under a cover card to the area designated for the placement of the dealer’s cards.

(c) After each stack of two cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the remaining cards from the automated dealing shoe and, following the procedures in § 653a.9(a)(2) and (b) (relating to procedure for dealing the cards from the hand), deal from his hand the five community cards in accordance with § 653a.11 (relating to procedures for completion of each round of play). After all five community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe which automatically reshuffles the cards, the five community cards may be dispensed before the two cards are dispensed to each player and to the dealer. The community cards shall then be revealed in accordance with § 653a.11.

§ 653a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 653a.8, § 653a.9 or § 653a.10 (relating to procedure for dealing the cards from a manual shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Ultimate Texas Hold ‘Em Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer’s left and moving clockwise around the table, ask each player if he wishes to place a Play Wager prior to the dealing of the Flop. The player may either check or place a Play Wager in an amount equal to three or four times the amount of the player’s Ante Wager. If a player:

(1) Places a Play Wager, the wager shall be placed in the area designated for the Play Wager.

(2) Checks, the player shall remain in the game and defer his decision to place a Play Wager until after the Flop is dealt.

(c) Once all players have either placed a Play Wager or checked, the dealer shall burn the next card. The dealer shall then deal the Flop face up to the designated area for the community cards.

(d) After the Flop has been dealt, the dealer shall, beginning with the player farthest to the dealer’s left and moving clockwise around the table, ask each player who has not already placed a Play Wager if he wishes to place a Play Wager prior to the dealing of the final two

community cards. The player may either check or place a Play Wager in an amount equal to two times the amount of the player's Ante Wager. If a player:

(1) Places a Play Wager, the wager shall be placed in the area designated for the Play Wager.

(2) Checks, the player shall remain in the game and defer his decision to place a Play Wager until after the next two community cards are dealt.

(e) Once all players have either placed a Play Wager or checked, the dealer shall burn the next card. The dealer shall then deal the next two cards in the deck face up to the designated area for the community cards.

(f) After the final two community cards have been dealt, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who has not already placed a Play Wager whether he wishes to fold or place a Play Wager equal in amount to the player's Ante Wager. If a player:

(1) Places a Play Wager, the wager shall be placed in the area designated for the Play Wager.

(2) Folds, the Ante and Blind Wagers of the player shall be collected by the dealer and placed in the table inventory container. If the player:

(i) Has also placed a Trips Wager, the dealer shall place the cards of the player face down underneath the player's Trips Wager pending its resolution at the conclusion of the round of play.

(ii) Has not placed a Trips Wager, the dealer shall immediately collect the player's cards and place them in the discard rack.

(g) After each player has either folded or placed a Play Wager, the dealer shall remove the cover card and turn his two cards face up on the layout. The dealer shall then select five cards from the dealer's two cards and the five community cards to form the highest ranking five-card Poker hand and announce the dealer's hand to the players.

(h) If the dealer's highest ranking five-card Poker hand:

(1) Is lower than a pair, the dealer shall, starting with the player farthest to the dealer's right who has placed a Play Wager and proceeding in a counterclockwise manner around the table, return each player's Ante Wager and resolve the Blind and Play Wagers in accordance with paragraph (2).

(2) Is a pair or better, the dealer shall, starting with the player farthest to the dealer's right who has placed a Play Wager and proceeding in a counterclockwise manner around the table, turn the two cards of each player who has placed a Play Wager face up on the layout. The dealer shall select five cards from the player's two cards and the five community cards to form the highest ranking five-card Poker hand and shall announce the player's hand. The wagers of each player shall be resolved one player at a time regardless of outcome. If a player's five-card Poker hand:

(i) Is ranked lower than the dealer's five-card Poker hand, the dealer shall immediately collect the Ante, Blind and Play Wagers made by the player.

(ii) Is ranked higher than the dealer's five-card Poker hand, the dealer shall pay the Ante, Blind and Play Wagers made by the player in accordance with the payout odds in § 653a.12(a) and (b) (relating to payout odds; Envy Bonus; rate of progression; payout limitation). The player's Blind Wager shall be returned if the player's winning hand is not a straight or better or a flush or better depending on the payable selected by the certificate holder.

(iii) Is equal in rank to the dealer's five-card hand, the dealer shall return the player's Ante, Blind and Play Wagers.

(i) After settling a player's Ante, Blind and Play Wagers, the dealer shall settle any Trips Wager made by the player by determining whether the player's five-card Poker hand qualifies for a payout in accordance with § 653a.12(c). A winning Trips Wager shall be paid irrespective of whether the player's five-card Poker hand outranks the dealer's hand.

(j) The dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

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

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

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

(4) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 653a.12(d). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(5) Pay any Envy Bonus won in accordance with § 653a.12(d). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Ultimate Texas Hold 'Em Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(k) After all wagers of the player 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.

§ 653a.12. Payout odds; Envy Bonus; rate of progression; payout limitation.

(a) A certificate holder shall pay each winning Ante Wager and Play Wager at odds of 1 to 1.

(b) A certificate holder shall pay the player's winning Blind Wager in accordance with the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>
Royal flush	500 to 1
Straight flush	50 to 1
Four-of-a-kind	10 to 1
Full house	3 to 1
Flush	3 to 2
Straight	1 to 1
Less than a straight	Push

<i>Hand</i>	<i>Paytable B</i>
Royal flush	500 to 1
Straight flush	50 to 1
Four-of-a-kind	10 to 1
Full house	3 to 1
Flush	3 to 2
Less than a flush	Push

(c) A player placing a Trips Wager shall be paid at the odds in one of the following paytables, selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Royal flush	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1
Four-of-a-kind	30 to 1	30 to 1
Full house	9 to 1	8 to 1
Flush	7 to 1	6 to 1
Straight	4 to 1	5 to 1
Three-of-a-kind	3 to 1	3 to 1

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>
Royal flush	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1
Four-of-a-kind	30 to 1	20 to 1
Full house	8 to 1	7 to 1
Flush	7 to 1	6 to 1
Straight	4 to 1	5 to 1
Three-of-a-kind	3 to 1	3 to 1

(d) If a certificate holder offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$10,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 653a.11(j) (relating to procedures for completion of each round of play).

(5) Envy Bonus payouts shall be made according to the following payouts for Envy Bonus Qualifying Hands

based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(e) Notwithstanding the payout odds in subsections (a)—(c), 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 amount shall be at least \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. Any maximum payout limit established by the certificate holder shall apply only to payouts of Ultimate Texas Hold 'Em Poker Wagers placed under § 653a.7(d)(1) and (2) (relating to wagers) but does not apply to payouts for Progressive Payout Wagers placed under § 653a.7(d)(3).

§ 653a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the foregoing, if the cards are found face up after each player and the dealer has received their initial two cards, the community cards shall be dealt and any Trips Wager shall be settled in accordance with the payout odds in § 653a.12(c) (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

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

(c) If any player, the dealer or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If either of the dealer's cards is inadvertently exposed prior to each player having either folded or placed a Play Wager as provided for under § 653a.11 (relating to procedures for completion of each round of play), all hands shall be void, all Ante, Blind and Play Wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the foregoing, if a player has placed a Trips Wager, the community cards shall be dealt and each Trips Wager shall be settled in accordance with the payout odds in § 653a.12(c).

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

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

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

[Pa.B. Doc. No. 12-1290. Filed for public inspection July 6, 2012, 9:00 a.m.]

PROPOSED RULEMAKINGS

ENVIRONMENTAL QUALITY BOARD

[25 PA CODE CHS. 121 AND 139]

Measurement and Reporting of Condensable Particulate Matter Emissions

The Environmental Quality Board (Board) proposes to amend Chapters 121 and 139 (relating to general provisions; and sampling and testing) to read as set forth in Annex A.

The proposed rulemaking would amend Chapter 139 to update and clarify what sampling and testing methods are used to demonstrate compliance with certain particulate matter (PM) emission limitations. The proposed amendment to § 139.12(a) (relating to emissions of particulate matter) explains the process used for determining compliance with filterable PM emission standards in §§ 123.11—123.13 (relating to combustion units; incinerators; and processes). The proposed amendments to § 139.12(b) and (c) explain the process used for determining compliance with filterable and condensable PM emission limitations. The proposed amendment to § 139.12(d) explains the compliance demonstration process. The proposed amendment to § 139.53 (relating to filing monitoring reports) specifies where monitoring reports must be filed.

In addition to these substantive changes, the proposed rulemaking would amend Chapter 121 to add the following terms and definitions in § 121.1 (relating to definitions): “condensable particulate matter” and “filterable particulate matter.”

This proposed rulemaking was adopted by the Board at its meeting on April 17, 2012.

A. Effective Date

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

B. Contact Persons

For further information, contact Arleen Shulman, Chief, Division of Air Resource Management, P. O. Box 8468, Rachel Carson State Office Building, Harrisburg, PA 17105-8468, (717) 772-3436; or Robert “Bo” Reiley, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection’s (Department) web site at www.depweb.state.pa.us (DEP Search/Keyword: Public Participation).

C. Statutory Authority

This proposed rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (act) (35 P.S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth, and section 5(a)(8) of the act, which grants the Board the authority to adopt rules and regulations designed to implement the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

D. Background and Purpose

PM is the term for a mixture of solid particles and liquid droplets found in the air. Some particles, such as dust, dirt, soot and smoke, are large or dark enough to be seen with the naked eye. Other particles are so small they can only be detected using an electron microscope. PM includes “inhalable coarse particles,” with diameters larger than 2.5 micrometers and smaller than 10 micrometers (PM₁₀), DEP and “fine particles,” with diameters that are 2.5 micrometers and smaller (PM_{2.5}). Epidemiological studies have shown a significant correlation between elevated levels of PM_{2.5} and a number of serious health effects, including premature mortality, aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions, emergency room visits, absences from school or work and restricted activity days), lung disease, decreased lung function, asthma attacks and certain cardiovascular problems such as heart attacks and cardiac arrhythmia. See 70 FR 944 (January 5, 2005) and 72 FR 20586 (April 25, 2007).

The United States Environmental Protection Agency (EPA) established the PM National Ambient Air Quality Standard (NAAQS) at 36 FR 8186 (April 30, 1971). The test method specified for determining attainment of the original standards was the high volume sampler, which collects filterable PM up to a nominal size of 25 to 45 micrograms (referred to as total suspended particulate). See 75 FR 80118, 80120 (December 21, 2010).

The Department of Environmental Resources, the predecessor agency to the Department, initially promulgated PM emission standards for combustion units, incinerators and processes under §§ 123.11—123.13 at 1 Pa.B. 1804 (September 11, 1971). Test methods for determining emissions of PM were promulgated under § 139.12 at 2 Pa.B. 383 (March 4, 1972). These methods included the use of both dry filters and wet impingers to test for filterable and condensable PM.

The Department deleted the requirement to use wet impingers to test for PM at 27 Pa.B. 6804 (December 27, 1997) because that provision was more stringent than the applicable Federal requirement and provided little environmental benefit. Under this change, the owners and operators of existing stationary sources subject to §§ 123.11—123.13 are only required to test for compliance with filterable PM emission standards.

The EPA revised the PM NAAQS to add a new standard for fine particles, using PM_{2.5} as the indicator, at 62 FR 38652 (July 18, 1997). The EPA set the health-based (primary) and welfare-based (secondary) PM_{2.5} annual standard at a level of 15 micrograms per cubic meter (µg/m³) and the 24-hour standard at a level of 65 µg/m³. The health-based primary standard is designed to protect human health from elevated levels of PM_{2.5}. The secondary standard is designed to protect against major environmental effects of PM_{2.5} such as visibility impairment, soiling and materials damage.

Subsequently, at 71 FR 61236 (October 17, 2006), the EPA lowered the primary and secondary 24-hour NAAQS for PM_{2.5} to 35 µg/m³ from 65 µg/m³. The following counties or portions thereof have been designated by the EPA as nonattainment for the 2006 fine particulate matter 24-hour NAAQS: Allegheny (partial), Armstrong (partial), Beaver, Bucks, Butler, Cambria, Chester, Cumberland, Dauphin, Delaware, Greene (partial), Indiana (partial), Lancaster, Lawrence (partial), Lebanon, Lehigh,

Montgomery, Northampton, Philadelphia, Pittsburgh/Liberty-Clairton (partial), Washington, Westmoreland and York. See 74 FR 58688, 58758 (November 13, 2009).

Section 110 of the CAA (42 U.S.C.A. § 7410) requires state and local air pollution control agencies to develop, and submit to the EPA for approval, State Implementation Plans (SIPs) that provide for the attainment, maintenance and enforcement of the NAAQS in each air quality control region (or portion thereof) within each state. The emissions inventories and analyses used in the state's attainment demonstrations must consider PM-10 and PM_{2.5} emissions from stationary sources that are significant contributors of primary PM-10 and PM_{2.5} emissions.

Section 51.50 of 40 CFR (relating to what definitions apply to this subpart) defines primary PM-10 and PM_{2.5} as including both the filterable and condensable fractions of PM. Filterable PM consists of those particles that are directly emitted by a source as a solid or liquid at the stack (or similar release conditions) and captured on the filter of a stack test train. Condensable PM is the material that is in vapor phase at stack conditions but condenses or reacts, or both, upon cooling and dilution in the ambient air to form solid or liquid PM immediately after discharge from the stack. The Commonwealth defines primary PM-10 and PM_{2.5} in a similar manner as measured by the applicable reference method or equivalent method. See § 121.1.

The EPA promulgated revisions to its test methods for measuring filterable PM-10 and PM_{2.5} and for measuring condensable PM emissions from stationary sources at 75 FR 80118. The final amendments to Method 201A add a particle-sizing device to allow for sampling of particulate matter with mean aerodynamic diameters less than or equal to 2.5 micrometers (PM_{2.5} or fine particulate matter). The final amendments to Method 202 revise the sample collection and recovery procedures of the method to reduce the formation of reaction artifacts that could lead to inaccurate measurements of condensable PM. The Department incorporates Methods 201A and 202 by reference in the Department's Source Testing Manual under § 139.4(5) (relating to references).

Proposed § 139.12(a) clarifies that the owner and operator subject to the PM emission standards under §§ 123.11–123.13 are required to test only for filterable PM as provided in paragraphs (1)–(5). These owners and operators would not be subject to the filterable and condensable PM test requirements proposed under subsections (b)–(d).

Proposed § 139.12(b) clarifies that the owner and operator of a stationary source subject to PM-10 and PM_{2.5} emission limitations shall determine compliance with those limitations by using tests measuring both filterable and condensable PM. This subsection also clarifies that the owner and operator of a stationary source subject to applicability determinations under Chapter 127, Subchapters D and E (relating to prevention of significant deterioration of air quality; and new source review) shall demonstrate compliance for filterable and condensable PM-10 and PM_{2.5} emissions.

Additionally, the proposed amendment to § 139.12(c) explains the process used for determining compliance with filterable and condensable PM emission limitations.

The proposed amendment to § 139.12(d) explains the compliance demonstration process for the measurement and reporting of filterable and condensable PM.

The proposed amendment to § 139.53 amends where monitoring reports must be filed.

The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) on the proposed rulemaking on October 20, 2011. Prior to concurring with the Department's recommendation to present the proposed rulemaking to the Board for consideration, the AQTAC recommended that clarifications be made regarding the definition of "condensable particulate matter" and the effective compliance date for the provisions in § 139.12(b) and (d). The proposed rulemaking was revised to address the AQTAC's concerns. The Department also consulted with the Citizens Advisory Council Air Committee on January 31, 2012.

Because this proposed rulemaking updates and clarifies the applicability of certain requirements to which the owners and operators of certain stationary sources are already subject, the proposed rulemaking does not impose new or additional requirements or compliance costs on these owners and operators.

The proposed rulemaking is reasonably necessary to attain and maintain the 1997 annual and 2006 24-hour PM_{2.5} NAAQS and to satisfy related CAA requirements.

The proposed rulemaking will be submitted to the EPA upon final-form publication as a revision to the Commonwealth's SIP.

E. Summary of Regulatory Requirements

§ 121.1. Definitions

The proposed rulemaking amends § 121.1 to add definitions for the terms "condensable particulate matter" and "filterable particulate matter" to support the proposed amendments to Chapter 139. These definitions are consistent with the Federal definitions.

§ 139.12. Emissions of particulate matter

The proposed rulemaking designates the existing language in § 139.12 to proposed subsection (a) and adds proposed subsections (b)–(d) to clarify filterable and condensable PM testing applicability requirements. Subsection (a) clarifies that the listed test procedures are to determine emissions of filterable PM only and not condensable PM from affected stationary sources for compliance with the PM emission standards in §§ 123.11–123.13.

Subsection (b) provides that the owner or operator of a stationary source subject to emission limitations for PM-10 and PM_{2.5} or to applicability determinations required under Chapter 127, Subchapters D and E shall demonstrate compliance for both filterable and condensable PM-10 and PM_{2.5} emissions.

Subsection (c) provides that compliance with a PM emission limitation issued by the Department prior to January 1, 2011, may not be based on condensable PM unless required by the terms and conditions of a plan approval, operating permit or the SIP in 40 CFR 52.2020 (relating to identification of plan).

Subsection (d) provides that a compliance demonstration required under subsection (b) or (c) must include the measurement and reporting of filterable and condensable PM. Test methods and procedures must be equivalent to those specified in § 139.4(5).

§ 139.53. *Filing monitoring reports*

The proposed rulemaking amends § 139.53 to specify that the periodic emissions monitoring test reports shall be submitted to the applicable Regional Air Program Manager instead of the Regional Air Pollution Control Engineer and a copy of the report shall be submitted to the Chief of the Division of Source Testing and Monitoring. This proposed amendment makes the filing of monitoring reports more efficient and timely.

F. *Benefits, Costs and Compliance*

Benefits

The proposed rulemaking would account for emissions of condensable PM, which contribute to the formation of PM_{2.5} in the atmosphere. Because condensable emissions exist almost entirely in the 2.5 micrometer range and smaller, and epidemiological studies have shown a significant correlation between elevated PM_{2.5} levels and premature death, aggravation of heart and lung disease and asthma attacks, attaining and maintaining the PM_{2.5} NAAQS is inherently more significant to the management of public health and welfare effects than attaining and maintaining prior PM NAAQS addressing larger particles. Therefore, it is important that the Commonwealth's air quality management of PM_{2.5} promote a comprehensive and inclusive approach to measuring condensable PM emissions. Improved data will support development of better control strategies to reduce emissions of condensable PM and improve public health and welfare in areas that are designated as nonattainment for PM_{2.5}.

Compliance Costs

Because this proposed rulemaking updates and clarifies the applicability of certain requirements to which owners and operators of certain stationary sources are already subject, the proposed rulemaking does not impose new or additional requirements or compliance costs on the owners and operators of these existing stationary sources.

Compliance Assistance Plan

The regulated community is comprised of companies with sophisticated and experienced environmental staff. The owners and operators of these facilities have prior experience with regulatory programs and are technically capable of implementing the amended EPA test methods. The Department will post information on its web site to assist the public in understanding the requirements placed on the owners and operators of subject facilities.

Paperwork Requirements

Because this proposed rulemaking updates and clarifies the applicability of certain requirements to which the owners and operators of certain stationary sources are already subject, the proposed rulemaking does not impose additional paperwork requirements on the owners and operators of these existing stationary sources.

G. *Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101–13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention prac-

tices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. The major pollution prevention mechanism in the proposed rulemaking is to ensure a comprehensive, inclusive and accurate approach to measuring condensable PM emissions. Improved data will support the development of better control strategies to reduce emissions of condensable PM and improve public health and welfare in areas that are designated as nonattainment for PM_{2.5}.

H. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 22, 2012, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. 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 Department, the General Assembly and the Governor of comments, recommendations or objections raised.

J. *Public Comments*

Written comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board on or before September 10, 2012. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received on or before September 10, 2012. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic comments. Comments may be submitted electronically to the Board at RegComments@pa.gov and must also be received by the Board on or before September 10, 2012. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

K. *Public Hearings*

The Board will hold three public hearings for the purpose of accepting comments on the proposed rule-making. The hearings will be held as follows:

- August 7, 2012
1 p.m. Department of Environmental Protection
Southwest Regional Office
Monongahela Conference Room
400 Waterfront Drive
Pittsburgh, PA 15222-4745
- August 9, 2012
1 p.m. Department of Environmental Protection
Southeast Regional Office
Schuylkill River Conference Room
2 East Main Street
Norristown, PA 19401
- August 10, 2012
1 p.m. Department of Environmental Protection
Rachel Carson State Office Building
Conference Room 105
400 Market Street
Harrisburg, PA 17105

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

MICHAEL L. KRANCER,
Chairperson

Fiscal Note: 7-477. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Condensable particulate matter—Material that is vapor phase at stack conditions but which condenses or reacts, or both, upon cooling and dilution in the ambient air to form solid or liquid particulate matter immediately after discharge from the stack. All condensable particulate matter, if present

from a source, is typically in the PM_{2.5} size fraction and therefore all of it is a component of both primary PM_{2.5} and primary PM-10.

* * * * *

Filterable particulate matter—Particles directly emitted by a source as a solid or liquid at the stack, or similar release conditions, and captured on the filter of a stack test train.

* * * * *

CHAPTER 139. SAMPLING AND TESTING

Subchapter A. SAMPLING AND TESTING METHODS AND PROCEDURES

STATIONARY SOURCES

§ 139.12. Emissions of particulate matter.

(a) Tests for determining emissions of filterable particulate matter from stationary sources to demonstrate compliance with the particulate matter emission standards in §§ 123.11—123.13 (relating to combustion units; incinerators; and processes) shall conform with the following:

(1) Test methods for particulate matter emissions shall include dry filters and provide for at least a 95% collection efficiency of particulate matter.

* * * * *

(5) Results shall be calculated based upon sample train component weights specified in § 139.4(5). Results shall be reported as pounds of particulate matter per hour and in accordance with the units specified in §§ 123.11—123.13 [(relating to particulate matter emissions)].

(b) The owner or operator of a stationary source subject to emission limitations for PM-10 and PM_{2.5} or to applicability determinations required under Chapter 127, Subchapters D and E (relating to prevention of significant deterioration of air quality; and new source review) shall demonstrate compliance for filterable and condensable PM-10 and PM_{2.5} emissions.

(c) Compliance with a particulate matter emission limitation issued by the Department prior to January 1, 2011, will not be based on condensable particulate matter unless required under the terms and conditions of a plan approval, operating permit or the State Implementation Plan codified in 40 CFR 52.2020 (relating to identification of plan).

(d) A compliance demonstration required under subsection (b) or (c) must include the measurement and reporting of filterable and condensable particulate matter. Test methods and procedures must be equivalent to those specified in § 139.4(5).

Subchapter B. MONITORING DUTIES OF CERTAIN SOURCES

GENERAL

§ 139.53. Filing monitoring reports.

(a) Persons responsible for the operation of sources subject to monitoring requirements established by order, by condition of plan approval or permit or under this subchapter, shall submit periodic reports of the results of tests, samples or observations conducted, obtained or made in accordance with the methods or techniques referenced in § 139.52 (relating to monitoring methods and techniques). The reports shall be:

* * * * *

(4) Submitted to the Regional Air [**Pollution Control Engineer**] **Program Manager** for the region of the Department in which the source is located **and a copy to the Chief of the Division of Source Testing and Monitoring.**

* * * * *

[Pa.B. Doc. No. 12-1291. Filed for public inspection July 6, 2012, 9:00 a.m.]

[25 PA. CODE CH. 93]

Triennial Review of Water Quality Standards

The Environmental Quality Board (Board) proposes to amend Chapter 93 (relating to water quality standards) to read as set forth in Annex A.

This proposed rulemaking was adopted by the Board at its April 17, 2012, meeting.

A. Effective Date

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

B. Contact Persons

For further information, contact Rodney A. Kime, Chief, Division of Water Quality Standards, Bureau of Point and Non-Point Source Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us>.

C. Statutory Authority

These proposed amendments are made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (act) (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement the act, and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards and 40 CFR 131.41 (relating to bacteriological criteria for those states not complying with Clean Water Act section 303(i)(1)(A)) sets forth bacteria criteria for coastal recreation waters in the Commonwealth.

D. Background and Purpose of the Amendment

The water quality standards, which are generally codified in Chapter 93, are designed to implement sections 5 and 402 of act and section 303 of the Clean Water Act. This proposed rulemaking fulfills the Federally-required triennial review of water quality standards as mandated by the Clean Water Act (33 U.S.C.A. §§ 1251—1387). The water quality standards consist of the existing and designated uses of the surface waters of the Commonwealth, along with the specific numerical and narrative criteria necessary to achieve and maintain those uses, and an

antidegradation policy. Thus, water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements, such as treatment requirements, best management practices and effluent limitations, on individual sources of pollution.

Water quality standards are an important element of the Commonwealth's water quality management program. Some type of water quality standard has been in use for approximately 75 years in this Commonwealth. One of the early actions after the Sanitary Water Board (SWB) was created in 1923 was to classify streams by priority for water quality management actions. In 1947, the SWB classified the streams in this Commonwealth by the degree of treatment that had to be provided before discharge could occur. Article 301—Water Quality Control, which specifically contained water uses, general and specific water quality criteria, and designated water uses, was added to the SWB's rules and regulations on June 28, 1967. The SWB was then abolished on January 19, 1971, following the formation of the Department of Environmental Resources (DER) in 1968. Responsibilities for developing and maintaining the water quality criteria and standards and other related regulations were transferred to the DER. New or revised specific water quality criteria and standards were developed by the DER for the surface waters in this Commonwealth and formally adopted into Chapter 93 at 1 Pa.B. 1804 (September 11, 1971).

The DER completed its first major review and complete overhaul of the water quality criteria and standards in 1979. After a series of public hearings and extensive public participation, revisions to the water quality criteria and uses were incorporated into Chapter 93. The United States Environmental Protection Agency (EPA) Region III formally approved the revisions to the Commonwealth's water quality standards on January 26, 1981. Section 303(c)(1) of the Clean Water Act requires that states periodically, but at least once every 3 years, review and revise as necessary, their water quality standards. Additional reviews and revisions were made to the Commonwealth's water quality standards during 1985, 1989 and 1994. The Department, which was created in June 1995 after splitting DER into two agencies by approval of the Conservation and Natural Resources Act (71 P. S. §§ 1340.101—1340.1103), began to conduct its first comprehensive review of water quality standards regulations, policies and implementation procedures which became the basis for the next triennial review. Additional reviews and revisions were made to the Commonwealth's water quality standards during 1998, 1999, 2000, 2002, 2004 and 2009 to address amendments for the Great Lakes Initiative, antidegradation policies, the Water Quality Standard Regulatory Basics Initiative Triennial and several other corrective amendments.

This proposed rulemaking constitutes the Commonwealth's current triennial review of its water quality standards.

On January 11, 2012, the Department's Water Resources Advisory Committee (WRAC) voted to present this proposed rulemaking package to the Board. In addition, the Department provided to the Agricultural Advisory Board (AAB) on August 17, 2011, a regulatory agenda that included the triennial review of water quality standards. The AAB declined the need for consideration at the regularly scheduled October 19, 2011, meeting.

E. Summary of Issues and Proposed Regulatory Revisions

The following is a detailed description of proposed amendments to Chapter 93.

§ 93.1. Definitions

The Board proposes to delete the definition of “critical use” because there is currently a definition for “critical use” in the Table 3 footnote in § 93.7 (relating to specific water quality criteria).

In the definition of “point source discharge,” the Board proposes to update the reference from Chapter 92, which was rescinded at 40 Pa.B. 5767 (October 9, 2010), to Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), which replaced Chapter 92.

§ 93.4c. Implementation of antidegradation requirements

The Board proposes to update the cross references and citations from Chapter 92 to Chapter 92a.

§ 93.4d. Processing of petitions, evaluations and assessments to change a designated use

The Board recommends improvements to the public notification methods associated with the stream redesignation process in § 93.4d. The Department will continue to publish in the *Pennsylvania Bulletin* a notice of receipt of petition or assessment of waters for High Quality or Exceptional Value Waters redesignation. A notice in the *Pennsylvania Bulletin* is the primary public notification method and will continue to be published along with the most appropriate secondary public notification method. The Department needs to have the flexibility to be able to select the most effective secondary public notification method. Currently, the Department is required to publish these notices in a local newspaper of general circulation. There are many possible options that the Department could use as the secondary public notification method regarding the stream redesignation process (including, but not limited to, posting the information on the Department’s web site, issuing press releases through the Department’s newsroom, distributing the information through e-mails and list-serve applications, postcard notifications delivered by the United States Postal Service and publication in newspapers). This added flexibility will enable the Department to provide public notifications more effectively, while being judicious of the monetary expense and the amount of staff time involved with this procedure.

§ 93.7. Specific water quality criteria (Table 3)

In § 93.7(a), the Board is proposing to add language to clarify that exceptions to the application of criteria are in the drainage lists in §§ 93.9a—93.9z.

The Board is proposing the following changes to the Table 3 criteria:

Chloride (Ch₂)

The Board is recommending a chloride criterion that will be applied in all freshwaters of the Commonwealth for the protection of aquatic life. The existing chloride criterion was developed primarily for the protection of potable water supplies and is not applied in all surface waters of the Commonwealth, but rather only at the point of water supply intake, under § 96.3(d) (relating to water quality protection requirements).

The Board initiated a proposed rulemaking for the promulgation of the current National aquatic life criteria for chloride at its March 16, 2010, meeting. The proposed aquatic life criteria (230 mg/l = chronic; 860 mg/l = acute) mirror the National recommended aquatic life criteria which were published in February 1988 by the EPA in Ambient Water Quality Criteria for Chloride. The proposed rulemaking was published at 40 Pa.B. 2264 (May 1,

2010) with a comment period that closed on June 15, 2010. Based on comments received, the Department, in this new proposed rulemaking, has re-evaluated the science used in the determination of the chloride criterion.

Prior to the 2010 proposed rulemaking, the Department was aware that the EPA, along with the Great Lakes Environmental Center (GLEC) in Columbus, OH, and the Illinois Natural History Survey (INHS) in Champaign, IL, was in the process of developing chloride criteria. During the comment period for the 2010 proposed rulemaking, commentators referred the Department to the science under development in Iowa, which used the same science as the EPA, the GLEC and INHS.

The Department reviewed the equation-based aquatic life criteria for chloride as developed by the EPA and successfully implemented in Iowa. The researchers at the GLEC and INHS worked collaboratively under a contract with the EPA to determine the toxicity of chloride in freshwater invertebrate species. The research demonstrated a strong correlation between chloride toxicity and hardness. The final results of this toxicity testing were published in the report “Acute Toxicity of Chloride to Select Freshwater Invertebrates,” EPA, October 28, 2008. The Iowa Department of Natural Resources (IDNR) selected the appropriate acute and chronic criteria equations after considering input from many sources and two equations were promulgated by Iowa. Both the 1-hour and 96-hour acute and chronic criteria values should not be exceeded more than once every 3 years on the average (Connie Dou, IDNR, personal communication, November 2011).

The Board recommends adopting the Iowa equation-based aquatic life criteria for chloride based on the best available sound science.

Dissolved oxygen (DO)

Aquatic life in freshwater waterbodies in this Commonwealth are currently being protected from adverse impacts associated with low dissolved oxygen by four categories of dissolved oxygen criteria. Slight revisions have been made to the numerical component of the dissolved oxygen aquatic life criteria since the SWB adopted their rules and regulations in 1967. Since then, many new resources of new scientific literature and information have been made available, including the EPA’s review of literature that resulted in a dissolved oxygen criteria recommendation in the “Quality Criteria for Water 1986” (also known as the Gold Book). Based on the availability of updated scientific studies, a review of the current information regarding dissolved oxygen requirements of aquatic life was undertaken. The Board proposes to incorporate dissolved oxygen concentrations based on the EPA’s risk level assessment in its dissolved oxygen criteria. Instead of incorporating values associated with severe production impairment and protection of only acute mortality, the Board proposes to incorporate the slight production impairment as 7-day averages and the moderate production values as minima for early life stages and other life stages to protect aquatic life. In addition, the proposed criteria provide greater protection for naturally reproducing Salmonid early life stages. It is important to note that the proposed criteria only apply to flowing freshwater streams, the epilimnion of a naturally stratified lake and throughout the waterbody of nonstratified lakes.

Sulfate (Sul)

The Board is recommending sulfate criteria that will be applied in all waters of the Commonwealth for the

protection of aquatic life. The existing sulfate criterion was developed primarily for the protection of potable water supplies and is not applied in surface waters of the Commonwealth, but rather only at the point of water supply intake, under § 96.3(d).

The Illinois Environmental Protection Agency worked with the EPA to conduct a multiyear project researching the toxicity of sulfate to aquatic life.

Dr. David Soucek of the INHS conducted the laboratory toxicity testing. His work included a determination of the sulfate level which corresponded with the acute toxicity for invertebrate species. Dr. Soucek's work also revealed that the level of sulfate toxicity is driven by the concentrations of chloride and hardness. The Illinois sulfate criteria accounts for the relationship of chloride and hardness to sulfate toxicity, therefore chloride and hardness can be measured and entered into the equation to determine the maximum amount of sulfate allowable for a water body. At chloride concentrations between 5 and 25 mg/l chloride ameliorates the toxic effect of sulfate, but above 25 mg/l it adds to the toxicity, hence there are two equations. Chlorides are added in one and subtracted in the other. Hardness ameliorates the toxicity of the sulfate as documented by Soucek and Kennedy in "Effects of hardness, chloride, and acclimation on the acute toxicity of sulfate to freshwater invertebrates," *Environmental Toxicology and Chemistry*, 2005, 24:1204-1210.

The Department reviewed the Illinois Environmental Protection Agency ambient water quality criteria development document for sulfate and agrees with the data analysis, interpretation and development of the criteria. The Board recommends adopting the aquatic life sulfate criteria developed by the Illinois Environmental Protection Agency as previously discussed.

Temperature (Temp)

For the current triennial review of water quality standards and rulemaking, the Department is reviewing the rate of temperature change provision in the temperature criteria in Table 3—" . . . these wastes may not result in a change by more than 2°F during a 1-hour period." The Board may consider changes to this section in the final-form rulemaking based on comments received and additional science obtained. As a result, the Board is seeking technical and scientific information, data and studies regarding the rate of temperature change and its effect on aquatic organisms. This request for information includes new technical and scientific information regarding species-specific thermal tolerances, responses to temperature change and the role of temperature acclimation in relation to thermal tolerance and temperature change responses. Only peer-reviewed studies or site-specific collections of acceptable quality will be considered. The site-specific collections must include, at a minimum, the following: a map of collection locations and outfalls; at least 1 week of continuous water temperature measurements taken prior to the sampling; dates of collection; identity of the collectors; narrative of the collection methods; a species list in electronic format; and a contact name of the person who will be responsible for responding to questions concerning the collections. Technical and scientific information can be submitted as instructed in Section J of this proposed rulemaking.

§ 93.7(b) and Table 4

The Board is proposing to delete § 93.7(b) and Table 4. This section is no longer needed since the application of specific criteria is in § 93.7 Table 3 and the drainage lists in §§ 93.9a–93.9z.

The Board is proposing to add a new provision to § 93.7(b). This subsection will contain the explanation for the protection of early life stages of Salmonids, regarding new dissolved oxygen requirements.

§ 93.8b. Metals criteria

The Board is proposing to add the current recommended conversion factor for chromium III to the Conversion Factor Table. It was inadvertently omitted in previous triennial rulemakings.

§ 93.8c. Human health and aquatic life criteria for toxic substances

The Board is proposing amendments to the human health and aquatic life criteria in Table 5 (relating to water quality criteria for toxic substances). Water quality criteria are based solely on the best available scientific data and scientific judgments on pollutant concentrations and human health or aquatic life effects. The criteria are tools used to calculate discharge limits in the National Pollutant Discharge Elimination System (NPDES) program.

The Department uses the provisions in §§ 16.22, 16.32 and 16.33 (relating to criteria development; threshold level toxic effects; and nonthreshold effects (cancer)) to develop aquatic life and human health criteria. The aquatic life criteria are developed based on the "Guidelines for Deriving Numerical Water Quality Criteria for the Protection of Aquatic Life and Their Uses" (Stephan et al., 1985). The human health criteria are developed using the EPA Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (EPA-822-B-00-004, October 2000).

The following are criteria for 13 toxic substances the Board is proposing for the protection of human health uses. These substances may be expected from the presence in certain effluent discharges that require an NPDES permit. These criteria have been developed under section 307(a) of the Clean Water Act (33 U.S.C.A. § 1317(a)). This list also contains toxic substances that have been recommended by the EPA since the completion of the Commonwealth's previous triennial review, which was finalized in April 2010. The Department has reviewed the National recommendations and determined that the criteria are applicable for the protection of waters in this Commonwealth.

- *Acrolein and phenol*—Acrolein is a widely used product. It is used in the preparation of polyester resin, polyurethane, propylene glycol and acrylic acid. It is also used as a herbicide to control submersed and floating weeds and algae in irrigation canals. Phenol was first extracted from coal tar and its major uses involve its conversion to plastics or related materials. Phenols are used in creating polycarbonates, epoxies, nylon, detergents, herbicides and pharmaceuticals. The criteria for phenol and acrolein are being updated because of more recent reference doses (RFD) available from the EPA IRIS database. The EPA published notice of final criteria for acrolein and phenol at 74 FR 27535 (June 10, 2009).

- *Acrylamide*—Acrylamide is commonly used in the production of polyacrylamides, which are used as flocculants for clarifying drinking water and treating municipal and industrial effluents. It is also used in making organic chemicals and dyes, sizing of paper and textiles, and ore processing. The Department currently has a human health cancer risk level in Chapter 16, Appendix A, Table 1A (relating to site-specific water quality criteria for toxic substances). This toxic was developed using the EPA Methodology for Deriving Ambient Water Quality

Criteria, which is used to develop Statewide criteria and therefore Statewide applicability is warranted.

- *Benzyl chloride*—Benzyl chloride is an intermediate in the processing of dyes, pharmaceuticals and perfumes; used in the production of synthetic tannins; and as a gum inhibitor in gasoline. Benzyl chloride has been labeled a probable human carcinogen by the EPA. Therefore, the Board is proposing a Statewide human health criterion for benzyl chloride.

- *2-butoxyethanol*—2-butoxyethanol is a solvent in spray lacquers, enamels, varnishes, and latex paints, paint thinners and strippers, varnish removers, and herbicides and is a bulk additive used in the hydrofracking process. There is a need for a criterion to protect surface water since this additive may be found in wastewater effluents. The Board is proposing to incorporate a human health criterion for 2-butoxyethanol.

- *1,2 cis-Dichloroethylene (cis-DCE)*—cis-DCE is used as a solvent in waxes and resins, for extraction of rubber, in refrigerant and used in manufacture of pharmaceuticals. Therefore, the Board is proposing a human health criterion for cis-DCE.

- *Cyclohexylamine*—Department reviews for chemical additives used at NPDES regulated facilities have concluded that cyclohexylamine is used and may be present in effluent discharges to surface waters. It is used in boiler water treatment as a corrosion inhibitor, in the synthesis of plastics and rubber, is in agricultural chemicals and is used as an emulsifying agent. The Department concluded there is a need for an in-stream criterion for cyclohexylamine.

- *1,4 Dioxane*—The Department currently has a human health cancer risk level in Chapter 16, Appendix A, Table 1A. 1,4 dioxane is used as a solvent in the manufacture of other chemicals. This toxic criterion was developed using the EPA Methodology for Deriving Ambient Water Quality Criteria, which is used to develop Statewide criteria and therefore Statewide applicability is warranted.

- *Molybdenum*—Industries in this Commonwealth that may discharge molybdenum include specialty steel, coal mining and coal-fired power generation. In more recent studies, it was concluded that the molybdenum sensitive population is children as well as individuals that have insufficient dietary copper or cannot process molybdenum correctly (United States Department of Health and Human Services, ATSDR, Public Health Assessment, Lincoln Park/Cotter Uranium Mill, Canon City, Fremont County, CO (November 9, 2010)). It was also concluded in this assessment that molybdenum at concentrations above the long-term health guidelines (35 ug/L—EPA, CCL3 Contaminate Information Sheet, August, 2009) has the possibility of causing health consequences. The Department coordinated its molybdenum criteria development effort with the EPA's regional water quality standards staff and its headquarters toxicologists. The EPA supports the numeric criterion that the Department developed for molybdenum. The molybdenum criterion will be used as a tool to calculate discharge limits in the NPDES program. The Department is continually reviewing new toxicity data to ensure that the criteria are based on the best available scientific data.

- *Resorcinol*—The Beazer East sites are located within an approximately 60-square mile area that has been designated by the Department under the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) as the

Bear Creek Area Chemical Site (BCACS). The Department has determined that environmental media (that is, soil and groundwater) within the BCACS have been impacted by resorcinol and other hazardous substances: sulfonate compounds that include meta-benzene disulfonic acid (m-BDSA); benzene monosulfonic acid (BSA); and p-phenol sulfonic acid (p-PSA). The Department developed a resorcinol ambient water quality criterion for the protection of human health since it was discovered during the evaluation of the aquatic life water quality criteria that human health is the most sensitive use to be protected. Resorcinol is used as a chemical intermediate for the synthesis of pharmaceuticals and other organic compounds. It is used in the production of dyes and plasticizers and as a UV absorber in resins.

- *Strontium*—Department permit engineers have requested in-stream criteria for strontium because of the known presence of strontium in the drilling fluids retrieved from frack water discharges. Strontium is also known to be present in ceramics, glass products, pyrotechnics, paint pigments and fluorescent lights. The Board is proposing this criterion since strontium may be found in effluent that is discharged to surface waters.

- *1,2,4 and 1,3,5 Trimethylbenzene (TMB)*—TMB is a byproduct from the petroleum refining process. It is also used as a solvent in coatings, cleaners, pesticides and inks. The Board is proposing these criteria since the by-product may be found in effluent that is discharged to surface waters.

In addition, the Board is proposing seven ambient water quality criteria for the protection of aquatic life uses. They have been either recommended by the EPA or have been developed by the Department since the previous triennial review was finalized in April 2010. The Department reviewed the National recommendations and determined these criteria to be appropriate for waters in this Commonwealth.

- *Acrolein*—In July 2009, the EPA published final aquatic life criteria for acrolein based on a 2007 data search that revealed new acute and chronic toxicological data.

- *Benzene metadisulfonic acid, benzene monosulfonic acid, P-phenol sulfonic acid and resorcinol*—The aquatic life criteria for resorcinol, benzene metadisulfonic acid, benzene monosulfonic acid and P-phenol sulfonic acid (sulfonate compounds) were originally developed for use in the Bear Creek watershed at the BCACS. The criteria development was performed by AMEC Earth & Environmental (AMEC) on behalf of Beazer East. As previously stated, resorcinol is used as a chemical intermediate for the synthesis of pharmaceuticals and other organic compounds. It is used in the production of dyes and plasticizers and as a UV absorber in resins. Sulfonates are present in the environment as a result of the widespread use of detergents in industry, agriculture, coal mining drilling fluid additives and formulations for oil recovery operations. After thorough review of the criteria development document submitted, "Development of Ambient Water Quality Criteria for Benzene Metadisulfonic Acid, Benzene Monosulfonic Acid, p-Phenol Sulfonic Acid and Resorcinol" (AMEC, 2008), the Department determined the criteria to be applicable for the protection of aquatic life use throughout this Commonwealth.

• *Molybdenum*—It is the Department’s objective to develop water quality criteria for the protection of aquatic life that are scientifically defensible, meet EPA protocols and based on the best available toxicological data. The Department has determined that there is a need for an aquatic life molybdenum criterion because it may be present in effluent discharged by industries in this Commonwealth, including specialty steel, coal mining and coal-fired power generation. The Department conducted a literature search to collect relevant molybdenum toxicity data for aquatic life dating through 2009. The review included the following: the EPA’s ECOTOX database; Aquatic Life Water Quality Criteria for Molybdenum prepared for the Nevada Division of Environmental Protection by Tetra Tech, Inc. (July 9, 2009); and EURAS (2008), International Molybdenum Association, Freshwater effects assessment of molybdenum: data evaluation and PNEC-deviation.

After a thorough review of the available toxicological data, the Department determined that the studies used to calculate the criteria approved by the EPA for Nevada contained biological species that are representative of biological species found in ambient waters in this Commonwealth and are relevant for the aquatic life criteria determination in this Commonwealth. The Department used studies upon which the 1985 Guideline Methods can be performed.

• *Nonylphenol*—Nonylphenol is one of the substances on the Commonwealth’s list of emerging contaminants and is also on the National priority list of contaminants. In addition, preliminary monitoring performed by United States Geological Survey (USGS) in 2009 detected nonylphenol in waters in this Commonwealth. It is used as a chemical intermediate in the processing of other chemicals and is often found in wastewater treatment plant effluent as a breakdown product from surfactants and detergents.

Summary of Table 5 Proposed Criteria

Compound	CAS Number	Chronic AWQC Criterion Continuous Concentration (ug/L)	Acute AWQC Criterion Maximum Concentration (ug/L)	Human Health Criteria (ug/L)	Health Effect
Phenol	00108952	N/A	N/A	10400	H
Acrolein	00107028	3.0	3.0	6.0	H
1,2 cis-Dichloroethylene	00156592	N/A	N/A	12	H
Acrylamide	00079061	N/A	N/A	0.07	CRL
Benzene Metadisulfonic Acid	00098486	1600000	2600000	N/A	-
Benzene Monosulfonic Acid	00098113	1200000	2000000	N/A	-
Benzyl Chloride	00100447	N/A	N/A	0.2	CRL
2-Butoxyethanol	00111762	N/A	N/A	700	H
Cyclohexylamine	00108918	N/A	N/A	1000	H
1,4-Dioxane	00123911	N/A	N/A	0.35	CRL
Molybdenum	07439987	1900	6000	210	H
Nonylphenol	00104405	6.6	28	N/A	-
p-Phenol Sulfonic Acid	00098679	1400000	3500000	N/A	-
Resorcinol	01084603	7200	28000	2700	H
Strontium	07440246	N/A	N/A	4000	H
1,2,4-Trimethylbenzene	00095636	N/A	N/A	72	H
1,3,5-Trimethylbenzene	00108678	N/A	N/A	72	H

H—Human health
 CRL—Cancer risk level
 N/A—Criterion not developed

§ 93.8d. Development of site-specific water quality criteria

The Board is updating the references from Chapter 92 to Chapter 92a.

Corrections to Drainage Lists

The following changes to the drainage lists are proposed by the Board to clarify stream names and segment boundaries and designations. These corrections do not change the current stream use designations and only serve as clarifications and corrections:

§ 93.9b. Drainage List B

A proposed correction to § 93.9b will eliminate the confusion associated with named tributaries in the Lackawaxen River basin that are included under the current listing of “unnamed tributaries.” The Department gained knowledge that these tributaries had been officially named subsequent to the inclusion of these streams under the listing of unnamed tributaries in § 93.9b. This correction will also update the name of the main stem between Van Auken Creek and Dyberry Creek as the National Hydrography Dataset (NHD) Flowline now lists

this section as Lackawaxen River. Formerly, the West Branch Lackawaxen River extended downstream to Dyberry Creek.

§ 93.9c. *Drainage List C*

A correction is proposed in § 93.9c for Leas Run, which enters Brodhead Creek in Monroe County. This correction is necessary because Leas Run is a named tributary and it is included under the current listing of “unnamed tributaries.” The Department gained knowledge that Leas Run had been officially named subsequent to the inclusion of this stream under the listing of unnamed tributaries in § 93.9c. Leas Run was designated as a conservation area (3.5) and cold water fishes (1.1) as a result of a final-form rulemaking published at 2 Pa.B. 341 (February 26, 1972). A separate final-form rulemaking published at 9 Pa.B. 3051 (September 8, 1979), which was effective October 8, 1979, included Leas Run along with other unnamed tributaries to Brodhead from the source to Paradise Creek and redesignated them as HQ-CWF.

Corrections are also included for the Paradise Creek basin. Paradise Creek enters Brodhead Creek downstream of Leas Run. Paradise Creek is currently a main stem format and it is being proposed to be included in Chapter 93 as a basin format. Under the current main stem format, the entire main stem of the Paradise Creek is designated independently of its tributaries. This change in designation format will account for one missing stream name (Tank Creek, a small tributary in the headwaters), one incorrect stream name (Forest Hills Run should be listed instead of Swiftwater Creek because Swiftwater Creek is a tributary to Forest Hills Run) and one stream that is listed in the incorrect hydrologic order (the mouth of Devils Hole Creek is downstream of Yankee Run).

The Board is recommending corrections to the headwaters of the Pocono Creek basin to be consistent with the NHD Flowline. The NHD Flowline describes the origin of Pocono Creek and the mouths of Wolf Swamp Run and Dry Sawmill Run as being further downstream than the Department had previously recognized. Additionally, Pocono Creek will be converted from a main stem format to a basin format to account for named tributaries that are not specifically listed in this portion of Drainage List C. A correction is also recommended by the Board to update the name of McMichael Creek to be consistent with other entries in § 93.9c and the NHD Flowline.

Additionally, the zone descriptions for the Slateford Creek entries in Northampton County include reference to T 734 (Township Road 734) as an endpoint for those stream segments. The correct name for the township road according to the Department of Transportation is T 735 (Township Road 735). The Board recommends correcting the reference to T 735.

§ 93.9d. *Drainage List D*

The Board recommends correcting a reference to Black River. It currently and incorrectly appears as a reference in § 93.9d as Black Creek.

§ 93.9e. *Drainage List E*

This correction serves to illustrate that the NHD Flowline now defines the origin of Mill Creek at the confluence of Lahaska Creek and Watson Creek. Historically, Mill Creek extended further upstream into what is now known as the Lahaska Creek basin and Lahaska Creek entered Mill Creek upstream of the mouth of Watson Creek.

§ 93.9f. *Drainage List F*

The Board proposes to clarify § 93.9f to eliminate the confusion associated with four named tributaries to the

Schuylkill River that are currently included under three separate entries for “unnamed tributaries.” Leaf Creek and Crossmans Run will each be given their own entry which identifies them as tributaries to the Schuylkill River. Drainage List F will be rewritten so that the Schuylkill River basin below Valley Creek has a basin format rather than a main stem format. Under the current main stem format, the entire main stem of the Schuylkill River is designated independently of its tributaries. Matsunk Creek and Glanraffan Creek will be included in § 93.9f under this new format although they will not be individually named. The Department gained knowledge that these four tributaries had been officially named subsequent to the inclusion of these streams under the listings for unnamed tributaries in § 93.9f.

§ 93.9g. *Drainage List G*

The Board proposes to correct the name for East Branch White Clay Creek. It currently appears in § 93.9g as East Branch White Clay Branch.

Additional clarification is being proposed by the Board to remove ambiguity associated with the portions of the tributaries to the West Branch Brandywine Creek that flow within West Brandywine Township, Chester County. All portions of all tributaries to the West Branch Brandywine Creek that lie within West Brandywine Township are HQ-TSF, MF.

§ 93.9h. *Drainage List H*

The Board recommends changing references from Catlin Hollow to Norris Brook in § 93.9h. Catlin Hollow is a tributary to Norris Brook in Tioga County.

§ 93.9i. *Drainage List I*

The Fish and Boat Commission notified the Department that several tributaries to Towanda Creek were inadvertently omitted from § 93.9i. Beech Flats Creek, Wallace Brook, Gulf Brook and French Run should be inserted to correct this portion of Drainage List I. This insertion is being recommended by the Board.

§ 93.9k. *Drainage List K*

Sechler Run used to be a tributary to the Susquehanna River. The Sechler Run channel has been relocated to protect Danville when the water level in Sechler Run rises. This flood protection project diverted the flow of Sechler Run into the Mahoning Creek. The Board recommends updating this portion of § 93.9k to indicate that Sechler Run is now a tributary to the Mahoning Creek.

§ 93.9l. *Drainage List L*

The Board recommends changing all references from Grass Flats Run to Wistar Run in § 93.9l. Wistar Run is a tributary to Sinnemahoning Creek in Clinton County. All tributaries to the Sinnemahoning Creek downstream of the confluence of Driftwood Branch and Bennett Branch were conservation areas. The September 1979 rulemaking erroneously used Grass Flats Run for the named tributary to Sinnemahoning.

The Board recommends that Roaring Brook should be corrected to Roaring Branch. Roaring Branch enters the Lycoming Creek in Tioga County.

The Department historically recognized the waters between Plunketts Creek and the confluence of Wolf Run and Noon Branch as Wolf Run. However, the NHD Flowline now categorizes Noon Branch as flowing all the way down to Plunketts Creek. The Board proposes this change to § 93.9l to be consistent with the NHD Flowline.

§ 93.9m. *Drainage List M*

Section 93.9m contains a stray entry referring to Penns Creek and the Board proposes that it should be deleted.

The mouth of Zerbe Run is not located in Schuylkill County. The Board recommends that the county for Zerbe Run in § 93.9m should be corrected to Northumberland.

§ 93.9n. *Drainage List N*

The Board proposes to correct the reference to Deep Hollow Run in Bobs Creek basin. Deep Hollow Run is a tributary to Pavia Run and Pavia Run is a tributary to Bobs Creek. The waters of Bobs Creek basin flow through Cambria, Blair and Bedford Counties before entering Dunning Creek. The headwaters of Bobs Creek were redesignated along with the Rattling Run, et al. stream redesignations final-form rulemaking published at 23 Pa.B. 5529 (November 20, 1993). The redesignated portion of Bobs Creek was erroneously described as extending from the source to and including Deep Hollow Run. The zone description should have been described as those waters in Bobs Creek basin from the source to and including Pavia Run. The Board recommends correcting all reference to Deep Hollow Run by replacing it with Pavia Run.

§ 93.9o. *Drainage List O*

The Board proposes to correct § 93.9o to accurately characterize Muddy Run which enters Conodoguinet Creek in Franklin County. Entries for Keasey Run and Rowe Run incorrectly indicate that they are tributaries to the Conodoguinet Creek. Both of these streams are sub-basins of Muddy Run. The entry for Keasey Run is being purposefully deleted because the waters flowing through this sub-basin will be included under the proposed zone description for the headwaters of the Muddy Run basin.

Three York County tributaries to South Branch Codorus Creek are not listed correctly in § 93.9o. The mouth of the unnamed tributary to South Branch Codorus Creek that flows through Glen Rock Valley is downstream of Trout Run and Foust Creek enters South Branch Codorus Creek downstream of Glen Rock Valley. The Board proposes to correct these errors in the hydrologic order by adopting a basin format rather than a main stem format. The River Mile Index for the unnamed tributary to South Branch Codorus Creek that flows through Glen Rock Valley will also be corrected so that it is consistent with the NHD Flowline. Additionally, the zone description for the unnamed tributaries to East Branch Codorus Creek downstream of the inlet for Lake Redman will be corrected to read "Basins, Inlet of Lake Redman to Mouth."

The mouth of Indian Spring Run is located above PA 897 and therefore the entry should be corrected so that it appears in the correct order in § 93.9o. Indian Spring Run was redesignated in the Newtown Creek, et al. stream redesignations rulemaking. Drainage List O was incorrect in the proposed rulemaking published at 35 Pa.B. 4734 (August 20, 2005) and the final-form rulemaking published at 37 Pa.B. 11 (January 6, 2007).

In § 93.9o, the Department proposes to update the stream listing to include the correct name for Haines Branch. The stream is currently and incorrectly referred to as Haines Run in § 93.9o. It is listed as Haines Branch in the Pennsylvania stream directory, on USGS topographical maps, the NHD Flowline and the Streams Historic layer.

§ 93.9s. *Drainage List S*

In § 93.9s, the Board proposes to update the stream listing to include the correct name for Pentz Run. The

stream is currently and incorrectly referred to as Pent Run in § 93.9s. It is listed as Pentz Run in the Pennsylvania stream directory, on USGS topographical maps, the NHD Flowline and the Streams Historic layer.

Seneca Run (48952), Beaver Run (48963) and Tarkiln Run (48910) are not described in Drainage List S. However, they are currently designated HQ-CWF. These three tributaries to the North Fork Redbank Creek are in Jefferson County. They are included under the current entry for UNTs to North Fork; Basins, Source to confluence with Sandy Lick Creek; Jefferson; HQ-CWF; None. A final-form rulemaking was published at 3 Pa.B. 986 (May 26, 1973) regarding these waters. The entire North Fork Redbank Creek basin (08.135.29) including Seneca, Beaver and Tarkiln Runs was granted conservation area status (3.5) and Cold Water Fishes (1.1) in the final-form rulemaking, which was effective 15 days following publication. An associated proposed rulemaking was published at 3 Pa.B. 222 (February 3, 1973). The entire basin was converted to high quality (HQ) in the 1979 final-form rulemaking published at 9 Pa.B. 3051 because it was formerly a conservation area. South Branch North Fork Redbank Creek, Shippen Run and Craft Run are tributaries to North Fork Redbank Creek and were designated Exceptional Value in the 1979 final-form rulemaking published at 9 Pa.B. 3051 because they were formerly wilderness trout streams. The Board proposes to correct the North Fork Redbank Creek basin in Drainage List S by using a basin format rather than a main stem format to describe this portion of the Drainage List S. This correction will eliminate the confusion associated with the tributaries that are now named in the NHD Flowline but were originally included under the current listing of "unnamed tributaries." It will also eradicate those entries with incorrect stream names.

§ 93.9w. *Drainage List W*

The Board proposes corrections to remove confusion associated with the hydrological order concerning the entry for Boothe Run in § 93.9w. With respect to hydrological order, Boothe Run is a fifth level tributary to unnamed tributary 32753. Boothe Run is currently and incorrectly described in Drainage List W as being a fourth level tributary to Enlow Fork. All portions of all the basins of the tributaries to Enlow Fork that flow through this Commonwealth are currently designated Warm Water Fishes, except Templeton Fork. The main stem of Enlow Fork and Templeton Fork basin are Trout Stocking.

§ 93.9z. *Drainage List Z*

The Board proposes to add language to § 93.9z to clarify the streams that are tributaries to the Monocacy River. The Monocacy River originates at the confluence of Rock Creek and Marsh Creek. This confluence is located on the Pennsylvania-Maryland border and the Monocacy River flows into Maryland.

Exceptions for Fishable/Swimmable Waters

Part of the triennial review requires that states re-examine water body segments that do not meet the fishable or swimmable uses specified in section 101(a)(2) of the Clean Water Act (33 U.S.C.A. § 1251(a)(2)). The Department evaluated the two water bodies in this Commonwealth where the uses are not currently met: (1) the Harbor Basin and entrance channel to Outer Erie Harbor/Presque Isle Bay (§ 93.9x (relating to Drainage List X)); and (2) several zones in the Delaware Estuary (§§ 93.9e and 93.9g (relating to Drainage List E; and Drainage List G)).

The swimmable use designation was deleted from the Harbor Basin and entrance channel demarcated by United States Coast Guard buoys and channel markers on Outer Erie Harbor/Presque Isle Bay because pleasure boating and commercial shipping traffic pose a serious safety hazard in this area. This decision was further supported by a Use Attainability Analysis (UAA) study conducted by the Department in 1985. Because the same conditions and hazards exist today, no change to the designated use for Outer Erie Harbor/Presque Isle Bay is proposed.

In April 1989, the Department cooperated with the Delaware River Basin Commission (DRBC), the EPA and other DRBC signatory states on a comprehensive UAA study in the lower Delaware River and Delaware Estuary. This study resulted in appropriate recommendations regarding the swimmable use, which the DRBC included in water use classifications and water quality criteria for portions of the tidal Delaware River in May 1991. The appropriate DRBC standards were referenced in §§ 93.9e and 93.9g in 1994. The primary water contact use remains excluded from the designated uses for river miles 108.4 to 81.8 because of continuing significant impacts from combined sewer overflows and hazards associated with commercial shipping and navigation.

F. *Benefits, Costs and Compliance*

Benefits. Overall, the Commonwealth, its citizens and natural resources will benefit from this proposed rulemaking because it provides the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality has economic values provided to present and future generations in the form of clean water, recreational opportunities and human health and aquatic life protection. It is important to realize the benefits and to ensure that activities that depend on surface water or that may affect its chemical, biological and physical integrity may continue in a manner that is environmentally, socially and economically sound. Maintenance of water quality ensures its future availability for all uses.

Compliance costs. The proposed rulemaking may impose additional compliance costs on the regulated community. This proposed rulemaking is necessary to improve total pollution control. The expenditures necessary to meet new compliance requirements may exceed that which is required under existing regulations.

Persons conducting or proposing activities or projects shall comply with the regulatory requirements regarding designated and existing uses. Persons expanding a discharge or adding a new discharge point to a stream could be adversely affected if they need to provide a higher level of treatment to meet the more stringent criteria for selected parameters or there are changes in designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating cost for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. Therefore, it is not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are redesignated. The initial costs from technologically improved treatments may be offset over time by potential savings from and increased value of improved water quality through these improved and possibly more effective or efficient treatments.

Compliance Assistance Plan. The proposed rulemaking has been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing Department regulations.

The proposed rulemaking will be implemented, in part, through the NPDES permitting program. Additional compliance actions are not anticipated. Staff is available to assist regulated entities in complying with the regulatory requirements if questions arise.

Paperwork requirements. The proposed rulemaking should not have significant paperwork impact on the Commonwealth, its political subdivisions or the private sector.

G. *Pollution Prevention*

Water quality standards are a major pollution prevention tool because they protect water quality and designated and existing uses. The proposed rulemaking will be implemented through the Department's permit and approval actions. For example, the NPDES bases effluent limitations on the designated use of the stream and the water quality criteria necessary to achieve designated and existing uses.

H. *Sunset Review*

This proposed rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 22, 2012, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. 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 Department, the General Assembly and the Governor.

J. *Public Comments*

Written comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. The Board must receive comments by August 21, 2012. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by August 21, 2012. The one page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the proposed amendments will be considered. A public hearing will be scheduled at an appropriate location to receive additional comments.

Electronic comments. Comments may be submitted electronically to the Board at RegComments@pa.gov and must be received by August 21, 2012. A subject heading of the proposal and a return name and address must be included in each transmission.

K. Public Hearings

The Board will hold a public hearing for the purpose of accepting comments on this proposed rulemaking. The hearing will be held at 4 p.m. on August 8, 2012, in Conference Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Other public hearings may be scheduled if sufficient interest is generated.

Persons wishing to present testimony at the hearing are requested to contact Michele Tate, Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of oral testimony to the testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Michele Tate at (717) 787-4526 or through the Pennsylvania AT&T Relay Services, (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,
Chairperson

(Editor's Note: For a statement of policy relating to this proposed rulemaking, see 42 Pa.B. 4187 (July 7, 2012).)

Fiscal Note: 7-475. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE II. WATER RESOURCES
CHAPTER 93. WATER QUALITY STANDARDS
GENERAL PROVISIONS

§ 93.1. Definitions.

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

* * * * *

[Critical use—The most sensitive designated or existing use the criteria are designed to protect.]

Daily average—The arithmetic average of the samples collected during a continuous 24-hour period.

* * * * *

Point source discharge—A pollutant source regulated under the National Pollutant Discharge Elimination System (NPDES) as defined in [§ 92.1] § 92a.2 (relating to definitions).

* * * * *

ANTIDegradation Requirements

§ 93.4c. Implementation of antidegradation requirements.

* * * * *

(b) Protection of High Quality and Exceptional Value Waters.

(1) Point source discharges. The following applies to point source discharges to High Quality or Exceptional Value Waters.

* * * * *

(ii) Public participation requirements for discharges to High Quality or Exceptional Value Waters. The following requirements apply to discharges to High Quality or Exceptional Value Waters, as applicable:

* * * * *

(B) For new or increased point source discharges, in addition to the public participation requirements in [§§ 92.61, 92.63 and 92.65 (relating to public notice of permit application and public hearing; public access to information; and notice to other government agencies)] §§ 92a.81, 92a.82, 92a.83 and 92a.85, the applicant shall identify the antidegradation classification of the receiving water in the notice of complete application in [§ 92.61(a)] § 92a.86 (relating to notice of issuance or final action on a permit).

* * * * *

(c) Special provisions for sewage facilities in High Quality or Exceptional Value Waters.

(1) SEJ approval in sewage facilities planning and approval in High Quality Waters. A proponent of a new, additional, or increased sewage discharge in High Quality Waters shall include an SEJ impact analysis as part of the proposed revision or update to the official municipal sewage facilities plan under Chapter 71 (relating to administration of sewage facilities planning program). The Department will make a determination regarding the consistency of the SEJ impact analysis with subsection (b)(1)(iii). The determination will constitute the subsection (b)(1)(iii) analysis at the National Pollutant Discharge Elimination System (NPDES) permit review stage under Chapter [92] 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), unless there is a material change in the project or law between sewage facilities planning and NPDES permitting, in which case the proponent shall recommence sewage facilities planning and perform a new social or economic justification impact analysis.

* * * * *

§ 93.4d. Processing of petitions, evaluations and assessments to change a designated use.

(a) Public notice of receipt of [evaluation] petition, or assessment of waters, for High Quality or Exceptional Value Waters redesignation. The Department will publish in the Pennsylvania Bulletin and [in a local newspaper of general circulation] by other means designed to effectively reach a wide audience notice of receipt of a complete [evaluation] petition which has

been accepted by the EQB recommending a High Quality or Exceptional Value Waters redesignation, or notice of the Department's intent to assess surface waters for potential redesignation as High Quality or Exceptional Value Waters. The assessments may be undertaken in response to a petition or on the Department's own initiative. The notice will request submission of information concerning the water quality of the waters subject to the evaluation, or to be assessed, for use by the Department to supplement any studies which have been performed. The Department will send a copy of the notice to all municipalities containing waters subject to the [evaluation] petition or assessment.

* * * * *

WATER QUALITY CRITERIA

§ 93.7. Specific water quality criteria.

(a) Table 3 displays specific water quality criteria and associated critical uses. The criteria associated with the Statewide water uses listed in § 93.4, Table 2 apply to all surface waters, unless a specific exception is indicated in §§ 93.9a—93.9z. **These exceptions will be indicated on a stream-by-stream or segment-by-segment basis by the words "Add" or "Delete" followed by the appropriate symbols described elsewhere in this chapter.** Other specific water quality criteria apply to surface waters as specified in §§ 93.9a—93.9z. All applicable criteria shall be applied in accordance with this chapter, Chapter 96 (relating to water quality standards implementation) and other applicable State and Federal laws and regulations.

TABLE 3

<i>Parameter</i>	<i>Symbol</i>	<i>Criteria</i>	<i>Critical Use*</i>
		* * * * *	
Chloride	[Ch] Ch ₁ Ch ₂	Maximum 250 mg/l. May not exceed, in freshwater, the concentration calculated (in mg/l) by the following equations: 1-hour average Criteria Maximum Concentration (CMC) criterion: CMC = 287.8(Hardness)^{0.205797}(Sulfate)^{-0.07452} 4-day average Criteria Continuous Concentration (CCC) criterion: CCC = 177.87(Hardness)^{0.205797}(Sulfate)^{-0.07452} Hardness (in mg/l as CaCO₃) and sulfate (in mg/l) values shall be based on receiving water natural quality.	PWS CWF, WWF, TSF, MF
Color	Col	Maximum 75 units on the platinum-cobalt scale; no other colors perceptible to the human eye.	PWS
Dissolved Oxygen	DO ₁ DO ₂	The following specific dissolved oxygen criteria recognize the natural process of stratification in lakes, ponds and impoundments. These criteria apply to flowing [waters] freshwater and to the epilimnion of a naturally stratified lake, pond or impoundment. The hypolimnion in a naturally stratified lake, pond or impoundment is protected by the narrative water quality criteria in § 93.6 (relating to general water quality criteria). For nonstratified lakes, ponds or impoundments, the dissolved oxygen criteria apply throughout the lake, pond or impoundment to protect the critical uses. For flowing waters, [minimum daily] 7-day average 6.0 mg/l; minimum 5.0 mg/l. For naturally reproducing Salmonid early life stages, 7-day average 9.0 mg/l; minimum 8.0 mg/l, in accordance with (b). For lakes, ponds and impoundments, minimum 5.0 mg/l. [Minimum daily average 5.0 mg/l; minimum 4.0 mg/l] 7-day average 5.5 mg/l; minimum 5.0 mg/l.	CWF [HQ-WWF HQ-TSF] WWF

<i>Parameter</i>	<i>Symbol</i>	<i>Criteria</i>	<i>Critical Use*</i>
	DO ₃	For the period February 15 to July 31 of any year, [minimum daily] 7-day average 6.0 mg/l; minimum 5.0 mg/l. For the remainder of the year, [minimum daily] 7-day average [5.0] 5.5 mg/l; minimum [4.0] 5.0 mg/l.	TSF
	[DO ₄	Minimum 7.0 mg/l. * * * * *	HQ-CWF]
Sulfate	[Sul] Sul ₁ Sul ₂	Maximum 250 mg/l. May not exceed the result of the appropriate hardness and chloride based conditional numeric limits (in mg/l sulfate) as follows. Hardness (in mg/l as CaCO₃) and chloride (in mg/l) values used in the determination of the sulfate water quality standard shall be based on receiving water natural quality. A) 500 mg/l, if the hardness concentration is less than 100 mg/l, or chloride concentration is less than 5 mg/l. B) The result of the following equations (in mg/l sulfate) when the hardness value is greater than or equal to 100 mg/l, but less than or equal to 500 mg/l: 1) If the chloride value is greater than or equal to 5 mg/l, but less than 25 mg/l: S = [-57.478 + 5.79 (hardness) + 54.163 (chloride)] * 0.65 where, S = sulfate concentration; or 2) If the chloride value is greater than or equal to 25 mg/l: S = [1276.7 + 5.508 (hardness) - 1.457 (chloride)] * 0.65 where, S = sulfate concentration. C) 2,000 mg/l, if the hardness concentration is greater than 500 mg/l and the chloride concentration is 5 mg/l or greater.	PWS CWF, WWF, TSF, MF
Temperature		Maximum temperatures in the receiving water body resulting from heated waste sources regulated under Chapters [92] 92a , 96 and other sources where temperature limits are necessary to protect designated and existing uses. Additionally, these wastes may not result in a change by more than 2°F during a 1-hour period. * * * * *	See the following table.

(b) [Table 4 contains specific water quality criteria that apply to the water uses to be protected. When the symbols listed in Table 4 appear in the Water Uses Protected column in §§ 93.9a—93.9z, they have the meaning listed in the second column of Table 4. Exceptions to these standardized groupings will be indicated on a stream-by-stream or segment-by-segment basis by the words “Add” or “Delete” followed by the appropriate symbols described elsewhere in this chapter.

TABLE 4

<i>Symbol</i>	<i>Water Uses Protected</i>	<i>Specific Criteria</i>
WWF	Statewide list	DO ₂ and Temp ₂
CWF	Statewide list plus Cold Water Fish	DO ₁ and Temp ₁
TSF	Statewide list plus Trout Stocking	DO ₃ and Temp ₃

<i>Symbol</i>	<i>Water Uses Protected</i>	<i>Specific Criteria</i>
HQ-WWF	Statewide list plus High Quality Waters	DO ₁ and Temp ₂
HQ-CWF	Statewide list plus High Quality Waters and Cold Water Fish	DO ₄ and Temp ₁
HQ-TSF	Statewide list plus High Quality Waters and Trout Stocking	DO ₁ and Temp ₃
EV	Statewide list plus Exceptional Value Waters Existing quality]	

For naturally reproducing Salmonids, protected early life stages include embryonic and larval stages and juvenile forms to 30 days after hatching. The DO₁ standard for naturally reproducing Salmonid early life stages applies October 1 through May 31. The DO₁ standard for naturally reproducing Salmonid early life stages applies unless it can be demonstrated to the Department's satisfaction that the following conditions are documented: 1) the absence of young of the year Salmonids measuring less than 150 mm in the surface water; and 2) the absence of multiple age classes of Salmonids in the surface water. These conditions only apply to Salmonids resulting from natural reproduction occurring in the surface waters. Additional biological information may be considered by the Department which evaluates the presence or absence of early life stages.

* * * * *

§ 93.8b. Metals criteria.

Dissolved criteria are footnoted in Table 5, and have been developed by applying the most current EPA conversion factors to the total recoverable criteria. The EPA factors are listed in the following Conversion Factors Table.

Conversion Factors Table

	<i>Chronic</i>	<i>Acute</i>	<i>Source</i>
Arsenic	1.000 (As3+)	1.000 (As3+)	1,2
Cadmium	1.101672- (ln[H] × 0.041838)	1.136672-(ln[H] × 0.041838)	2
Chromium III	0.860	0.316	1,2
Chromium VI	0.962	.0982	1,2

* * * * *

§ 93.8c. Human health and aquatic life criteria for toxic substances.

* * * * *

TABLE 5
WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES

		<i>Fish and Aquatic Life Criteria</i>						
<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (ug/L)</i>			<i>Criteria Maximum Concentration (ug/L)</i>	<i>Human Health Criteria (ug/L)</i>	
			*	*	*	*	*	*
9A	PENTACHLOROPHENOL	00087865	Exp(1.005x[pH]-5.134)			Exp(1.005x[pH]-4.869)	0.27	CRL
			@pH= 6.5 7.8 9.0			@pH= 6.5 7.8 9.0		
			Crit= 4.1 15 50			Crit= 5.3 19 65		
10A	PHENOL	00108952	N/A			N/A	[21000] H	
							10400	
11A	2,4,6-TRICHLOROPHENOL	00088062	91			460	1.4	CRL
1V	ACROLEIN	00107028	[1] 3.0			[5] 3.0	[190] H	
							6.0	
2V	ACRYLONITRILE	00107131	130			650	0.051	CRL
			*	*	*	*	*	*
26V	1,2 trans-DICHLORO-ETHYLENE	00156605	1400			6800	140	H
—	1,2 cis-DICHLORO-ETHYLENE	00156592	N/A			N/A	12	H
27V	1,1,1-TRICHLORO-ETHANE	00071556	610			3000	N/A	-
			*	*	*	*	*	*

PROPOSED RULEMAKINGS

4379

—	ACETONE	00067641	86000	450000	3500	H
—	ACRYLAMIDE	00079061	N/A	N/A	0.07	CRL
—	ALUMINUM	07429905	N/A	750	N/A	-
—	BARIUM	07440393	4100	21000	2400	H
—	BENZENE METADISULFONIC ACID	00098486	1600000	2600000	N/A	-
—	BENZENE MONOSULFONIC ACID	00098113	1200000	2000000	N/A	-
—	BENZYL CHLORIDE	00100447	N/A	N/A	0.2	CRL
—	BORON	07440428	1600	8100	3100	H
—	2-BUTOXY ETHANOL	00111762	N/A	N/A	700	H
—	COBALT	07440484	19	95	N/A	-
—	p-CRESOL	00106445	160	800	N/A	-
—	CYCLOHEXYLAMINE	00108918	N/A	N/A	1000	H
—	1,4-DIOXANE	00123911	N/A	N/A	0.35	CRL
—	DIAZINON	00333415	0.17	0.17	N/A	-
—	FORMALDEHYDE	00050000	440	2200	700	H
—	2-HEXANONE	00591786	4300	21000	N/A	-
—	LITHIUM	07439932	N/A	N/A	N/A	-
—	METHYLETHYL KETONE	00078933	32000	230000	21000	H
—	METHYLISO-BUTYL KETONE	00108101	5000	26000	N/A	-
—	METOLACHLOR	51218452	NA	NA	69	H
—	MOLYBDENUM	7439987	1900	6000	210	H
—	NONYLPHENOL	00104405	6.6	28	N/A	-
—	P-PHENOL SULFONIC ACID	00098679	1400000	3500000	N/A	-
—	I-PROPANOL	00071238	46000	230000	N/A	-
—	2-PROPANOL	00067630	89000	440000	N/A	-
—	RESORCINOL	01084603	7200	28000	2700	H
—	STRONTIUM	07440246	N/A	N/A	4000	H
—	1,2,3-TRICHLORO-PROPANE	00096184	N/A	N/A	210	H
—	1,2,4-TRIMETHYLBENZENE	00095636	N/A	N/A	72	H
—	1,3,5-TRIMETHYLBENZENE	00108678	N/A	N/A	72	H
—	VANADIUM	07440622	100	510	N/A	H
—	XYLENE	01330207	210	1100	70000	H

* * * * *

§ 93.8d. Development of site-specific water quality criteria.

* * * * *

(f) If the Department determines that site-specific criteria are appropriate in accordance with subsection (a), the Department will do the following:

(1) Publish the site-specific criterion in the *Pennsylvania Bulletin*, along with other special conditions under [§ 92.61(a)(5)] §§ 92a.82 and 92a.83 (relating to public notice of permit application and draft permits; and public notice of public hearing) and provide for public participation and public hearing in accordance with [§ 92.61 and §§ 92.63 and 92.65 (relating to public access to information; and notice to other government agencies)] §§ 92a.81, 92a.82, 92a.83 and 92a.85.

* * * * *

DESIGNATED WATER USES AND WATER QUALITY CRITERIA

§ 93.9b. Drainage List B.

Delaware River Basin in Pennsylvania
Lackawaxen River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
1—Delaware River				
2—Lackawaxen River				
3—West Branch Lackawaxen River	Basin, Source to Prompton Reservoir	Wayne	HQ-CWF, MF	None
3—West Branch Lackawaxen River	Main Stem, Prompton Reservoir to Confluence with [Dyberry Creek] Lackawaxen River and Van Auken Creek	Wayne	HQ-TSF, MF	None
4—[Unnamed] Tributaries to West Branch Lackawaxen River	Basins, Prompton Reservoir to Confluence with [Dyberry Creek] Lackawaxen River and Van Auken Creek	Wayne	HQ-CWF, MF	None
[4] 3—Van Auken Creek	Basin	Wayne	HQ-TSF, MF	None
2—Lackawaxen River	Mainstem, Confluence of West Branch Lackawaxen River and Van Auken Creek to Dyberry Creek	Wayne	HQ-TSF, MF	None
3—Tributaries to Lackawaxen River	Basins, Confluence of West Branch Lackawaxen River and Van Auken Creek to Dyberry Creek	Wayne	HQ-CWF, MF	None
3—Dyberry Creek				
4—West Branch Dyberry Creek	Basin	Wayne	HQ-CWF, MF	None
4—East Branch Dyberry Creek	Basin	Wayne	EV, MF	None
3—Dyberry Creek	Basin, Confluence of West Branch Dyberry Creek and East Branch Dyberry Creek to Big Brook	Wayne	HQ-CWF, MF	None
4—Big Brook	Basin	Wayne	EV, MF	None
3—Dyberry Creek	Basin, Big Brook to Mouth	Wayne	HQ-CWF, MF	None
2—Lackawaxen River	Main Stem, [Confluence of West Branch Lackawaxen River and] Dyberry Creek to Mouth	Wayne	HQ-TSF, MF	None
3—[Unnamed] Tributaries to Lackawaxen River	Basins, [Confluence of West Branch Lackawaxen River and] Dyberry Creek to [Mouth] Wallenpaupack Creek	Wayne	HQ-CWF, MF	None
[3—Carley Brook	Basin	Wayne	HQ-CWF, MF	None
3—Middle Creek	Basin	Wayne	HQ-CWF, MF	None]
3—Wallenpaupack Creek	Basin, Source to Lake Wallenpaupack Dam	Wayne-Pike	HQ-CWF, MF	None
3—Wallenpaupack Creek	Basin, Lake Wallenpaupack Dam to Mouth	Wayne-Pike	HQ-WWF, MF	None
[3—Swamp Brook	Basin	Pike	HQ-CWF, MF	None
3—Tinkwig Creek	Basin	Pike	HQ-CWF, MF	None
3—Decker Creek	Basin	Pike	HQ-CWF, MF	None
3—Teedyuskung Creek	Basin	Pike	HQ-CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Blooming Grove Creek	Basin	Pike	HQ-CWF, MF	None
3—Little Blooming Grove Creek	Basin	Pike	HQ-CWF, MF	None
3—Grassy Island Creek	Basin	Pike	HQ-CWF, MF	None
3—Kirkham Creek	Basin	Pike	HQ-CWF, MF	None
3—West Falls Creek	Basin	Pike	HQ-CWF, MF	None
3—Mill Creek	Basin	Pike	HQ-CWF, MF	None
3—O'Donnell Creek	Basin	Pike	HQ-CWF, MF	None
3—Lords Creek	Basin	Pike	HQ-CWF, MF	None]
3—Tributaries to Lackawaxen River	Wallenpaupack Creek to Mouth	Pike	HQ-CWF, MF	None

§ 93.9c. Drainage List C.

Delaware River Basin in Pennsylvania
Delaware River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
3—Pine Mountain Run	Basin	Monroe	HQ-CWF, MF	None
3—Leas Run	Basin	Monroe	HQ-CWF, MF	None
3—Paradise Creek	[Main Stem] Basin, source to Devils Hole Creek	Monroe	HQ-CWF, MF	None
[4—Unnamed Tributaries to Paradise Creek	Basins	Monroe	HQ-CWF, MF	None]
4—Devils Hole Creek	Basin, Source to South Boundary of State Game Lands No. 221 (about 0.25 mile north of Erie-Lackawanna R. R.)	Monroe	EV, MF	None
4—Devils Hole Creek	Basin, South Boundary of State Game Lands No. 221 to Mouth	Monroe	HQ-CWF, MF	None
[4—Yankee Run	Basin	Monroe	HQ-CWF, MF	None
4—Swiftwater Creek	Basin	Monroe	HQ-CWF, MF	None
4—Cranberry Creek	Basin	Monroe	HQ-CWF, MF	None
4—Butz Run	Basin	Monroe	HQ-CWF, MF	None]
3—Paradise Creek	Basin, Devils Hole Creek to Mouth	Monroe	HQ-CWF, MF	None
3—Michael Creek	Basin	Monroe	HQ-CWF, MF	None
		* * * * *		
3—McMichael Creek	Basin, T434 to Pocono Creek	Monroe	HQ-CWF, MF	None
4—Pocono Creek	[Main Stem	Monroe	HQ-CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
5—Unnamed Tributaries to Pocono Creek	Basins	Monroe	HQ-CWF, MF	None]
5—Dry Sawmill Run	Basin, Source to Sand Spring Run	Monroe	HQ-CWF, MF	None
[5] 6—Sand Spring Run	Basin	Monroe	EV, MF	None
5—Dry Sawmill Run	Basin, Sand Spring Run to confluence with Wolf Swamp Run	Monroe	HQ-CWF, MF	None
5—Wolf Swamp Run	Basin, Source to a Confluence Point (41°3'35.2" N; 75°22'2.4" W) Approximately 185 Meters Upstream of the Mouth	Monroe	EV, MF	None
[5—Scot Run	Basin	Monroe	HQ-CWF, MF	None
5—Bulgers Run	Basin	Monroe	HQ-CWF, MF	None
5—Cranberry Creek	Basin	Monroe	HQ-CWF, MF	None
5—Reeders Run	Basin	Monroe	HQ-CWF, MF	None
5—Wigwam Run	Basin	Monroe	HQ-CWF, MF	None
5—Flagler Run	Basin	Monroe	HQ-CWF, MF	None
5—Big Meadow Run	Basin	Monroe	HQ-CWF, MF	None]
5—Wolf Swamp Run	Basin, Point of Confluence (41°3'35.2" N; 75°22'2.4" W) Downstream to Confluence with Dry Sawmill Run	Monroe	HQ-CWF, MF	None
4—Pocono Creek	Basin, Confluence of Dry Sawmill Run and Wolf Swamp Run to Mouth	Monroe	HQ-CWF, MF	None
3—[McMichaels] McMichael Creek	Basin, Pocono Creek to Mouth	Monroe	TSF, MF	None
	* * * * *			
2—Slateford Creek	Basin, Source to T [734] 735 Bridge	Northampton	EV, MF	None
2—Slateford Creek	Basin, T [734] 735 Bridge to Mouth	Northampton	CWF, MF	None
	* * * * *			

§ 93.9d. Drainage List D.

Delaware River Basin in Pennsylvania
Lehigh River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
3—Saucon Creek	Main Stem, Black River to SR 412 Bridge	Northampton	HQ-CWF, MF	None
4—Unnamed Tributaries to Saucon Creek	Basins, Black [Creek] River to SR 412 Bridge	Northampton	CWF, MF	None
3—Saucon Creek	Basin, SR 412 Bridge to Mouth	Northampton	CWF, MF	None
	* * * * *			

§ 93.9e. Drainage List E.

Delaware River Basin in Pennsylvania
Delaware River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
3—Little Neshaminy Creek	Basin	Bucks	WWF, MF	Add Tur ₁
3—Mill Creek	[Basin, Source to Watson Creek	Bucks	CWF, MF	Add Tur₂]
4—Lahaska Creek	Basin	Bucks	CWF, MF	Add Tur₂
4—Watson Creek	Basin	Bucks	CWF, MF	Add Tur ₂
3—Mill Creek	Basin, Confluence of Lahaska Creek and Watson Creek to Mouth	Bucks	WWF, MF	Add Tur ₁
	* * * * *			

§ 93.9f. Drainage List F.

Delaware River Basin in Pennsylvania
Schuylkill River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
3—Little Schuylkill River	Basin, Rattling Run to Mouth	Schuylkill	CWF, MF	None
2—Schuylkill River	Main Stem, Little Schuylkill River to [Head of Tide] Valley Creek	[Philadelphia] Montgomery-Chester	WWF, MF	None
3—Unnamed Tributaries to Schuylkill River	Basins, Little Schuylkill River to Berks-Chester-Montgomery County Border	Schuylkill-Berks	WWF, MF	None
	* * * * *			
3—Monocacy Creek	Basin	Berks	WWF, MF	None
3—Leaf Creek	Basin	Berks	WWF, MF	None
3—UNTs Schuylkill River	Basins, (all UNT's along Montgomery County shore), Berks-Chester-Montgomery County border to Valley Creek	Montgomery	WWF, MF	None
	* * * * *			
3—Pickering Creek	Basin, Philadelphia Suburban Water Company Dam to Mouth	Chester	WWF, MF	None
3—Crossmans Run	Basin	Montgomery	WWF, MF	None
3—Perkiomen Creek	Basin, Source to SR 1010 Bridge at Hereford	Berks	HQ-CWF, MF	None
	* * * * *			
3—Valley Creek	Basin	Montgomery-Chester	EV, MF	None
[3—UNTs to Schuylkill River	Basins, Valley Creek to UNT 00926 at RM 18.9	Montgomery	WWF, MF	None
3—Trout Creek	Basin	Montgomery	WWF, MF	None
3—Indian Creek	Basin	Montgomery	WWF, MF	None
3—Crow Creek	Basin	Montgomery	WWF, MF	None]

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
2—Schuylkill River	Basin, Valley Creek to Stony Creek	Montgomery	WWF, MF	None
3—Stony Creek	Basin	Montgomery	TSF, MF	None
[3—Sawmill Run	Basin	Montgomery	WWF, MF	None
3—Diamond Run	Basin	Montgomery	WWF, MF	None
3—Gulph Creek	Basin	Montgomery	WWF, MF	None
3—Plymouth Creek	Basin	Montgomery	WWF, MF	None
3—Arrowmink Creek	Basin	Montgomery	WWF, MF	None]
2—Schuylkill River	Basin, Stony Creek to UNT 00926	Montgomery	WWF, MF	None
3—UNT 00926 at RM 18.9 (locally Spring Mill Run)	Basin	Montgomery	CWF, MF	None
[3—UNTs to Schuylkill River	Basins, UNT 00926 downstream to Head of Tide	Montgomery-Philadelphia	WWF, MF	None
3—Sawmill Run	Basin	Montgomery	WWF, MF	None]
2—Schuylkill River	Basin, UNT 00926 downstream to Mill Creek	Montgomery-Philadelphia	WWF, MF	None
3—Mill Creek	Basin	Montgomery	TSF, MF	None
[3—Gulley Run	Basin	Montgomery	WWF, MF	None]
2—Schuylkill River	Basin, Mill Creek to Wissahickon Creek	Montgomery-Philadelphia	WWF, MF	None
3—Wissahickon Creek	Basin	Philadelphia	TSF, MF	None
2—Schuylkill River	Basin, Wissahickon Creek to Head of Tide	Philadelphia	WWF, MF	None

§ 93.9g. Drainage List G.

Delaware River Basin in Pennsylvania
Delaware River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
3—White Clay Creek				
4—East Branch White Clay [Branch] Creek	Basin, Source to Northern Border of Avondale Borough	Chester	EV, MF	None
4—East Branch White Clay Creek	Basin, Northern Border of Avondale Borough to Confluence with Middle Branch	Chester	CWF, MF	None
	* * * * *			
5—Unnamed Tributaries to West Branch Brandywine Creek	Basins, T 437 Bridge to Dam at Valley Station (except those in West Brandywine Township)	Chester	TSF, MF	None
5—[Unnamed] Tributaries to West Branch Brandywine Creek	Basins, all Portions in West Brandywine Township	Chester	HQ-TSF, MF	None
5—Birch Run	Basin, Source to Hibernia Park Dam	Chester	HQ-CWF, MF	None
	* * * * *			

§ 93.9h. Drainage List H.

Susquehanna River Basin in Pennsylvania
Tioga River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
2—Tioga River	Basin, Mill Creek to Crooked Creek	Tioga	CWF, MF	None
3—Crooked Creek	Basin, Source to [Catlin Hollow] Norris Brook	Tioga	WWF, MF	None
3—Crooked Creek	Main Stem, [Catlin Hollow] Norris Brook to Mouth	Tioga	WWF, MF	None
4—Unnamed Tributaries to Crooked Creek	Basins, [Catlin Hollow] Norris Brook to Mouth	Tioga	WWF, MF	None
4—[Catlin Hollow] Norris Brook	Basin	Tioga	TSE, MF	None
4—Sweet Hollow	Basin	Tioga	WWF, MF	None
	* * * * *			

§ 93.9i. Drainage List I.

Susquehanna River Basin in Pennsylvania
Susquehanna River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
3—Alba Creek	Basin	Bradford	CWF, MF	None
3—Beech Flats Creek	Basin	Bradford	CWF, MF	None
3—Wallace Brook	Basin	Bradford	CWF, MF	None
3—Gulf Brook	Basin	Bradford	CWF, MF	None
3—North Branch Towanda Creek	Basin	Bradford	CWF, MF	None
	* * * * *			
3—Schrader Creek	Basin, Coal Run to Mouth	Bradford	HQ-CWF, MF	None
3—French Run	Basin	Bradford	CWF, MF	None
3—South Branch Towanda Creek	Basin	Bradford	CWF, MF	None
	* * * * *			

§ 93.9k. Drainage List K.

Susquehanna River Basin in Pennsylvania
Susquehanna River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
2—Toby Run	Basin	Montour	CWF, MF	None
[2—Sechler Run	Basin	Montour	CWF, MF	None]
2—Mahoning Creek	Main Stem, Source to PA 54 Bridge	Montour	TSE, MF	None
3—Unnamed Tributaries to Mahoning Creek	Basins, Source to PA 54 Bridge	Montour	CWF, MF	None
3—Kase Run	Basin	Montour	CWF, MF	None
3—Mausies Creek	Basin	Montour	CWF, MF	None
2—Mahoning Creek	Main Stem, PA 54 Bridge to Mouth	Montour	WWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Unnamed Tributaries to Mahoning Creek	Basin, PA 54 Bridge to Mouth	Montour	CWF, MF	None
3—Sechler Run	Basin	Montour	CWF, MF	None
2—Wilson Run	Basin	Northumberland	CWF, MF	None
				* * * * *

§ 93.9l. Drainage List L.

Susquehanna River Basin in Pennsylvania
West Branch Susquehanna River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
				* * * * *
4—Commissioners Run	Basin	Clinton	HQ-CWF, MF	None
4—[Grass Flats] Wistar Run	Basin	Clinton	HQ-CWF, MF	None
4—Moccasin Run (Moccasin Falls Run)	Basin	Clinton	HQ-CWF, MF	None
				* * * * *
4—Mill Creek	Basin	Tioga	HQ-CWF, MF	None
4—Roaring [Brook] Branch	Basin	Tioga	HQ-CWF, MF	None
4—Abbott Run	Basin	Lycoming	HQ-CWF, MF	None
				* * * * *
5—Mock Creek	Basin	Lycoming	HQ-CWF, MF	None
[5—Wolf Run	Basin, Source to Noon Branch	Lycoming	HQ-CWF, MF	None
6—Noon Branch Wolf Run	Basin	Lycoming	EV, MF	None
5—Wolf Run	Basin, Noon Branch to Mouth	Lycoming	HQ-CWF, MF	None]
5—Noon Branch	Basin, Source to Wolf Run	Lycoming	EV, MF	None
6—Wolf Run	Basin	Lycoming	HQ-CWF, MF	None
5—Noon Branch	Basin, Wolf Run to Mouth	Lycoming	HQ-CWF, MF	None
5—King Run	Basin, Source to Engle Run	Lycoming	HQ-CWF, MF	None
				* * * * *

§ 93.9m. Drainage List M.

Susquehanna River Basin in Pennsylvania
Susquehanna River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
				* * * * *
2—Penns Creek	Main Stem, Laurel Run to Mouth	Snyder	WWF, MF	None
[2—Penns Creek]				
3—Unnamed Tributaries to Penns Creek	Basins, Laurel Run to RM 26.50	Union	CWF, MF	None
				* * * * *

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Crab Run	Basin	Schuylkill	CWF, MF	None
3—Zerbe Run	Basin	[Schuylkill]	CWF, MF	None
		Northumberland		
3—Schwabens Creek	Basin	Northumberland	TSF, MF	None
		* * * * *		

§ 93.9n. Drainage List N.

Susquehanna River Basin in Pennsylvania
Juniata River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
5—Stone Creek	Basin, UNT 14908 to Mouth	Bedford	CWF, MF	None
5—Bobs Creek	Basin, Source to [Deep Hollow] Pavia Run	Bedford	HQ-CWF, MF	None
6—[Deep Hollow] Pavia Run	Basin	Bedford	HQ-CWF, MF	None
5—Bobs Creek	Basin, [Deep Hollow] Pavia Run to Mouth	Bedford	CWF, MF	None
5—Adams Run	Basin	Bedford	WWF, MF	None
		* * * * *		

§ 93.9o. Drainage List O.

Susquehanna River Basin in Pennsylvania
Susquehanna River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
		* * * * *		
3—Unnamed Tributaries to Conodoguinet Creek	Basins, PA 997 at Roxbury to Mouth	Franklin-Cumberland	WWF, MF	None
3—Muddy Run	Basin, Source to Rowe Run	Franklin	WWF, MF	None
[3— Keasey Run	Basin	Franklin	WWF, MF	None]
[3] 4—Rowe Run	Basin	Franklin	CWF, MF	None
3— Muddy Run	Basin, Rowe Run to Mouth	Franklin	WWF, MF	None
3—Middle Spring Creek	Basin	Franklin-Cumberland	CWF, MF	None
		* * * * *		
3—Stoverstown Branch	Basin	York	WWF, MF	None
3—South Branch Codorus Creek	[Main Stem] Basin, Source to UNT from Glen Rock Valley at RM 16.85	York	WWF, MF	None
[4— Unnamed Tributaries to South Branch Codorus Creek	Basins, Source to Unnamed Tributary from Glen Rock Valley at RM 16.06	York	WWF, MF	None]
4—[Unnamed Tributary] UNT to South Branch Codorus Creek Through Glen Rock Valley	Basin	York	CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
[4—Unnamed Tributaries to South Branch Codorus Creek	Basins, Unnamed Tributary from Glen Rock Valley to Mouth	York	WWF, MF	None
4—Trout Run	Basin	York	WWF, MF	None
4—Foust Creek	Basin	York	WWF, MF	None
4—Centerville Creek	Basin	York	WWF, MF	None
4—Cherry Run	Basin	York	WWF, MF	None
4—Fishel Creek	Basin	York	WWF, MF	None]
3—South Branch Codorus Creek	Basin, UNT from Glen Rock Valley to East Branch Codorus Creek	York	WWF, MF	None
4—East Branch Codorus Creek	Basin, Source to PA 214	York	HQ-CWF, MF	None
4—East Branch Codorus Creek	Basin, PA 214 to Inlet of Lake Redman	York	CWF, MF	None
4—East Branch Codorus Creek	Main Stem, Inlet of Lake Redman to Mouth	York	WWF, MF	None
5—[Unnamed Tributaries] UNTs to East Branch Codorus Creek	Basins, Inlet of Lake Redman to Mouth	York	CWF, MF	None
5—Inners Creek	Basin	York	CWF, MF	None
3—South Branch Codorus Creek	Basin, East Branch Codorus Creek to Mouth	York	WWF, MF	None
3—Willis Run	Basin	York	WWF, MF	None
	* * * * *			
2—Pequea Creek	Main Stem, Source to PA 897	Lancaster	HQ-CWF, MF	None
3—Unnamed Tributaries to Pequea Creek	Basins, Source to PA 897	Lancaster	HQ-CWF, MF	None
3—Indian Spring Run	Basin, Source to SR 10 Bridge	Chester	EV, MF	None
3—Indian Spring Run	Basin, SR10 to Confluence of UNT 07540 at RM 1.95	Lancaster	CWF, MF	None
4—UNT 07540 at RM 1.95 to Indian Spring Run	Basin, Source to SR10 Bridge	Chester	HQ-CWF, MF	None
4—UNT 07540 at RM 1.95 to Indian Spring Run	Basin, SR10 Bridge to Mouth	Lancaster	CWF, MF	None
3—Indian Spring Run	Basin, UNT 07540 to Mouth	Lancaster	CWF, MF	None
2—Pequea Creek	Main Stem, PA 897 to Mouth	Lancaster	WWF, MF	None
3—Unnamed Tributaries to Pequea Creek	Basins, PA 897 to Eshleman Run	Lancaster	CWF, MF	None
[3—Indian Spring Run	Basin, Source to SR 10 Bridge	Chester	EV, MF	None
3—Indian Spring Run	Basin, SR10 to Confluence of UNT 07540 at RM 1.95	Lancaster	CWF, MF	None
4—UNT 07540 at RM 1.95 to Indian Spring Run	Basin, Source to SR10 Bridge	Chester	HQ-CWF, MF	None
4—UNT 07540 at RM 1.95 to Indian Spring Run	Basin, SR10 Bridge to Mouth	Lancaster	CWF, MF	None
3—Indian Spring Run	Basin, UNT 07540 to Mouth	Lancaster	CWF, MF	None]
3—White Horse Run	Basin	Lancaster	WWF, MF	None
	* * * * *			
2—Peters Creek	Basin	Lancaster	HQ-WWF, MF	None
2—Haines [Run] Branch	Basin	Lancaster	HQ-WWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
2—Michael Run	Basin (all sections in PA)	York	WWF, MF	None
	* * * * *			

§ 93.9s. Drainage List S.

Ohio River Basin in Pennsylvania
Allegheny River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
5—Reisinger Run	Basin	Clearfield	CWF	None
5—[Pent] Pentz Run	Basin	Clearfield	CWF	None
5—Beaver Run	Basin	Clearfield	CWF	None
	* * * * *			
4—North Fork Redbank Creek	[Main Stem] Basin, Source to [Confluence with Sandy Lick Creek] South Branch of North Fork Redbank Creek	Jefferson	HQ-CWF	None
[5—Unnamed Tributaries to North Fork	Basins, Source to Confluence with Sandy Lick Creek	Jefferson	HQ-CWF	None
5—Williams Run	Basin	Jefferson	HQ-CWF	None
5—Muddy Run	Basin	Jefferson	HQ-CWF	None
5—Bearpen Run	Basin	Jefferson	HQ-CWF	None
5—Manners Run	Basin	Jefferson	HQ-CWF	None
5—Mammy Hi Run	Basin	Jefferson	HQ-CWF	None
5—Lucas Run	Basin	Jefferson	HQ-CWF	None]
5—South Branch of North Fork Redbank Creek	Basin	Jefferson	EV	None
[5—Acy Run	Basin	Jefferson	HQ-CWF	None
5—Windfall Run	Basin	Jefferson	HQ-CWF	None
5—Clear Run	Basin	Jefferson	HQ-CWF	None
5—Miller Run	Basin	Jefferson	HQ-CWF	None]
4—North Fork Redbank Creek	Basin, South Branch of North Fork Redbank Creek to Shippen Run	Jefferson	HQ-CWF	None
5—Shippen Run	Basin	Jefferson	EV	None
4—North Fork Redbank Creek	Basin, Shippen Run to Craft Run	Jefferson	HQ-CWF	None
5—Craft Run	Basin	Jefferson	EV	None
[5—Pekin Run	Basin	Jefferson	HQ-CWF	None
5—Red Lick Run	Basin	Jefferson	HQ-CWF	None
5—Sugarcamp Run	Basin	Jefferson	HQ-CWF	None]
4—North Fork Redbank Creek	Basin, Craft Run to Mouth	Jefferson	HQ-CWF	None
	* * * * *			

PROPOSED RULEMAKINGS

§ 93.9w. Drainage List W.

Ohio River Basin in Pennsylvania
Ohio River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
3—Enlow Fork	Main Stem, Source to PA-WV State Border	Washington-Greene	TSF	None
4—[Unnamed] Tributaries to Enlow Fork	Basins, Source to [PA-WV State Border] Templeton Fork	Washington-Greene	WWF	None
[4— Boothe Run	Basin	Greene	WWF	None
4— Long Run	Basin	Washington	WWF	None]
4—Templeton Fork	Basin	Washington	TSF	None
[4— Owens Run	Basin	Greene	WWF	None
4— Robinson Fork	Basin	Washington	WWF	None
4— Spottedtail Run	Basin (all sections in PA)	Washington	WWF	None]
4— Tributaries to Enlow Fork	Basins, Templeton Fork to PA-WV State Border (all sections in PA)	Washington-Greene	WWF	None
3—Enlow Fork (WV)				
	* * * * *			

§ 93.9z. Drainage List Z.

Potomac River Basin in Pennsylvania
Potomac River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
2—Antietam Creek (MD)				
3—Unnamed tributaries to Antietam Creek	Basins (all sections in PA), PA-MD State Border to Mouth	Franklin	WWF, MF	None
3—Marsh Run	Basin (all sections in PA)	Franklin	WWF, MF	None
2—Monocacy River (MD)				
3—Marsh Creek	Basin, Source to Willoughby Run	Adams	CWF, MF	None
4—Willoughby Run	Basin	Adams	WWF, MF	None
3—Marsh Creek	Basin, Willoughby Run to PA-MD State Border	Adams	CWF, MF	None
3—Marsh Creek MD				
4—Unnamed tributaries to Marsh Creek	Basins (all sections in PA) PA-MD State Border to [Mouth] Confluence with Marsh Creek and Monocacy River	Adams	CWF, MF	None
3—Rock Creek	Basin (all sections in PA), Source to Confluence with Marsh Creek and Monocacy River	Adams	WWF, MF	None
3—Alloway Creek	Basin (all sections in PA)	Adams	WWF, MF	None
3—Cattail Branch	Basin (all sections in PA)	Adams	WWF, MF	None
	* * * * *			

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