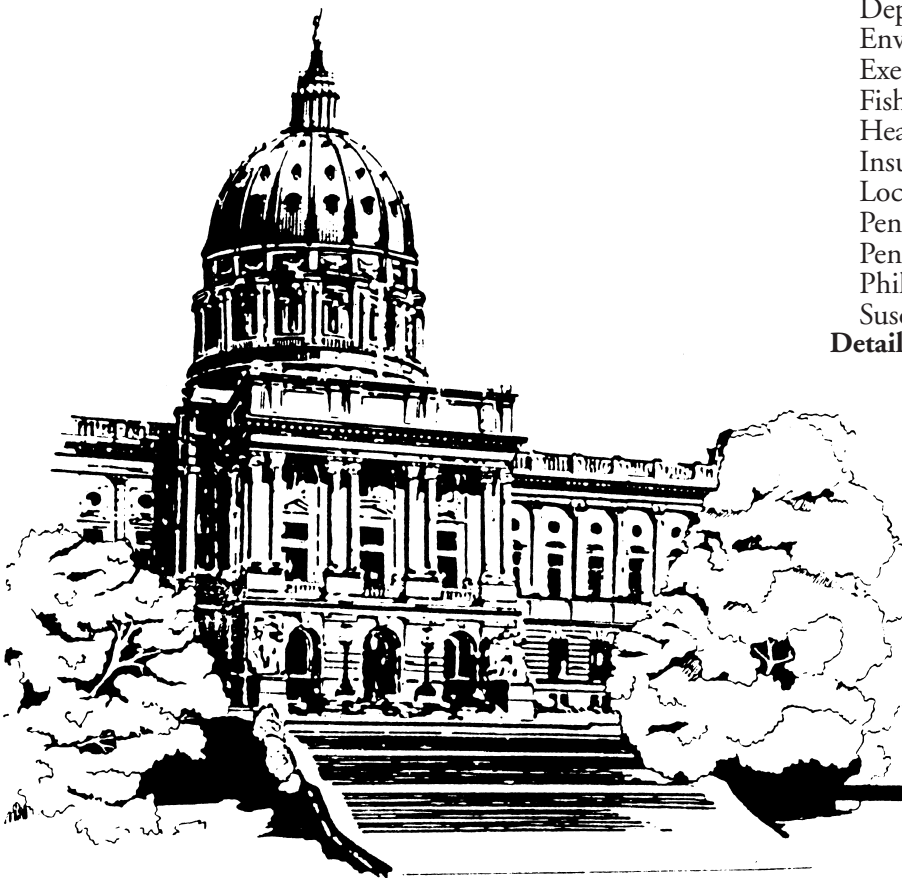


# PENNSYLVANIA BULLETIN

Volume 43  
Saturday, February 9, 2013 • Harrisburg, PA  
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**Latest Pennsylvania Code Reporters  
(Master Transmittal Sheets):**

**No. 459, February 2013**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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#### **Printing Format**

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

#### **Fiscal Notes**

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2013.

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 1910 ]

#### Amendment of Rule 1910.23 of the Rules of Civil Procedure; No. 572 Civil Procedural Rules Doc.

##### Order

*Per Curiam*

*And Now*, this 25th day of January, 2013, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910.23 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on February 24, 2013.

##### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

##### PART I. GENERAL

##### CHAPTER 1910. ACTIONS FOR SUPPORT

#### Rule 1910.23. Support Order. Enforcement. Attachment of Assets Held by Financial Institutions.

(a) Upon identification of an obligor's assets held by a financial institution, the court shall, upon certification of the overdue support owed by the obligor, enter an immediate order prohibiting the release of those assets until further order of court. The order shall be served on the financial institution in the manner prescribed by Rules 400 through 406 governing service of original process or by registered mail, return receipt requested **or by electronic service upon the request of the financial institution**. Service by mail is complete upon the return of the registered mail receipt personally signed by the financial institution or other evidence of service satisfactory to the court. Service of the order on the financial institution shall attach the asset up to the amount of the overdue support until further order of court.

\* \* \* \* \*

[Pa.B. Doc. No. 13-220. Filed for public inspection February 8, 2013, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 8 ]

#### Proposed Amendments to Pa.R.Crim.P. 802

The Criminal Procedural Rules Committee is considering recommending that the Supreme Court of Pennsylvania amend Rule 802 (Notice of Aggravating Circum-

stances) to require a defendant to provide notice of mitigating circumstances in a capital case. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's 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 explanatory Reports.

The text of the proposed amendments to the rule precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Jeffrey M. Wasileski, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
Harrisburg, PA 17106-2635  
fax: (717) 231-9521  
e-mail: criminalrules@pacourts.us

no later than Friday, March 15, 2013.

*By the Criminal Procedural Rules Committee*

NANCY L. BUTTS,  
*Chair*

##### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE

##### CHAPTER 8. SPECIAL RULES FOR CASES IN WHICH DEATH SENTENCE IS AUTHORIZED

Rule 802. Notice of Aggravating **and Mitigating** Circumstances.

(A) The attorney for the Commonwealth shall file a Notice of Aggravating Circumstances that the Commonwealth intends to submit at the sentencing hearing and contemporaneously provide the defendant with a copy of such Notice of Aggravating Circumstances. Notice shall be filed at or before the time of arraignment, unless the attorney for the Commonwealth becomes aware of the existence of an aggravating circumstance after arraignment or the time for filing is extended by the court for cause shown.

(B) **The attorney for the defendant, or the defendant if unrepresented, shall file a Notice of Mitigating Circumstances that the defendant intends to submit at the sentencing hearing and contemporaneously provide the attorney for the Commonwealth with a copy of such Notice of Mitigating Circumstances. Notice shall be filed within 90 days after the arraignment, unless the attorney for the defendant, or the defendant if unrepresented, becomes aware of the existence of a mitigating circumstance after the time for filing or the time for filing is extended by the court.**

##### Comment

\* \* \* \* \*

If the trial court orders a new sentencing hearing, or the Supreme Court remands a case for a redetermination

of penalty pursuant to 42 Pa.C.S. § 9711(h)(4), the attorney for the Commonwealth may not introduce any new aggravating circumstance except when there has been an intervening conviction for an offense committed prior to the present conviction which would constitute an aggravating circumstance. The trial judge must set the time within which the attorney for the Commonwealth must notify the defendant of such an additional circumstance, and the time set for notice must allow the defendant adequate time to prepare for the new sentencing hearing. No additional notice is required for those aggravating circumstances previously offered and not struck down upon review.

**Paragraph (B) of this rule provides for pretrial disclosure of those mitigating circumstances that the defendant intends to prove at the sentencing hearing. See Sentencing Code, 42 Pa.C.S. § 9711(e). Although the rule requires that notice generally be given within 90 days after arraignment, it authorizes prompt notice thereafter when a circumstance becomes known to the defendant's attorney at a later time or when the court otherwise permits. Paragraph (B) was added to the rule in 2013 to encourage early discussion between prosecution and defense regarding the evidence of mitigating circumstance so that those cases in which the death penalty is not appropriate or likely to be awarded, would be amenable to negotiations on the capital aspects of the case. Paragraph (B) is not intended to preclude the introduction of any constitutionally permissible mitigating evidence.**

**Official Note:** Previous Rule 352 adopted July 1, 1985, effective August 1, 1985; renumbered Rule 353 February 1, 1989, effective July 1, 1989. Present Rule 352 adopted February 1, 1989, effective as to cases in which the arraignment is held on or after July 1, 1989; Comment revised October 29, 1990, effective January 1, 1991; amended January 10, 1995, effective February 1, 1995; renumbered Rule 801 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; renumbered Rule 802 June 4, 2004, effective November 1, 2004; amended , 2013, effective , 2013.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed amendments concerning the requirement of filing a notice of mitigating circumstances published for comment at 43 Pa.B. 802 (February 9, 2013).**

#### REPORT

##### *Proposed Amendments to Pa.R.Crim.P. 802*

##### **Notice of Mitigating Circumstance**

The Committee has been examining a proposal to amend Rule 802 to require a defendant to provide notice of mitigating circumstances similar to the Commonwealth's requirement to provide notice of aggravating circumstances in a capital case.

It was suggested that adding this requirement will facilitate discussions about a possible non-trial disposition. Under current practice, the prosecution is not privy to much information regarding the defendant and the defendant's background at the initiation of a case. There are many cases where an early disclosure of the nature of

mitigation would cause the prosecution to review the alleged circumstances and support therefor, leading to a plea agreement for a penalty other than death or, absent an agreement, a decision not to seek the death penalty. The earlier in the process that this information is shared, the earlier such decisions can be made. Furthermore, requiring such notices to be made by the defendant would be consistent with similar notice provisions in the rules, such as is required for alibis in Rule 567 and for mental health defenses in Rule 568.

The Committee examined the procedures in other jurisdictions and concluded that a notice requirement would not be a radical departure from the practice in other states. For example, Florida has a criminal procedural rule, Florida Rule of Criminal Procedure 3.202, that is similar to what was suggested. It should be noted that the Florida rule is limited to requiring the defendant to provide notice of "expert testimony of mental mitigation." Additionally, several states address this issue by means of reciprocal discovery statutes. For example, California Penal Code § 1054.3, that requires disclosure of certain forms of defense evidence, is applicable to penalty-phase evidence in capital prosecutions and this disclosure must be made at least 30 days prior to the guilt phase of trial. Similarly, Georgia has a statute, Georgia Code § 17-16-4, that, *inter alia*, requires providing a list of the witnesses that the defense intends to call at the presentencing hearing usually no later than five days before trial commences.

The Committee is cognizant that the defense may not have a fully developed mitigation case at the time the notice is required, within 90 days after the arraignment, and the notice requirement is not intended to replace normal discovery procedures. The Committee does not contemplate that the notice requirement will represent a full disclosure of the details of the mitigation circumstances, but rather, will represent a counter-part to the Commonwealth's notice of aggravating circumstances.

The Committee recognizes that there is a constitutional dimension to the presentation of mitigating circumstance. See *Lockett v. Ohio*, 438 U.S. 586 (1978) (Eighth and Fourteenth Amendments "require that the sentencer, in all but the rarest kind of capital case, not be precluded from considering as a mitigating factor any aspect of a defendant's character or record and any of the circumstances of the offense that the defendant proffers as a basis for a sentence less than death."). One of the Committee's concerns was whether there should be sanctions for a failure to provide notice such as precluding the defendant from presenting mitigating evidence. It is clear from current law that a waiver must be knowing, intelligent, and voluntary. See, e.g., *Commonwealth v. Davido*, 582 Pa. 52, 868 A.2d 431 (2005), reargument denied 872 A.2d 1125 582 Pa. 437 (2005), *certiorari* denied 546 U.S. 1020 (2005); *Commonwealth v. Wilson*, 861 A.2d 919, 580 Pa. 439 (2004). The Committee concluded that the failure to meet a notice deadline solely would be insufficient to meet this standard. Therefore, the Rule 802 Comment would be revised to further explain the intention of this requirement and that it not be used to preclude the defendant from presenting constitutionally-protected evidence of mitigation.

[Pa.B. Doc. No. 13-221. Filed for public inspection February 8, 2013, 9:00 a.m.]

# DISCIPLINARY BOARD OF THE SUPREME COURT

## Notice of Suspension

Notice is hereby given that Jerrold Neil Kaminsky, having been suspended from the practice of law in the State of New Jersey for a period of 3 months by Order of the Supreme Court of New Jersey filed September 12, 2012; the Supreme Court of Pennsylvania issued an Order dated January 23, 2013 suspending Jerrold Neil Kaminsky from the practice of law in this Commonwealth for a period of 3 months. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 13-222. Filed for public inspection February 8, 2013, 9:00 a.m.]

## Notice of Suspension

Notice is hereby given that Marc Edward Yonker, having been suspended from the practice of law in the State of Florida for a period of 60 days by Opinion and Order of the Supreme Court of Florida dated September 6, 2012; the Supreme Court of Pennsylvania issued an Order dated January 23, 2013 suspending Marc Edward Yonker from the practice of law in this Commonwealth for a period of 60 days. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 13-223. Filed for public inspection February 8, 2013, 9:00 a.m.]

# SUPREME COURT

## Reestablishment of the Magisterial Districts within the 4th Judicial District; No. 303 Magisterial Rules Doc.

### Order

#### *Per Curiam*

*And Now*, this 24th day of January 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 4th Judicial District (Tioga County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 04-3-01, 04-3-02, and 04-3-03, within Tioga County, to be effective April 1, 2013, is granted.

Said Magisterial Districts shall be reestablished as follows:

Magisterial District 04-3-01  
Magisterial District Judge  
Brian W. Edgcomb

Elkland Borough  
Knoxville Borough  
Lawrenceville Borough  
Tioga Borough  
Westfield Borough  
Brookfield Township  
Clymer Township  
Deerfield Township  
Farmington Township  
Jackson Township  
Lawrence Township  
Nelson Township  
Osceola Township  
Tioga Township  
Westfield Township

Magisterial District 04-3-02  
Magisterial District Judge  
Robert L. Repard

Liberty Borough  
Wellsboro Borough  
Charleston Township  
Chatham Township  
Delmar Township  
Duncan Township  
Elk Township  
Gaines Township  
Liberty Township  
Middlebury Township  
Morris Township  
Shippen Township

Magisterial District 04-3-03  
Magisterial District Judge  
James E. Carlson

Mansfield Borough  
Blossburg Borough  
Roseville Borough  
Bloss Township  
Covington Township  
Hamilton Township  
Putnam Township  
Richmond Township  
Rutland Township  
Sullivan Township  
Union Township  
Ward Township

[Pa.B. Doc. No. 13-224. Filed for public inspection February 8, 2013, 9:00 a.m.]

## Reestablishment of the Magisterial Districts within the 15th Judicial District; No. 302 Magisterial Rules Doc.

### Order

#### *Per Curiam*

*And Now*, this 24th day of January 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 15th Judicial District (Chester County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the elimination of Magisterial District 15-2-05, within Chester County, to be effective January 2, 2014, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 15-1-03, 15-1-05, 15-2-01, 15-2-06, 15-3-01, 15-3-04, 15-3-06, and 15-3-07 within Chester County, to be effective April 1, 2013, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 15-1-02 and 15-4-01 within Chester County, to be effective January 2, 2014, is granted; and that the Petition, which also provides for the reestablishment of Magisterial Districts 15-1-01, 15-1-04, 15-2-03, 15-2-07, 15-3-05, 15-4-02, 15-4-03, and 15-4-04,



within Chester County, to be effective immediately, is granted. The judgeship for Magisterial District 15-2-05 shall not appear on the ballot in the 2013 municipal election.

Said Magisterial Districts shall be as follows:

Magisterial District 15-1-01 West Chester Borough  
Magisterial District Judge (Wards 3, 5, 6, and 7)  
Mark A. Bruno

Magisterial District 15-1-02 East Goshen Township  
Magisterial District Judge Easttown Township  
Thomas W. Tartaglio Malvern Borough  
Tredyffrin Township (Voting Districts East 1 & 2, Middle 1, 5, and 6, and West 3 & 4)  
Willistown Township

Magisterial District 15-1-03 City of Coatesville (Wards 2 & 4)  
Magisterial District Judge Gregory V. Hines South Coatesville Borough

Magisterial District 15-1-04 West Chester Borough  
Magisterial District Judge (Wards 1, 2, and 4)  
Gwenn S. Knapp

Magisterial District 15-1-05 City of Coatesville (Wards 1, 3, and 5)  
Magisterial District Judge Grover E. Koon Valley Township

Magisterial District 15-2-01 Charlestown Township  
Magisterial District Judge Phoenixville Borough  
Theodore P. Michaels, Jr. Schuylkill Township

Magisterial District 15-2-03 West Goshen Township  
Magisterial District Judge Westtown Township  
William D. Kraut Thornbury Township

Magisterial District 15-2-06 Downingtown Borough  
Magisterial District Judge East Bradford Township  
Rita A. Arnold East Caln Township  
West Bradford Township

Magisterial District 15-2-07 Upper Uwchlan Township  
Magisterial District Judge Uwchlan Township  
Lori Novak Donatelli West Pikeland Township

Magisterial District 15-3-01 East Coventry Township  
Magisterial District Judge East Nantmeal Township  
James V. DeAngelo East Pikeland Township  
East Vincent Township  
North Coventry Township  
South Coventry Township  
Spring City Borough  
Warwick Township  
West Vincent Township

Magisterial District 15-3-04 Birmingham Township  
Magisterial District Judge East Marlborough Township  
Daniel J. Maisano Kennett Township  
Kennett Square Borough  
Newlin Township  
Pennsbury Township  
Pocopson Township

Magisterial District 15-3-05 East Nottingham Township  
Magisterial District Judge Elk Township  
Scott A. Massey Lower Oxford Township  
New London Township  
Oxford Borough  
Penn Township  
Upper Oxford Township  
West Nottingham Township

Magisterial District 15-3-06 Elverson Borough  
Magisterial District Judge Honey Brook Borough  
Michael J. Cabry, III Honey Brook Township  
Wallace Township  
West Brandywine Township  
West Caln Township  
West Nantmeal Township  
Sadsbury Township

Magisterial District 15-3-07 Atglen Borough  
Magisterial District Judge East Fallowfield Township  
Nancy A. Gill Highland Township  
Londonderry Township  
Modena Borough  
Parkeburg Borough  
West Fallowfield Township  
West Sadsbury Township

Magisterial District 15-4-01 East Whiteland Township  
Magisterial District Judge (Voting Districts 3, 4, 5, and 6)  
Analisa S. Sondergaard Tredyffrin Township (Voting Districts East 3, 4, and 5, Middle 2, 3, 4, and 7, and West 1, 2, and 5)

Magisterial District 15-4-02 Caln Township  
Magisterial District Judge East Brandywine Township  
Jeffrey J. Valocchi

Magisterial District 15-4-03 East Whiteland Township  
Magisterial District Judge (Voting Districts 1 & 2)  
John R. Bailey West Whiteland Township

Magisterial District 15-4-04 Avondale Borough  
Magisterial District Judge Franklin Township  
Matthew Seavey London Britain Township  
London Grove Township  
New Garden Township  
West Grove Borough  
West Marlborough Township

[Pa.B. Doc. No. 13-225. Filed for public inspection February 8, 2013, 9:00 a.m.]

### Reestablishment of the Magisterial Districts within the 24th Judicial District; No. 301 Magisterial Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 24th day of January 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 24th Judicial District (Blair County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 24-3-01, 24-3-02, and 24-3-03, within Blair County, to be effective April 1, 2013, is granted; and that the Petition, which also provides for the reestablishment of Magisterial Districts 24-1-02, 24-1-03, and 24-3-04, within Blair County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 24-1-02 City of Altoona (Wards 3, 4,  
Magisterial District Judge 5, 6, 9, 12, and 14)  
Todd F. Kelly

Magisterial District 24-1-03 Magisterial District Judge Jeffrey P. Auker	City of Altoona (Wards 1, 2, 7, 8, 10, 11, and 13)
Magisterial District 24-3-01 Magisterial District Judge Fred B. Miller	Antis Township Bellwood Borough Snyder Township Tyrone Township Tyrone Borough
Magisterial District 24-3-02 Magisterial District Judge Steven D. Jackson	Tunnellhill Borough Allegheny Township Logan Township
Magisterial District 24-3-03 Magisterial District Judge Paula M. Aigner	Blair Township Catharine Township Duncansville Borough Frankstown Township Hollidaysburg Borough Newry Borough Williamsburg Borough Woodbury Township
Magisterial District 24-3-04 Magisterial District Judge Craig E. Ormsby	Freedom Township Greenfield Township Huston Township Juniata Township Martinsburg Borough North Woodbury Township Roaring Spring Borough Taylor Township

[Pa.B. Doc. No. 13-226. Filed for public inspection February 8, 2013, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 121, 123 AND 139 ]

#### Commercial Fuel Oil Sulfur Limits for Combustion Units

The Environmental Quality Board (Board) amends Chapters 121, 123 and 139 (relating to general provisions; standards for contaminants; and sampling and testing) to read as set forth in Annex A. This final-form rulemaking lowers the allowable sulfur content limits of commercial fuel oils used in oil-burning combustion units in this Commonwealth and replaces the existing geographic area-specific sulfur content limits for commercial fuel oils with a Statewide sulfur limit.

This order was adopted by the Board at its meeting of October 16, 2012.

#### A. Effective Date

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

This final-form rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Pennsylvania State Implementation Plan (SIP) upon publication.

#### B. Contact Persons

For further information, contact Dean Van Orden, Assistant Director, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-9702; or Kristen Furlan, Assistant Director, 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 Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available through the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

#### C. Statutory Authority

This action is being taken under the authority of section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth, and section (5)(a)(8) of the APCA, 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 Summary

Combustion of sulfur-containing commercial fuel oils releases sulfur dioxide (SO<sub>2</sub>) emissions, which contribute to the formation of regional haze and fine particulate matter (PM<sub>2.5</sub>), both of which are serious public welfare and human health threats. Regional haze is visibility impairment that is produced by a multitude of sources and activities that emit fine particles and their precursors and which are located across a broad geographic area. Fine particles have a diameter smaller than 2.5 micrometers (PM<sub>2.5</sub>). Particles affect visibility through the scatter-

ing and absorption of light and PM<sub>2.5</sub>—particles similar in size to the wavelength of light—are most efficient, per unit of mass, at reducing visibility. Regional haze affects urban and rural areas, including National parks, forests and wilderness areas (Federal Class I areas).

SO<sub>2</sub> is the most significant pollutant involved in the formation of regional haze. SO<sub>2</sub> emissions oxidize in the atmosphere to form sulfate particles. Visibility impairment, including regional haze, in rural areas of eastern North America is mostly due to sulfate particles according to the 2006 Contribution Assessment prepared by the Mid-Atlantic/Northeast Visibility Union (MANE-VU). *Contributions to Regional Haze in the Northeast and Mid-Atlantic United States*, MANE-VU Contribution Assessment, August 2006, p. 2—4.

In 1977, Congress added section 169A of the CAA (42 U.S.C.A. § 7491), regarding visibility protection for Federal Class I areas, to set a National goal of the “prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.” See section 169A(a)(1) of the CAA. In 1990, Congress added section 169B of the CAA (42 U.S.C.A. § 7492), regarding visibility, to authorize further research and regular assessments of the progress made so far toward the National visibility goals.

The National Academy of Sciences concluded in 1993 that the average visual range in the eastern United States has been reduced to approximately 30 kilometers or 1/5 of the visual range that would exist under natural conditions. (Committee on Haze in National Parks and Wilderness Areas, National Research Council, National Academy of Sciences, *Protecting Visibility in National Parks and Wilderness Areas*, Washington, D.C., 1993.)

The EPA published its initial regulations setting forth states' requirements to reduce regional haze at 64 FR 35714 (July 1, 1999). The regulations aimed to achieve the National visibility goal set by the CAA by 2064. The EPA published final regional haze regulations at 70 FR 39104 (July 6, 2005) and later amended them. The regulations are codified in 40 CFR Part 51, Subpart P (relating to protection of visibility). The EPA's regulations require all states, even those that do not contain a Federal Class I area, to submit a revision to their SIP containing emission reduction strategies to improve visibility in Class I areas that their emissions affect.

The EPA regulations require states to demonstrate reasonable progress toward meeting the National goal of a return to natural visibility conditions by 2064. States with Class I areas must establish reasonable progress goals, expressed in deciviews, for visibility improvement at each Class I area. (The lower the deciview value, the better the perception of visibility.) The first set of reasonable progress goals shall be met through measures in each state's long-term strategy covering the period from the present until 2018. A long-term strategy includes enforceable emissions limitations, compliance schedules and other measures as necessary to achieve the reasonable progress goals.

States are required to evaluate progress toward reasonable progress goals every 5 years to assure that emissions controls are on track with emissions reduction forecasts in the SIP. The first progress report is due 5 years from the submittal of the initial implementation plan. If

emissions controls are not on track to meet SIP forecasts, then a state would need to take action to assure emissions controls by 2018 would be consistent with the SIP or to revise the SIP to be consistent with the revised emissions forecast.

The Commonwealth is a member of the MANE-VU, established in 2000 as the regional planning organization to help the northeast states plan for their Regional Haze SIP submittals. The MANE-VU states are Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the District of Columbia. Native American tribes in the region, the EPA, the United States Fish and Wildlife Service and the United States Forest Service are also members.

Although this Commonwealth does not have a mandatory Class I Federal area, emissions from this Commonwealth are considered to impact the seven mandatory Class I Federal areas in the MANE-VU region. In addition, the emissions from this Commonwealth are considered to impact the Dolly Sods Wilderness Area in West Virginia and Shenandoah National Park in Virginia.

MANE-VU evaluated several large source categories for their contribution to the MANE-VU SO<sub>2</sub> emission inventory, including electric generating units (EGU), residential and commercial oil heat burners and furnaces, and industrial/commercial/institutional (ICI) boilers. The Northeast States for Coordinated Air Use Management (NESCAUM) performed this evaluation for MANE-VU in 2005 using 2002 data, which was the most current information available at the time of the study. While EGUs are by far the largest source of SO<sub>2</sub> emissions in the MANE-VU region at 71%, SO<sub>2</sub> emissions from the burning of sulfur-containing commercial fuel oil in residential and commercial combustion units, combined and in ICI boilers, each contribute about 7% to the MANE-VU SO<sub>2</sub> emission inventory, for a total of 14%. In this Commonwealth, commercial fuel oil combustion in residential and commercial combustion units contributes between 2% and 3% of SO<sub>2</sub> emissions in the MANE-VU region, depending on the season. The NESCAUM evaluation indicates that the anticipated annual SO<sub>2</sub> emission reduction benefits in this Commonwealth would be approximately 25,000 tons when the final-form low-sulfur content limits for commercial fuel oils are fully implemented.

MANE-VU identified the reduction of sulfur limits in commercial fuel oils used in residential and commercial combustion units as a cost effective strategy for reducing regional haze and adopted a statement in which member states agreed to pursue this strategy. The Department evaluated the NESCAUM studies and MANE-VU recommendations and determined that the recommended low-sulfur content limits for commercial fuel oil were appropriate measures to be pursued in this Commonwealth as part of the regional strategy to improve visibility. Lowering the sulfur content in commercial fuel oil sold for and used in combustion units in this Commonwealth would contribute to the MANE-VU goals of improving visibility in the region's mandatory Class I Federal areas. Actions taken as part of the Commonwealth's obligations for reducing haze on a regional level would also improve visibility in this Commonwealth's recreational and urban areas.

The existence of PM<sub>2.5</sub> in the atmosphere not only produces regional haze but also has significant adverse health effects. Epidemiological studies have shown a significant correlation between elevated PM<sub>2.5</sub> levels and

premature mortality. Other important health effects associated with PM<sub>2.5</sub> exposure include 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. Individuals particularly sensitive to PM<sub>2.5</sub> exposure include older adults, people with heart and lung disease and children.

The EPA set health-based (primary) and welfare-based (secondary) PM<sub>2.5</sub> annual National Ambient Air Quality Standards (NAAQS) at a level of 15 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). See 62 FR 38652 (July 18, 1997). The 24-hour NAAQS was subsequently revised in October 2006 to a concentration of 35  $\mu\text{g}/\text{m}^3$ . See 71 FR 61144 (October 17, 2006). The EPA designated the following counties or portions thereof as being in nonattainment of either the annual or the 24-hour PM<sub>2.5</sub> standard, or both: Allegheny (Liberty-Clairton); Allegheny (remainder); Armstrong; Berks; Beaver; Bucks; Butler; Cambria; Chester; Cumberland; Dauphin; Delaware; Greene (partial); Indiana (partial); Lancaster; Lawrence (partial); Lebanon; Lehigh; Montgomery; Northampton; Philadelphia; Washington; Westmoreland; and York. All areas except the Liberty-Clairton area are measuring air quality that meets both existing PM<sub>2.5</sub> standards, but to be designated as attainment, the EPA must approve a plan that demonstrates the area can maintain the standard through 2025.

On June 29, 2012, the EPA found that the existing annual PM<sub>2.5</sub> standard is not protective of public health and proposed a more protective primary standard to be set between 12-13  $\mu\text{g}/\text{m}^3$ . See 77 FR 38890 (June 29, 2012). The EPA further proposed a new more protective secondary standard for visibility of either 28 or 30 deciviews (a measure of visibility impairment); the Pittsburgh-Beaver Valley area was one of the few that the EPA projected would need additional reductions by 2020 to meet this proposed standard.

The EPA finalized the PM<sub>2.5</sub> rulemaking on December 14, 2012, strengthening the annual primary standard, reduced to 12.0  $\mu\text{g}/\text{m}^3$  effective March 18, 2013, and retaining the existing 24-hour PM<sub>2.5</sub> standard at a level of 35  $\mu\text{g}/\text{m}^3$ . The EPA further retained the existing secondary standards for PM<sub>2.5</sub> to address PM-related effects such as visibility impairment. The EPA stated that it was relying on the existing secondary 24-hour PM<sub>2.5</sub> standard to protect against visibility impairment and was not finalizing the separate proposed standard to protect visibility the EPA proposed in June 2012. See 78 FR 3086 (January 15, 2013).

SO<sub>2</sub> emissions also contribute to the formation of acid rain. Both acid rain and PM<sub>2.5</sub> contribute to agricultural crop and vegetation damage and degradation of the Chesapeake Bay. Combustion of low sulfur-content commercial fuel oil will contribute to reducing the incidences of these adverse effects in this Commonwealth.

There are several important cobenefits of this final-form rulemaking, including reducing SO<sub>2</sub> emissions that could lead to violations of the 1-hour SO<sub>2</sub> standard as well as reducing PM<sub>2.5</sub> and nitrogen oxides (NO<sub>x</sub>) emissions. Emissions of NO<sub>x</sub>, which contribute to a number of public health and environmental problems in the northeast, including unhealthy levels of PM<sub>2.5</sub> and ground-level ozone, are another product of combustion and will also decrease with the use of low sulfur-content commercial fuel oil due to furnace and boiler efficiency improvements.



Emissions of carbon dioxide (CO<sub>2</sub>), a greenhouse gas, should also decrease due to improved furnace and boiler combustion efficiency.

Ozone is a serious human and animal health and welfare threat, causing or contributing to respiratory illnesses and decreased lung function, agricultural crop loss, visible foliar injury to sensitive plant species and damage to forests, ecosystems and infrastructure. In March 2008, the EPA lowered the ozone NAAQS from 0.080 parts per million (ppm) to 0.075 ppm averaged over 8 hours to provide even greater protection for children, other at-risk populations and the environment against the array of ozone-induced adverse health and welfare effects. See 73 FR 16436 (March 27, 2008). In April 2012, the EPA designated five areas in this Commonwealth as nonattainment for the 2008 ozone NAAQS. These areas include Allegheny, Armstrong, Berks, Beaver, Bucks, Butler, Carbon, Chester, Delaware, Fayette, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, Washington and Westmoreland Counties.

This final-form rulemaking is designed to lower the allowable sulfur content limits of commercial fuel oils used in oil-burning combustion units in this Commonwealth and to replace the existing area-specific sulfur content limits for commercial fuel oils with a Statewide sulfur limit. The final-form rulemaking will reduce the levels of sulfur in commercial fuel oils used in residential and commercial oil heat burners and furnaces, and in ICI boilers. Section 123.22 (relating to combustion units) regulates Nos. 2, 4, 5 and 6 commercial fuel oils. No. 2 and lighter commercial fuel oil is generally used for residential and commercial heating. Nos. 4, 5 and 6 and heavier commercial fuel oils are used in ICI boilers.

The final-form rulemaking applies to the owner or operator of refineries, pipelines, terminals, retail outlet fuel storage facilities and ultimate consumers, including commercial and industrial facilities, facilities with a unit burning regulated fuel oil to produce electricity and domestic home heaters. The requirements focus on persons or entities that "offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil." These are the suppliers and operations selling to the ultimate consumer. Recordkeeping or reporting is not required of the ultimate consumer receiving commercial fuel oil for use at a private residence or an apartment or condominium building that houses private residents; they only need to buy and use compliant commercial fuel oil.

In response to comments received during the official public comment period on the proposed rulemaking and following the Department's review of other related information, the Department prepared a draft final-form rulemaking for public comment. The draft final-form rulemaking contained significant changes in several areas and the Department believed that, while not legally required, further discussion and an additional comment period would serve the public interest. An Advance Notice of Final Rulemaking (ANFR) was published at 42 Pa.B. 3596 (June 23, 2012). The most significant changes made in the draft final-form rulemaking include the following: (1) an increase in the sulfur limit for No. 2 and lighter commercial fuel oil from 15 ppm to 500 ppm; (2) a postponement of the compliance date for revised sulfur limits from May 1, 2012, to July 1, 2016; (3) changes in the temporary suspension provision to remove EPA concurrence and to remove the maximum allowable sulfur content of 500 ppm for a temporary increase; (4) changes in the sampling and testing requirements to require sampling, testing and calculating of sulfur content by a

transferor only if records are not otherwise provided with the shipment; and (5) a change to allow sulfur content to be recorded as either ppm by weight or weight percent and to clarify that the actual sulfur content (not the regulated maximum allowable sulfur content) must be in the record.

There are additional significant changes to the final-form rulemaking, including the following changes to the temporary suspension provisions: (1) a requirement that the requestor identify the nonair basin county or counties, or the air basin, for which a temporary suspension or increase is requested; (2) a requirement that the Department may not grant a temporary suspension or increase unless the Department determines that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and that are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the specified nonair basin area or air basin; and (3) a 60-day limit of the term of a temporary suspension or increase. Other changes are described as follows.

The Department worked with the Air Quality Technical Advisory Committee (AQTAC) in the development of this final-form rulemaking. The Department discussed the ANFR with AQTAC at the June 14, 2012, meeting. At the September 12, 2012, meeting, AQTAC concurred with the Department's recommendation to advance the regulation to the Board for consideration as a final-form rulemaking.

The Department also conferred with the Citizens Advisory Council Air Committee concerning the final-form rulemaking on August 29, 2012, and with the Small Business Compliance Advisory Committee on July 25, 2012.

#### *E. Summary of Final-Form Rulemaking and Changes from Proposed to Final-Form Rulemaking*

The final-form rulemaking adds a definition to § 121.1 (relating to definitions) for one new term and amends the definitions of eight existing terms to provide clarity and support the amendments to Chapter 123. The final-form rulemaking adds "ultimate consumer" because this term is used elsewhere in the final-form rulemaking. The final-form rulemaking amends definitions of "commercial fuel oil" and "noncommercial fuel" to synchronize them. The Board changed "fuel oil-burning equipment," used in the definition of "commercial fuel oil" in the proposed rulemaking, to "combustion unit" in the final-form rulemaking.

The final-form rulemaking expands the definition of "carrier" so that it applies when commercial fuel oil is carried. The final-form rulemaking amends the definition of "distributor" so that it applies when commercial fuel oil is distributed and to broaden the list of transferees. The final-form rulemaking similarly expands the definitions of "retail outlet" and "terminal." The final-form rulemaking provides more specificity to the definitions of "transferee" and "transferor" by listing examples of persons and entities included in the definition. In a change from the proposed rulemaking, the final-form rulemaking specifies that certain portions of the definitions of "distributor," "transferee" and "transferor" are applicable for purposes of § 123.22 so as not to cause confusion in other Department regulations that use the same term in a different context.

The definition of "ASTM," which appeared in § 121.1 in the proposed and draft final-form rulemakings has not been adopted. This information that had been in the proposed and draft final-form definition now appears in final-form § 139.4 (relating to references).

The final-form rulemaking amends and adds two subsections to § 123.22. Subsection (a) applies to nonair basin areas. Air basins are defined geographically in § 121.1. The amendments to subsection (a) make minor editorial revisions to the general provision in paragraph (1). In a change from the proposed rulemaking, the final-form rulemaking expresses the sulfur limits as maximum allowable sulfur content. In another change from the proposed rulemaking, the final-form rulemaking expresses the new maximum allowable sulfur contents both in ppm by weight and percentage by weight. Another change from the proposed rulemaking is that the final-form rulemaking reduces the maximum allowable sulfur content for commercial fuel oil in paragraph (2)(i) to 500 ppm for No. 2 and lighter commercial fuel oils. This is consistent with the level in the draft final-form rulemaking made public in the ANFR, which was an increase from the proposed level of 15 ppm. Consistent with the proposed rulemaking, the final-form rulemaking reduces the maximum allowable sulfur content of commercial fuel oil in paragraph (2)(i) to 2,500 ppm or 0.25% sulfur content by weight for No. 4 commercial fuel oil and 5,000 ppm or 0.5% sulfur content by weight for Nos. 5 and 6 and heavier commercial fuel oils. In the proposed rulemaking, the new limits would have taken effect May 1, 2012. In the final-form rulemaking, the compliance date is July 1, 2016. The final-form rulemaking reinstates the existing percent sulfur limits that would have been removed by the proposed rulemaking, now expressed as maximum allowable % sulfur by weight, through June 30, 2016. On and after July 1, 2016, a person is not authorized to offer for sale, deliver for use, exchange in trade or permit the use of a noncomplying commercial fuel oil in a nonair basin.

Amendments to § 123.22(a)(2) contain two exceptions. The first exception allows commercial fuel oil that is stored in this Commonwealth by the ultimate consumer prior to July 1, 2016, which met the applicable maximum sulfur content identified for the commercial fuel oil through June 30, 2016, to be used by the ultimate consumer in this Commonwealth after that date. The main difference from the proposed rulemaking is the cut-off date.

The second exception authorizes the Department to temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil if the Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in a nonair basin area. Changes from proposed to final-form rulemaking add additional criteria for granting a suspension, limit the term of a suspension to 60 days and delete the condition that the Department obtain the written concurrence of the EPA Administrator. The changes from proposed to final-form rulemaking include the addition of a requirement to specify in the application the nonair basin county or counties or the air basin for which a suspension or increase is requested. The Department may not grant a temporary suspension or increase unless the Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the specified nonair basin area. As a change from proposed to final-form rulemaking, the amendments also state that the Department may not grant a temporary suspension or increase unless the Department determines that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and that are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the specified nonair

basin area. The final-form rulemaking clarifies that the transferor may not distribute the noncompliant commercial fuel oil into or within the specified nonair basin area unless and until the Department approves the request in writing.

The final-form rulemaking amends the equivalency provision in § 123.22(a)(3) to provide greater clarity. The equivalency provision requires an equivalent amount of emission reductions when equipment or a process is used to reduce sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in § 123.22(a)(2).

The final-form rulemaking makes similar amendments to the remaining four subsections of § 123.22. Subsection (b) applies to the following air basins: Erie; Harrisburg; York; Lancaster; and Scranton, Wilkes-Barre. Subsection (c) applies to the following air basins: Allentown, Bethlehem, Easton; Reading; Upper Beaver Valley; and Johnstown. Subsection (d) applies to the Allegheny County, Lower Beaver Valley and Monongahela Valley air basins. Subsection (e) applies to the Southeast Pennsylvania air basin. Each of these air basins is defined in § 121.1. In subsection (d), the final-form rulemaking adds maximum allowable sulfur content limits because no limits pre-existed this final-form rulemaking, as well as the equivalency provision.

The final-form rulemaking adds § 123.22(f) to establish sampling and testing requirements for refinery and terminal owners and operators to ensure compliance with the maximum allowable sulfur content for commercial fuel oil. In a change from the proposed rulemaking, the final-form rulemaking clarifies that the sulfur content to be determined by a refinery owner or operator for purposes of compliance is the actual sulfur content of the commercial fuel oil. A refinery owner or operator who produces commercial fuel oil intended for use or used in this Commonwealth on or after July 1, 2016, shall sample, test and calculate the actual sulfur content of each batch of the commercial fuel oil. A person other than the ultimate consumer that accepts a shipment of commercial fuel oil from a refinery or other transferor on or after July 1, 2016, shall sample, test and calculate the actual sulfur content of the commercial fuel oil if the shipment lacks the required record that enables the transferee to determine if the sulfur content of the shipment meets the applicable maximum allowable sulfur content. This requirement replaces the requirement in the proposed rulemaking for the terminal owner or operator to develop and implement written procedures, including procedures for commercial fuel oil sampling and testing.

The final-form rulemaking adds § 123.22(g) to establish recordkeeping and reporting requirements applicable to transferors and transferees in the manufacture and distribution chain for commercial fuel oil from the refinery owner or operator to the ultimate consumer. This subsection requires each transferor to provide each transferee with an electronic or paper record containing specified information each time the physical custody of, or title to, a shipment of commercial fuel oil changes hands. Additional clarity is provided, as compared to the proposed rulemaking, in the requirements for identifying the sulfur content of a shipment, including addition of the opportunity to use a product code in specified circumstances. The final-form rulemaking allows identification of the sulfur content to be identified by maximum sulfur content rather than by limit or weight percent on a per gallon basis. A refinery owner or operator shall maintain the

records of actual sulfur content developed under § 123.22(f)(2). Persons subject to § 123.22 shall maintain the records for at least 2 years. In a change from the proposed rulemaking, the final-form rulemaking adds that records shall be maintained for a longer period if required under other applicable recordkeeping requirements. Records shall be provided to the Department upon request. Private residence ultimate consumers are not required to maintain records nor are ultimate consumers who are owners of apartment or condominium buildings housing private residents if the transfer or use of the commercial fuel oil occurs for use at the building. Other ultimate consumers are required to maintain the record provided to them in the transfer of the commercial fuel oil.

The final-form rulemaking amends § 139.4 to update six of the applicable sulfur method references, add two new sulfur method references and provide the address to which a request for a temporary suspension or increase shall be sent.

The final-form rulemaking amends § 139.16 (relating to sulfur in fuel oil) to add cross references to the two new sulfur method references in § 139.4.

This final-form rulemaking is an important part of the Commonwealth's efforts to meet the reasonable progress goals for reducing regional haze established by the Commonwealth in consultation with the member states of MANE-VU. The final-form rulemaking, upon publication in the *Pennsylvania Bulletin*, will be submitted to the EPA as a revision to the SIP.

#### *F. Summary of Major Comments and Responses*

##### *Major Comments and Responses on the Proposed Rulemaking*

The Board approved publication of the proposed rulemaking at its meeting of July 13, 2010. The proposed rulemaking was published at 40 Pa.B. 5456 (September 25, 2010). Three public hearings were held on October 26, 27 and 28, 2010, in Harrisburg, Cranberry Township (Butler County) and Norristown, respectively. The public comment period closed on November 29, 2010.

Public comments were received from 16 commentators. The Independent Regulatory Review Commission (IRRC) also provided comments.

##### *General Support for Proposed Sulfur Content Levels and Compliance Dates*

Various commentators supported the proposed rulemaking. A commentator stated that the proposed rulemaking was urgently needed to meet present and upcoming NAAQS throughout this Commonwealth and to achieve regional haze goals. A commentator noted that New York and New Jersey have already adopted rules with the goal of limiting sulfur in commercial fuel oil to 15 ppm. A commentator suggested that the sulfur content in home heating oil could be lowered in a thoughtful, flexible manner that helps improve the environment and limits economic impacts. The Department thanks the commentators for their support. The Department agrees that the emission reductions from this final-form rulemaking will be useful in meeting the long-term strategy of the Commonwealth's regional haze SIP, as cobenefits of the rulemaking, and both current and anticipated more stringent NAAQS.

Several commentators supported the May 2012 compliance date. The Department thanks the commentators for their support; however, there were significant concerns expressed by commentators about the proposed sulfur

content limits and implementation dates. The Department revised the compliance date to July 1, 2016, for reducing the allowable sulfur content in commercial fuel oil to allow time for refiners to add desulfurization capacity. In addition, the Department revised the sulfur content level in No. 2 fuel oil, which is most of the commercial fuel oil sold in this Commonwealth, to 500 ppm.

One commentator noted that the Commonwealth's existing sulfur limits for commercial fuel oil have been in force for over 30 years. Over that time, technology has advanced greatly as has the understanding of the health impacts from exposure to particulate matter (PM) and ozone. The Department agrees that the emerging technology and health impacts are both good reasons for establishing more stringent sulfur standards for fuel oil.

Several commentators expressed support of the rulemaking due to its benefits to human health and the environment. They variously expressed concerns regarding SO<sub>2</sub>, NO<sub>x</sub>, PM<sub>2.5</sub>, mercury and CO<sub>2</sub> emissions, ozone formation, acid rain formation and regional haze from oil burning combustion units. One commentator supported the proposed rulemaking because the measures represent extremely cost effective SO<sub>2</sub> control measures and are appropriate as part of a comprehensive strategy for this Commonwealth. The Department agrees that the final-form rulemaking is cost effective and will reduce pollutant emissions. The final-form rulemaking is being adopted to reduce sulfur emissions that contribute to the formation of regional haze. There are several important cobenefits of this final-form rulemaking, including reducing SO<sub>2</sub> that could lead to violations of the 1-hour SO<sub>2</sub> standard as well as reducing PM<sub>2.5</sub> and NO<sub>x</sub> emissions. Emissions of NO<sub>x</sub>, which contribute to a number of public health and environmental problems in the northeast, including unhealthy levels of PM<sub>2.5</sub> and ground-level ozone, are another product of combustion and will also decrease with the use of low-sulfur content commercial fuel oil due to furnace and boiler efficiency improvements. Emissions of CO<sub>2</sub>, a greenhouse gas, should also decrease due to improved furnace and boiler combustion efficiency. SO<sub>2</sub> emissions also contribute to the formation of acid rain. Both acid rain and PM<sub>2.5</sub> contribute to agricultural crop and vegetation damage and degradation of the Chesapeake Bay. Combustion of low-sulfur content commercial fuel oil will contribute to reducing the incidences of these adverse effects in this Commonwealth. The Department disagrees that heating oil burners emit mercury.

##### *General Opposition, Concerns and Suggestions for Revised Sulfur Content Levels and Implementation Dates for No. 2 Fuel Oil*

Many commentators expressed concern or opposition to the proposed rulemaking. They expressed support for the removal of sulfur from fuel oil, but expressed concerns that the levels were unnecessarily stringent, that there was not time for industry to comply or that they had concern about price spikes or fuel supply. As an alternative to the 15 ppm standard, some commentators noted that a 500 ppm standard in No. 2 fuel oil would represent an 80–90% sulfur reduction from the Commonwealth's current standard of 0.3%.

Referencing these comments, IRRC requested an explanation of why the compliance date of May 1, 2012, was reasonable and the effect on the supply and price of the fuels in the regulations, as well as other fuels derived from the same source. IRRC also recommended review of the 15 ppm sulfur content standard for No. 2 oil and



requested an explanation of how the limit in the final-form regulation recognizes the efficient operation of refineries while addressing the need to protect the environment.

The Department revised the compliance date in the final-form rulemaking to July 1, 2016, for reducing the allowable sulfur content in commercial fuel oil in light of the concerns expressed by these commentators. Given the longer lead-time for implementation, price spikes and market disruptions are not expected to be an issue. Written comments received on the proposed rulemaking and the Hart Consulting report referenced in comments entitled "Ultra Low Sulfur Heating Oil Assessment" indicate that supply disruption and price spikes can be avoided if refiners are provided a 4-year lead-time to plan and install additional desulfurization equipment to remove sulfur from the remaining part of the fuel stream. As for the sulfur level, 500 ppm sulfur provides both sulfur reduction and flexibility to the transportation and refinery segments. A 500 ppm sulfur content limit for No. 2 fuel oil is expected to reduce SO<sub>2</sub> emissions by approximately 21,000 tons per year compared to approximately 25,000 tons per year for a reduction to 15 ppm.

A number of commentators expressed concern that the proposed implementation date of May 1, 2012, was infeasible because industry typically needs a 4-year lead-time to accomplish budgeting, engineering, permitting and construction for the start-up of hydro-desulfurization equipment. Several commentators stated that many refiners did not build hydrotreating capacity to make 100% of their diesel fuel stream 15 ppm sulfur content fuel, also known as ultra-low sulfur diesel. They said that refiners based their plans on the Federal on-road fuel standards which had phase-in dates as late as 2014. The commentators explained that the current hydrotreating equipment in place at refineries does not have adequate capacity to also treat heating oil volumes and that adding hydrotreating capacity to make ultra-low sulfur diesel is capital intensive and requires 4 to 5 years of permits, engineering, construction and planning. The Department agreed and revised the compliance date accordingly.

One commentator stated that the proposed rulemaking was misguided and not based on sound science. The Department responds that the Commonwealth is required to make progress toward achieving natural background visibility conditions at Federal Class I areas under section 169A of the CAA and corresponding EPA regulations in 40 CFR Part 51, Subpart P. Reduction of allowable sulfur content of fuel oil has been identified as a reasonable strategy by the MANE-VU, of which the Commonwealth is a member. The Department indicated in its Regional Haze SIP revision that the Commonwealth would pursue adoption of reduced sulfur content in commercial fuel oil and other emission management strategies, as appropriate and necessary, as part of its long-term strategy to meet the reasonable progress goals contained in the SIPs of states with Class I areas that may be affected by emissions from this Commonwealth. MANE-VU modeling identified SO<sub>2</sub> as the primary source of visibility impairment in the region. MANE-VU performed a cost-benefit analysis for lowered sulfur limits and determined that the benefits exceed the costs. In addition, reducing SO<sub>2</sub> levels will assist the Commonwealth in meeting current and anticipated NAAQS for PM<sub>2.5</sub> and SO<sub>2</sub>.

One commentator stated that visibility SIP requirements cannot be used as a basis to adopt a rule effective in 2012. The commentator stated that there are no Class

I areas in this Commonwealth and asserted that the Commonwealth does not have an obligation to show "reasonable further progress" toward attaining visibility standards in other states. The commentator stated that even if it did, the first milestone is not required until 2018. The Department disagrees with these comments, except to agree that there is not a Class I area in this Commonwealth for regional haze purposes. The CAA requires the Commonwealth to make progress towards achieving natural background visibility conditions in those Federally designated Class I areas which are or may be affected by emissions from this Commonwealth. Visibility modeling was performed by the MANE-VU using two models that were either developed or supported by the EPA and evaluated for performance in this application. Similar modeling was performed by the Visibility Improvement—State and Tribal Association of the Southeast. The modeling indicated that emissions from this Commonwealth have the potential to contribute to visibility impairment in several Class I areas in other states. Reduction of allowable sulfur content of fuel oil was identified as a reasonable strategy by the MANE-VU, of which the Commonwealth is a member. The Department indicated in its Regional Haze SIP that it would pursue adoption of sulfur content reduction and other emission management strategies, as appropriate and necessary, as part of its long-term strategy to meet the reasonable progress goals contained in the SIPs of states with Class I areas that may be affected by emissions from this Commonwealth. The Department agrees that the first milestone is 2018. The compliance date for the final-form rulemaking has been changed to 2016.

The same commentator stated that the proposed rulemaking would have minimal benefits on even those Class I areas closest to this Commonwealth. The commentator stated that SO<sub>2</sub> emissions from heating oil are approximately 2–3% of the regional SO<sub>2</sub> emissions based on a 2002 inventory and that since 2002 distillate and residual fuel oil demand have fallen sharply in this Commonwealth by 25% and 33%, respectively. Heating oil is a wintertime fuel and, according to the commentator, reductions have little effect outside of this Commonwealth in the winter when local emissions trapped by inversions cause most of the visibility impairment. Additionally, the commentator stated the rate of transformation of SO<sub>2</sub> to sulfate is slower in the winter and the cost effectiveness of the sulfur reduction appears to be based on reductions of SO<sub>2</sub> not PM<sub>2.5</sub>. The commentator felt that because the PM<sub>2.5</sub> NAAQS and regional haze rule are both based on control of PM<sub>2.5</sub>, this was not an accurate representation since not all SO<sub>2</sub> is converted to PM<sub>2.5</sub> sulfate particles, particularly in the winter. The commentator stated that there is not a basis to impose hundreds of millions of dollars in higher costs on distillate and residual fuel oil consumers in this Commonwealth to benefit wilderness areas far from this Commonwealth.

The Department responds that the final-form rulemaking applies not only to home heating oil, which is used primarily (but not exclusively) in the winter, but also to numerous other types and uses of fuel oil. Distillate and residual fuels are burned at all times of the year for purposes including electric generation (especially to meet peak electric demand on very hot summer days) and other commercial and industrial applications.

Furthermore, the MANE-VU and NESCAUM studies of visibility impairment do not conclude that localized emissions are the only contributor to the visibility impairment found in urban and rural areas in this Commonwealth and the MANE-VU Class I areas. In fact, these studies

and others conclude that the regional transport of emissions plays a predominant role in the air pollutant levels. Specifically, according to the Executive Summary of the MANE-VU report "Contributions to Regional Haze in the Northeast and Mid-Atlantic United States," "Summertime visibility is almost exclusively driven by the presence or absence of regional sulfate, whereas wintertime visibility depends on a combination of regional and local influences coupled with local meteorological conditions (inversions) that can lead to concentrated build-up of emissions from local sources." According to the MANE-VU report, an "effective emissions management approach would rely heavily on broad-based regional SO<sub>2</sub> control efforts in the eastern United States." This final-form rulemaking will reduce emissions that have an impact both locally and regionally and could be classified as a broad-based regional SO<sub>2</sub> control effort.

The MANE-VU studies show that the predominant air pollutant in the Class 1 areas, regardless of season, is sulfate. Sulfate forms from the sulfur in fuels combining with oxygen during combustion to form SO<sub>2</sub> gas. While the transformation rate of gaseous SO<sub>2</sub> to sulfate aerosol particles does diminish in winter, its transformation rate is not zero. Moreover, the days of worst visibility impairment do not always occur in the summer months. The VIEWS web site ([http://capita.wustl.edu/CAPITA/CapitaReports/PMFineAn/PMTopics\\_PPT/PM25Formation.ppt](http://capita.wustl.edu/CAPITA/CapitaReports/PMFineAn/PMTopics_PPT/PM25Formation.ppt)) lists the transformation rate of SO<sub>2</sub> to sulfate on a typical July day as 0.8% per hour. The transformation rate of SO<sub>2</sub> to sulfate on a typical January day is 0.2% per hour, or 25% of what the transformation rate would be on a typical July day. Depending on the quantity and location of the SO<sub>2</sub> released in this Commonwealth, this transformation could and does have a localized effect upon air quality in this Commonwealth, even in winter.

The same commentator stated that the Department has not shown that this rulemaking is needed to meet the PM<sub>2.5</sub> NAAQS. Area sources, which include, but are not limited to, heating oil use, are a tiny fraction of SO<sub>2</sub> emissions in this Commonwealth. The commentator stated that most SO<sub>2</sub> emissions are from large point sources, so it is not rational to claim that a regulation targeted at heating oil is needed to achieve compliance with the PM<sub>2.5</sub> NAAQS. The Department responds that it has cited reductions in PM<sub>2.5</sub> concentrations as an ancillary benefit of this regulation. PM<sub>2.5</sub> concentrations have both a regional and local component. Regional reductions of SO<sub>2</sub> will help to reduce the regional component of PM<sub>2.5</sub> concentrations and, therefore, will help nonattainment areas achieve compliance. On June 29, 2012, the EPA proposed to conclude that the existing annual PM<sub>2.5</sub> standard is not protective of public health and therefore proposed a more protective primary standard to be set between 12-13 µg/m<sup>3</sup>. See 77 FR 38890. The EPA further proposed a new more protective secondary standard for visibility of either 28 or 30 deciviews (a measure of visibility impairment); the Pittsburgh-Beaver Valley area was one of the few that the EPA projected would need additional reductions by 2020 to meet this proposed standard.

The EPA finalized the PM<sub>2.5</sub> rulemaking on December 14, 2012, strengthening the annual primary standard, reduced to 12.0 µg/m<sup>3</sup> effective March 18, 2013, and retaining the existing 24-hour PM<sub>2.5</sub> standard at a level of 35 µg/m<sup>3</sup>. The EPA further retained the existing secondary standards for PM<sub>2.5</sub> to address PM-related effects such as visibility impairment. The EPA stated that it was relying on the existing secondary 24-hour PM<sub>2.5</sub> standard to protect against visibility impairment and was

not finalizing the separate proposed standard to protect visibility the EPA proposed in June 2012. See 78 FR 3086.

The same commentator stated that the impact of the increased demand for ultra-low sulfur diesel must be considered coupled with refinery closures that have also reduced supplies of distillate to this region. It stated that refineries Nationwide are experiencing record or near record losses and many are hanging on by a thread. The commentator thought that the proposed rulemaking would be particularly challenging to smaller refineries like Port Reading, American and United which cannot afford major capital investments in the current regulatory climate. The Department recognizes these concerns, particularly in regard to the smaller refineries. The final-form rulemaking does not increase the demand for ultra-low sulfur diesel. Since the comment period closed on November 29, 2010, there have been a number of significant changes in Eastern refineries, including the purchase and repurposing of the former Sunoco Marcus Hook refinery, the purchase of the former Sunoco Philadelphia refinery and the purchase of the Conoco-Phillips refinery. There are many reasons in addition to regulations for the closures of smaller, less profitable refineries and the affordability of major capital investments. The factors include decreasing gasoline use due to economic conditions and consumer habits and preferences as well as the inability of some Eastern refineries to process a wide range of crude oil types.

The same commentator stated that the rulemaking could not be justified as needed in the SIP for the substantial areas of this Commonwealth that are in attainment of the 1997 and 2006 PM NAAQS and that reductions are not needed Statewide because areas that contribute to nonattainment would already be included in the nonattainment area. The commentator stated that the Department did not include the measure in the Pittsburgh-Beaver Valley attainment plan. The Department responds that it has cited reductions in PM<sub>2.5</sub> concentrations as an ancillary benefit of this regulation. The Department did not include the measure in the Pittsburgh-Beaver Valley attainment plan because a state can only include measures in attainment plans that have already been adopted.

One commentator asked that the regulation not be included in the SIP because it may be difficult to amend if the fuel standard proves to be too problematic for the marketplace. The Department disagrees that the regulation should not be included in the SIP. This strategy was included as a measure the Department would pursue as part of the Commonwealth's long-term strategy in its regional haze SIP revision which was submitted to the EPA on December 20, 2010, and granted limited approval on June 13, 2012. See 77 FR 41279 (July 13, 2012). The low sulfur fuel strategy was also included in the contingency measure section of the SIP revision for the Pennsylvania portion of the Philadelphia-Wilmington, PA-NJ-DE PM<sub>2.5</sub> nonattainment area as a regulation in development and anticipated to be adopted. Because this strategy is an important component of the Commonwealth's plan for clean air, the Department will be submitting this rulemaking to the EPA upon final-form publication for inclusion in the Commonwealth's SIP. The final-form rulemaking includes the ability for the Department to grant a temporary suspension upon request if there is an insufficient quantity of compliant fuel available in an air basin or non-air basin areas.

One commentator stated that a 15 ppm sulfur content standard for No. 2 fuel oil would exceed Federal require-



ments and that a cost benefit analysis is needed. The Department disagrees that there are Federal sulfur requirements for No. 2 fuel oil that is not used for transportation purposes. As for a cost-benefit analysis, MANE-VU performed a cost-benefit analysis for sulfur reductions in fuel and determined that the benefits exceeded the costs. The report used by the MANE-VU, "Low Sulfur Heating Oil in the Northeast States, An Overview of Benefits, Costs and Implementation Issues," found that a decrease in No. 2 fuel oil from a sulfur content of 2,500 ppm to 500 ppm would produce a net savings because a slightly higher fuel oil cost would be more than offset by reduced furnace maintenance costs and higher efficiency.

IRRC commented that the proposed regulation would have direct and indirect effects on a broad range of citizens, businesses and industry. IRRC noted that several comments were received in support of the regulation, even from those who may have opposed portions of it. IRRC recognized that the proposed rulemaking would involve the availability of fuel, the price of fuel, significant economic investment and approval of temporary suspensions by the EPA that may affect the economic interests of all of this Commonwealth. Therefore, IRRC recommended the Board seek the advice of the General Assembly on whether the regulation represents a policy decision of a substantial nature that it requires legislative review. The Department responds that this rulemaking is authorized under the APCA. The proposed rulemaking was, and this final-form rulemaking will be, reviewed by the General Assembly according to the procedures in the Regulatory Review Act (71 P.S. §§ 745.1—745.12). In reviewing the proposed rulemaking, the House and Senate Environmental Resources and Energy Committees had the opportunity to object. The House and Senate Committees did not do so. The Department has taken the specific concerns of House and Senate Committee members into account in developing the final-form rulemaking.

#### *Regional Consistency*

Several commentators supported an approach consistent with New Jersey's regulation with a 500 ppm sulfur content limit for No. 2 fuel oil in 2014 and a second step reduction to 15 ppm sulfur by 2016, saying this would provide for regional fuel delivery consistency and security while reducing sulfur emissions from these products. Another commentator noted that the New Jersey rulemaking cited the Hart Consulting study "Ultra Low Sulfur Heating Oil Assessment" that concluded the time needed for refineries to install desulfurization capacity was 4 years. The Department considered the two-step approach taken by New Jersey but concluded that this Commonwealth has a different profile of users and producers. The sulfur content limit for No. 2 fuel oil in the final-form rulemaking is consistent with the first phase of implementation in New Jersey, namely 500 ppm. However, factors such as consideration of the need to install additional desulfurization capacity in western refineries in this Commonwealth make regional consistency a less important consideration than timing and cost-effectiveness in the choice of 500 ppm rather than 15 ppm. The Department revised the compliance date to July 1, 2016, to allow time for refiners to add desulfurization capacity.

Two commentators noted that the timing of the Commonwealth proposed requirement for 15 ppm sulfur content for No. 2 fuel oil coincides with New York's recently enacted law. New York is the largest consumer of No. 2 fuel oil, consuming approximately 1.4 billion gallons annually. This Commonwealth is the third largest con-

sumer of No. 2 fuel oil, consuming approximately 891 million gallons annually. According to the commentators, this means that by 2012 approximately 2 billion gallons of No. 2 fuel oil will have to be replaced with ultra-low sulfur diesel. In 2009, the two states combined consumed approximately 3.7 billion gallons of ultra-low sulfur diesel, meaning the amount of ultra-low sulfur diesel supplied to the Central Atlantic region will have to rise by over 50% by 2012. Another commentator noted that the Commonwealth's proposed rulemaking was similar to action recently taken by New York, Connecticut and Maine. The commentator suggested that the Commonwealth require No. 2 fuel oil to meet the 15 ppm sulfur standard in 2012 similar to New York's compliance schedule to allow refiners and the supply network a clearly defined goal in the two largest oilheat fuel markets in the country. The Department responds that it revised the sulfur levels and compliance date. The accelerated time frame in New York is not appropriate for the Commonwealth. The Department revised the compliance date to July 1, 2016, for reducing the allowable sulfur content in commercial fuel oil to allow time for refiners to add desulfurization capacity. In addition, the Department revised the sulfur content level in No. 2 fuel oil, which is most of the commercial fuel oil sold in this Commonwealth, to 500 ppm.

#### *Furnace Efficiency*

Two commentators wrote that the highest efficiency condensing boiler/furnace systems can be fired by either natural gas or heating oil. They did not find equipment manufacturers' specifications that require the use of ultra-low sulfur heating oil or demonstration of the emissions benefits of condensing boiler/furnace systems. The Department agrees that either natural gas or heating oil can be used in high efficiency systems and that it appears that the use of ultra-low sulfur heating oil is not explicitly required.

#### *Price and Cost*

Several commentators expressed concern that the proposed 15 ppm sulfur limit for No. 2 fuel oil would impose unnecessary costs on heating oil users. One commentator retained Hart Consulting to study the impact of lowering the heating oil specification by 2012 and provided a copy of the report "Ultra Low Sulfur Heating Oil Assessment." The report concluded that production of 15 ppm sulfur content No. 2 fuel oil would cost more than high sulfur No. 2 fuel oil, with 20¢ to 30¢ per gallon premiums to be expected in the short run and higher premiums and fuel shortages during cold weather. The Department agrees that the cost of fuel would be higher. However, with the final-form rulemaking limit at 500 ppm, the costs will be offset by reduced furnace maintenance costs. Consumers in this Commonwealth should save money in the operation of existing furnaces due to improved furnace and boiler efficiency by reducing fouling rates of furnace and boiler heat exchangers and other components, leading to an overall savings from reduced sulfur content. In addition, a 500 ppm sulfur content fuel oil may lead to new, more cost-effective designs and more widespread use of high efficiency condensing boilers or furnaces, reducing pollution and increasing fuel efficiency. One trade group noted that sulfur in fuel oil was the "real obstacle for equipment design" ([www.biodieselmagazine.com/article.jsp?article\\_id=3937&q=&page=2](http://www.biodieselmagazine.com/article.jsp?article_id=3937&q=&page=2)). The 2008 Northeast Heating Oil Assessment estimates that there would be a 6.3¢ to 6.8¢ per gallon incremental production cost for 500 ppm vs. 2,500 ppm sulfur content home heating oil (No. 2 commercial fuel oil), including capital costs. Note that this is a cost to the producers; prices to the ultimate

consumer will be influenced by additional factors. Furthermore, this is a cost assuming all producers would incur some costs to install additional desulfurization, so this may be an overestimate for this Commonwealth. Assuming that the entire cost of producing 500 ppm fuel oil is passed on to the consumer, the increased cost to the residential customer would be about \$29 per year. However, since furnace and boiler maintenance costs for consumers would be lower due to less fouling of their combustion units, NESCAUM reported a median annual savings of \$29 per household on furnace vacuuming by using 500 ppm sulfur content commercial fuel oil. This is probably an underestimate because furnace maintenance costs have likely increased since 2005 due to inflation.

A commentator suggested that a 500 ppm sulfur content standard for No. 2 fuel oil would be less likely to result in price spikes because there are more additional sources of supply. The commentator stated that approximately 26 additional countries can provide supply at a 500 ppm sulfur content standard, which can reduce long term costs and supply disruption risks. A 500 ppm sulfur content standard would also allow use of 400 ppm sulfur kerosene as a blendstock to enhance No. 2 fuel oil supplies. The Department agrees and revised the sulfur content standard to 500 ppm.

#### *Costs for Transportation Fuel*

Several commentators expressed concern that the proposed rulemaking could have unintended negative consequences for highway diesel fuel users by creating market competition between highway fuel and home heating oil. This competition could have a sharp price impact for on-road diesel fuel, create seasonal price spikes for home heating oil and create year-round supply problems harming both home heating oil consumers and operators of diesel vehicles. Commentators offered price increase estimates. A commentator expressed concern that a 15 ppm sulfur content standard for No. 2 fuel oil would result in the need for additional refiner processing of higher sulfur distillate fuels and would increase the demand for a limited supply of ultra-low sulfur diesel, resulting in a higher price for on-road diesel fuel. This could create a competitive disadvantage for trucking companies based in this Commonwealth.

Referencing these comments, IRRC suggested the Board provide an analysis of the impact of the regulation on both the fuels directly included in the regulation and other fuels derived from the same sources, including an analysis of the supply and demand for the fuels and the effect of the regulation on the availability and price of these fuels. IRRC cited comments that expressed concern that homeowners relying on home heating fuel oil could be impacted by the price and availability of fuel, concern about overall fuel supply disruption and concern about timing and sulfur limits translating into a higher price for on-road diesel fuel and price spikes for home heating fuel oil.

The Department responds that the final-form rulemaking does not require the same sulfur content in home heating oil as is required by the EPA for highway fuel. Because more sulfur will be allowed in heating oil in this Commonwealth than in transportation fuels, off-specification transportation fuel can be used as home heating oil, thus easing supply concerns in both markets. Home heating oil and diesel fuel competed in the same market for many years. It was only with the implementation in 1993 of the first Federal sulfur content standards for highway diesel fuel to 500 ppm that separate markets for low sulfur diesel, meeting a 500 ppm sulfur content

standard, and distillate heating oil at higher sulfur limits were created. Requirements for 15 ppm diesel fuel have further separated these markets. Some commentators recommended that a distinct market for heating oil continue to exist in this Commonwealth so that demand for 15 ppm transportation fuel does not adversely affect supply and price of heating oil. The Department agrees. Having separate markets does not necessarily mean large differences in price or a large reduction in the price of home heating oil, even though currently there are less stringent sulfur content standards and, thereby, fewer costs associated with removing sulfur from home heating oil. With the revisions in the final-form rulemaking, the Department does not expect that future competition in the marketplace between the users of home heating oil and the users of ultra-low sulfur distillate fuel as on or off-road diesel fuel will result in higher prices for either groups of consumers or adversely impact supply or demand for heating oil.

One commentator wrote that establishing the same 15 ppm sulfur content standard for heating oil as diesel fuel would result in dramatic operating cost reductions for distribution companies, many of which are small businesses. The Department responds that because refineries and terminals are already handling multiple grades of distillate, the benefit of minimizing the number of tanks due to consistent sulfur content limits in distillate fuels is not significant.

A commentator wrote that a 15 ppm sulfur content standard for No. 2 fuel oil would preserve or create jobs in this Commonwealth because it would enhance and modernize the product to keep the oilheat distribution industry, which employs approximately 7,000 people, competitive in the future. The Department responds that while the final-form rulemaking does not require 15 ppm sulfur content in heating oil, the Department understands that because of requirements in other states, some suppliers in this Commonwealth may choose to purchase this fuel to reduce operating costs or offer a cleaner product to its customers. Fuel at 15 ppm sulfur would obviously be compliant fuel in this Commonwealth. This would be a business decision on the part of each distribution company.

#### *Credit Banking and Trading*

Several commentators suggested consideration of an averaging, banking and trading program to provide flexibility to refineries for the 15 ppm No. 2 fuel oil sulfur limit in the proposed rulemaking. The Department responds that the limits and compliance date have changed in the final-form rulemaking. In addition, banking, averaging and trading programs are more difficult to administer than the regulatory approach that the Department has chosen, in which all refiners shall meet a 500 ppm sulfur in fuel level by July 1, 2016. A banking, averaging and trading program would require administrative oversight and costs to the Department and the regulated community, extensive involvement of financial planners and investors, an annual "true-up" of the bank and trading program, and a verification program, through an enforceable fuel sampling program, to guarantee that the SO<sub>2</sub> credits traded are the result of real reductions in air pollution. This verification program could be burdensome, as it would need to ascertain compliance and the number of "credits" generated.

#### *Heating Oil Supply*

One commentator noted that during peak heating oil season, a portion of the supply is provided by imports



from areas that do not have diesel desulfurization requirements similar to the United States and Canada. The Department understands the commentator's concerns. Although the final-form rulemaking does not adopt fuel content limits equivalent to transportation fuel (ultra-low sulfur diesel), there is a trend in the market toward lower sulfur levels. The Hart Consulting study states "Imports have played a decreasing role in the NY/NJ market coinciding with reductions in the high sulfur off-road distillate market. Peak seasonal winter supplies from imports have declined significantly" (p. 11). Most countries are now undergoing the shift to ultra-low sulfur diesel in their transportation sectors. For example, Russia has just finished its changeover to 10 ppm ultra-low sulfur diesel transportation fuel in 2009 in accordance with Euro Directive 29V, the European Union's emission regulations for new heavy-duty diesel engines, and may soon be able to provide ultra-low sulfur diesel fuel to the world market. Other European and Asian countries are also completing this shift to ultra-low sulfur diesel and the world market for this product is expected to return to balance in the near future. (See <http://www.dieselnet.com/standards/eu/fuel.php>.)

The same commentator noted that demand for low sulfur diesel will likely increase in 2015 when ocean-going vessels in United States ports will be required to use 1,000 ppm sulfur fuel. The Department agrees. The EPA, through the International Maritime Organization, a specialized agency of the United Nations, finalized plans on March 26, 2010, that would subject ships within a 200 nautical mile buffer zone around the United States and Canadian coastlines to stricter air pollution regulations. As part of this effort, the EPA will require ships to use fuel oil meeting a lower sulfur content standard of 1,000 ppm by January 2015 within the 200 nautical mile zone. The ships now use fuel with as much as 40,000 ppm sulfur. The EPA standard for ships would provide a place for the refiners to market off-specification fuel after the 500 ppm sulfur content standard is in effect.

Two commentators stated that ultra-low sulfur diesel demand is expected to rebound as the United States and European economies recover and strengthen. One commentator noted that demand for low sulfur distillates has been rising quickly in rapidly growing countries such as China and India and in some new markets, such as Chile, that have recently begun using ultra-low sulfur diesel for transportation fuel. The result has been a surge in exports of distillate and rising ultra-low sulfur diesel prices as the market becomes tighter. Diesel has risen 30¢ per gallon since November 2009 versus 26¢ per gallon for gasoline and about 20¢ per gallon for crude oil prices. The Department agrees that ultra-low sulfur diesel demand is likely to rebound when the global economy recovers and strengthens. The final-form rulemaking does not require heating oil to meet ultra-low sulfur diesel limits.

#### *Pipeline Interface*

Several commentators suggested that a 500 ppm sulfur content standard for No. 2 fuel oil would allow flexibility to handle jet fuel/ultra-low sulfur diesel pipeline interfaces after 500 ppm diesel is phased out in 2014. Colonial Pipeline Company's system generates an estimated 6 million barrels of jet fuel/ultra-low sulfur diesel interface per year. A 15 ppm sulfur content limit in No. 2 fuel oil would eliminate the flexibility for blending the interface into No. 2 fuel oil. This would create inefficiencies in the system resulting in the interface having to be returned to a refinery for reprocessing. One of these commentators

stated that pipeline interfaces between higher sulfur products like jet fuel or kerosene and ultra-low sulfur diesel would no longer be able to be marketed as a high value fuel and would have to be downgraded to much lower value fuel. One of the commentators stressed the need for justification of the 15 ppm sulfur content standard for No. 2 fuel oil and recommended a 500 ppm sulfur standard to allow handling of jet fuel/ultra-low sulfur diesel pipeline interface. Another commentator suggested that a sulfur limit phased in over several years similar to the New Jersey rule would allow pipeline systems and distribution terminals to adjust their facilities and operations to ensure the most efficient operations. The Department acknowledges these concerns and revised the sulfur content limit to 500 ppm, which should significantly reduce reprocessing and downgrading of fuel oil. Furthermore, not all outlets for off-specification fuel would be foreclosed. The EPA will require ships to use fuel oil meeting a 1,000 ppm sulfur content limit by January 2015 within the 200 nautical mile zone. Ships now use fuel with as much as 40,000 ppm sulfur.

#### *Emission Reductions and Energy Savings*

One commentator stated that the estimated emission reduction of 29,000 tons of SO<sub>2</sub> per year from the proposed rulemaking was a substantial decrease in local emissions. Another commentator noted that this estimated emission reduction was not significant when compared to SO<sub>2</sub> emissions of 780,000 metric tons from power plants in this Commonwealth in 2008. A third commentator believed the benefits of the proposed rulemaking were overstated and did not justify its adoption at this time. The Department responds that the allowable sulfur content limits in the final-form rulemaking are now estimated to reduce emissions by 25,000 tons of SO<sub>2</sub>. The Department evaluated this rulemaking as part of the regional haze strategy and determined that this reduction is necessary and appropriate.

One commentator believed it would be better to obtain SO<sub>2</sub> emissions reductions from coal-fired EGUs before requiring a 15 ppm sulfur content limit for No. 2 fuel oil. The Department notes that reductions from coal-fired EGUs are being made; additional reductions are expected as a result of Federal regulatory requirements such as the Mercury and Air Toxics Standards, the 2010 1-hour standards for SO<sub>2</sub> and nitrogen dioxide, and programs addressing interstate transport in the eastern United States to reduce PM<sub>2.5</sub> and ozone concentrations. The final-form rulemaking has considered the overall reduction of SO<sub>2</sub> from various sources needed to meet the Commonwealth's regional haze obligations and no longer contains requirements for 15 ppm sulfur content.

A commentator wrote that the EPA's proposed area source National Emission Standards for Hazardous Air Pollutants (NESHAP) rule imposes low PM and carbon monoxide standards on new oil-fired boilers. If finalized, this rule would eliminate potential energy savings in oil-fired boilers from use of lower sulfur fuels. The Department disagrees. The NESHAP rule does not affect residential furnaces, which constitute a large use of commercial fuel oil in this Commonwealth. Therefore, additional energy savings from increased efficiency from use of lower sulfur fuels in these furnaces will be realized.

A commentator stated that a standard lower than 500 ppm sulfur for No. 2 fuel oil would have unintended negative environmental consequences and would probably raise greenhouse gas emissions and will not increase boiler efficiency. The commentator stated that the

desulfurization process is energy intensive and will emit greenhouse gas in a larger amount than would be offset by the theoretical increased boiler efficiency. The Department responds that the final-form rulemaking does not require a standard lower than 500 ppm.

#### *Residual Fuel Oil*

Several commentators opposed the sulfur limits for residual fuel oils. Two commentators stated that the proposed 0.5% sulfur content standard for No. 5 and No. 6 residual fuel oil is too stringent. They wrote that sulfur removal from residual fuels is technologically difficult, very costly and usually economically prohibitive. The proposed standard would potentially lead to export of these fuels instead of treatment to remove sulfur. They said that alternatively refiners could upgrade the residual oil to lighter distillates. The Department disagrees that the 0.5% or 5,000 ppm sulfur content standard is too stringent. Refiners are currently providing residual fuel oil with a 5,000 ppm sulfur content for sale in the Southeast Pennsylvania air basin, as well as several counties in New Jersey (and 3,000 ppm in some New Jersey counties). The MANE-VU states chose the 5,000 ppm residual oil standard as a goal for a regionally consistent level to reasonably reduce SO<sub>2</sub> emissions from this fuel. New Jersey, Vermont, Maine and Massachusetts have already adopted a 5,000 ppm maximum sulfur content. A market for off-specification residual oil, above a 5,000 ppm sulfur content standard, exists in the marine vessel market. Marine vessels located in the ocean and away from the United States and Canadian coast will still be able to be use residual fuel oil with a sulfur content greater than 5,000 ppm. According to the U.S. Energy Information Administration (EIA) State Energy Data System, in 2010 almost half of all residual oil is used for vessel bunker purposes (residual oil by its nature and by EPA regulation cannot be used in on-road vehicles or most off-road uses). Furthermore, existing provisions regarding emissions of SO<sub>2</sub> from installations where equipment or processes are used to reduce the emissions from burning fuels with a higher sulfur content than specified in the final-form rulemaking allow higher sulfur content in commercial fuel oil as long as the emissions do not exceed those that would result from the use of commercial fuel oil that meets the applicable maximum allowable sulfur content of this final-form rulemaking. The use of residual oil has declined Nationally due to a variety of factors; given the relatively small amount of residual oil in use in this Commonwealth for nontransportation purposes, it is unlikely that demand could not be met.

Another commentator opposed the proposed 0.5% sulfur content standard for No. 5 and No. 6 residual fuel oil, writing that there is a very limited supply of residual fuels Nationally and a refiner will not make capital investments or use higher cost low sulfur crudes to produce lower sulfur residual fuel oils because each gallon of residual fuel oil is worth less than the crude oil from which it is refined. The commentator stated that the requirement is unsustainable economically and environmentally, and will place users of this fuel in this Commonwealth at a severe competitive disadvantage and that the size of this market in this Commonwealth means that any reduction in sulfur content has a miniscule impact. The Department agrees that most of the emission reduction in the final-form rulemaking comes from lowering sulfur content in No. 2 rather than from reducing sulfur in residual fuel oils. However, the emission reductions will nonetheless be helpful for reducing regional haze and achieving the other cobenefits of the final-form rulemaking. Because of the small size of the market in this

Commonwealth and the number of states that have adopted (or are anticipated to adopt) the MANE-VU limits for residual fuel oil, the Department believes that regional consistency is an important consideration for this fuel. Therefore, the residual fuel content limits in the final-form rulemaking have not changed from those in the proposed rulemaking.

One refinery commentator stated that its No. 6 fuel oil production currently meets or exceeds the proposed 0.5% sulfur content standard and could be used as a blend stock by others to satisfy the proposed No. 4 and No. 5 oil sulfur standards. The Department thanks the commentator for its support of the sulfur content requirements for No. 4 and No. 5 fuel oil.

Another refinery commentator expressed concern because it does not have hydrotreating capacity to treat Nos. 4, 5 and 6 commercial fuel oil. The Department acknowledges the concern and notes that the Department revised the compliance date for reducing the allowable sulfur content in commercial fuel oil to allow time for refiners to add hydrotreating capacity.

IRRC commented that two refinery commentators stated that sulfur removal from heavy fuel oils is technologically difficult, very costly and usually economically cost prohibitive. IRRC noted that these commentators stated that the market reality of the limit to 0.5% sulfur for these fuels is that these refiners will export the fuels rather than make the investments required to meet the 0.5% limit. IRRC stated that it was concerned that the regulation may disrupt the supply of these fuels in this Commonwealth. IRRC recommended that the Board review the 0.5% sulfur content standard for No. 5, No. 6 and heavier oils and explain why the limits in the final-form rulemaking are needed, reasonable and cost-effective. IRRC requested the same evaluation of, and explanation regarding, the 0.25% limit for No. 4 fuel oil.

The Department responds that it determined that the 0.25% content standard for No. 4 fuel oil and the 0.5% sulfur content standard for No. 5, No. 6 and heavier oils are needed, reasonable and cost effective for a number of reasons. As explained in responses to comments under General Opposition, the Commonwealth is required under the CAA to make progress toward achieving natural background visibility conditions at Federal Class I areas. See section 169A of the CAA and 40 CFR Part 51, Subpart P. Reduction of allowable sulfur content of fuel oil has been identified as a reasonable strategy by the MANE-VU, of which the Commonwealth is a member. The Department indicated in its Regional Haze SIP revision that the Commonwealth would pursue adoption of reduced sulfur content in commercial fuel oil and other emission management strategies, as appropriate and necessary, as part of its long-term strategy to meet the reasonable progress goals contained in the SIPs of states with Class I areas that may be affected by emissions from this Commonwealth. MANE-VU modeling identified SO<sub>2</sub> as the primary source of visibility impairment in the region. The MANE-VU performed a cost-benefit analysis for lowered sulfur limits and determined that the benefits exceed the costs. In addition, reducing SO<sub>2</sub> levels will assist the Commonwealth in meeting current and anticipated NAAQS for fine particulate matter (PM<sub>2.5</sub>) and SO<sub>2</sub>.

These sulfur content limits are consistent with the levels the Department agreed to pursue, as necessary and appropriate, in the Commonwealth's Regional Haze SIP. Refiners are currently providing residual fuel oil meeting the 0.5% sulfur content for sale in the inner zone of

Philadelphia as well as in several counties in New Jersey, as this (or an even lower standard) has been the existing sulfur in fuel standard for those counties. See § 123.22(e)(2) and N.J.A.C. § 7:27-9.2 (relating to sulfur content standards). The MANE-VU states chose to pursue the 0.25% content standard for No. 4 fuel oil and the 0.5% sulfur content standard for No. 5, No. 6 and heavier oils as a regionally consistent level to reasonably reduce SO<sub>2</sub> emissions. The Department revised the compliance date for reducing the allowable SO<sub>2</sub> content in commercial fuel oil to allow time for refiners to add desulfurization capacity. Other options exist to reduce the sulfur content of residual fuel oil, including reprocessing the fuel oil to remove more sulfur and blending lower sulfur fuel oil with higher sulfur fuel oil to meet the 0.25% and 0.5% standards.

#### *Sell-Through Provisions*

Several commentators thanked the Department for clarifying that the ultimate consumer is able to use fuel oil purchased prior to the compliance date of the final-form rulemaking. The Department thanks the commentators for their comments.

#### *Temporary Suspension Mechanism*

One commentator supported the exemptions provided in the proposed rulemaking as these appropriately recognize extenuating circumstances which could affect the production or availability, or both, of compliant fuel oil. The Department agrees and is retaining the provision, with revisions, to ensure that residents of this Commonwealth using heating oil are not without the capacity to heat their homes, offices and places of employment in the winter.

Several commentators expressed concerns with the waiver provision. In addition, IRRRC requested explanation of how the temporary suspension mechanism would be effective in addressing a shortage of compliant fuel. IRRRC stated that the proposed rulemaking was not clear regarding the process to be followed, when the EPA would complete its review, content required by the EPA to grant the request or whether the EPA was required to entertain the request. IRRRC questioned how an excessive price for compliant fuel would be considered in the determination of whether compliant fuel is "available" and whether the Department has alternatives if the EPA refuses to entertain or denies the request. IRRRC requested an explanation of how the temporary suspension mechanism is feasible, reasonable and in the best interest of the Commonwealth.

The Department is retaining the temporary suspension provision, with revisions, to ensure that residents of this Commonwealth using heating oil are not without the capacity to heat their homes, offices and places of employment in the winter. The granting of any temporary suspension has a high threshold of proof and will be used sparingly. The Department has had operational experience in the multiple factors that must be taken into account in exercising enforcement discretion for fuel requirements in the gasoline program in Chapter 126, Subchapter C (relating to gasoline volatility requirements). In that program, price is not considered to be a direct factor in determining availability; excessive prices, however, can be symptomatic of a significant fuel shortage.

The Department agrees that the temporary suspension provisions needed to be more specific. The final-form rulemaking adds additional criteria for granting a temporary suspension and a 60-day time limit. The additional

criteria parallel criteria in the CAA regarding EPA waivers for certain motor vehicle fuel requirements (see section 211(c)(4)(C)(ii) and (iii) of the CAA (42 U.S.C.A. § 7545(c)(4)(C)(ii) and (iii))) to ensure that the suspension is not used to address the lack of prudent planning on the part of fuel suppliers. Additional provisions could hampering the decision making process since, in the Department's experience with motor vehicle gasoline, each situation will likely differ. The 60-day time limit was chosen to be roughly equivalent to a typical homeowner's frequency of refilling a heating oil tank. A 60-day suspension would allow a homeowner to refill a tank with noncompliant fuel. The final-form rulemaking requires the Department to limit a suspension or increase in maximum allowable sulfur content to the shortest duration in which adequate supplies of compliant fuel oil can be made available. The Department removed language requiring EPA approval from the final-form rulemaking. For all of these reasons, the temporary suspension provision is feasible, reasonable and in the best interest of the Commonwealth.

#### *Sampling and Testing Requirements*

Two commentators stated that retesting in the terminal is an unnecessary burden and should not be required because refineries shall test and certify that their products meet applicable specifications prior to leaving the refinery and pipelines maintain the integrity of the product while transporting the product to terminals. Similarly, IRRRC requested an explanation of why the sampling and testing requirements are needed and would not result in excessive or repetitive sampling and testing of fuels. The Department responds that it revised the sampling and testing requirements to eliminate excessive or repetitive sampling and testing provisions. Sampling and testing will be necessary only if the shipment lacks records regarding sulfur fuel content.

One commentator stated that the proposed § 123.22(f)(2) would require "a refinery owner or operator who produces fuel oil intended for use or used in the Commonwealth . . . to sample, test and calculate the sulfur content of each batch of commercial fuel oil." The commentator stated that the Commonwealth cannot require sampling and testing for out-of-State parties. The Department disagrees. The final-form rulemaking regulates only a refinery owner or operator selling or transferring product in or into this Commonwealth for use in this Commonwealth. If the refiner wants to ship its product to this Commonwealth, then it is subject to these requirements. The regulated consumers in this Commonwealth require accountability of the sulfur content by means of the sampling and testing requirements in subsection (f) and the recordkeeping and reporting requirements in subsection (g). Given the revision to the sampling and testing provisions in the final-form rulemaking, customers in this Commonwealth are unlikely to accept shipment without documentation of sampling and testing because they would have to conduct their own sampling and testing.

A commentator supported the Department's addition of sampling, recordkeeping and reporting requirements as the provisions would enhance the Department's ability to determine that only compliant fuels are being used and give the Department the ability to track batches of fuel oil from refinery production to end usage. The Department agrees that both current industry practices and the final-form rulemaking provide the Department with the ability to track fuel batches.



The commentator believed that the recordkeeping requirements are practical because requirements are not imposed on residential end users. The Department agrees.

#### *Major Comments and Responses on the ANFR*

As previously noted, an ANFR was published at 42 Pa.B. 3596. The comment period closed on July 23, 2012. The draft final-form rulemaking contained significant changes in several areas and the Department believed that, while not legally required, further discussion and an additional comment period would serve the public interest. The most significant changes made in the draft final-form rulemaking included the following: (1) an increase in the sulfur limit for No. 2 and lighter commercial fuel oil from 15 ppm to 500 ppm; (2) a postponement of the compliance date for revised sulfur limits from May 1, 2012, to July 1, 2016; (3) changes in the temporary suspension provision to remove EPA concurrence and to remove the maximum allowable sulfur content of 500 ppm for a temporary increase; (4) changes in the sampling and testing requirements to require sampling, testing and calculating of sulfur content by a transferor only if records are not otherwise provided with the shipment; and (5) a change to allow sulfur content to be recorded as either ppm by weight or weight percent and to clarify that the actual sulfur content (not the regulated maximum allowable sulfur content) must be in the record.

Eight commentators submitted comments on the ANFR: three corporations (a wholesale electricity generator, a refinery owner and operator, a pipeline and terminal company); three industry trade associations; an environmental organization; and an environmental consulting company.

Several industry commentators felt the draft final-form rulemaking provided cost-effective environmental benefits and sufficient lead time for companies to make changes to refining and distribution operations.

The Pennsylvania Petroleum Marketers and Convenience Store Association (PPMCSA) supported a more aggressive schedule for reducing sulfur in heating oil and recommended that the Department adopt 15 ppm effective as early as practicable, at the very least no later than the New Jersey schedule (July 1, 2016). The PPMCSA stated that use of ultra-low sulfur heating oil results in improvements in the environment. While the Department agrees that the use of 15 ppm would provide a small additional environmental benefit, the benefit is not cost-effective at this time. Most of the benefit in the change in sulfur levels comes from reducing sulfur from existing levels (2,000 to 2,500 ppm) to 500 ppm.

The Clean Air Council (CAC) urged the adoption of a standard more protective of public health. The commentator explained that heating oil burners emit PM, NO<sub>x</sub>, SO<sub>2</sub>, mercury and CO<sub>2</sub> have a major impact on public health, ozone formation, PM<sub>2.5</sub>, regional haze and acid precipitation, and that the change from 15 ppm to 500 ppm results in nearly a 20% increase in SO<sub>2</sub> emissions. The commentator stated this has real and measurable impacts on human health, including a change from the estimated 85 lives saved in this Commonwealth to 77 lives saved and an additional \$7.4 million in avoided medical costs in 2018. Health and welfare co-benefits include reductions in NO<sub>x</sub>, CO<sub>2</sub>, ozone, PM<sub>2.5</sub> and acid rain. The Department agrees that heating oil emits these pollutants and is reducing sulfur in commercial fuel oil primarily to reduce regional haze. SO<sub>2</sub> and NO<sub>x</sub> are significant contributors to regional haze, and their reduc-

tion also has health cobenefits. For environmental benefit, see the preceding response.

The PPMCSA and CAC stated that the use of ultra-low sulfur heating oil (15 ppm) results in cleaner, more efficient combustion processes in oilheating equipment, resulting in cost savings to consumers. While the Department agrees that cleaner combustion results in cost savings to consumers, most of the benefit results from the reduction from existing levels to 500 ppm. Furthermore, the use of advanced efficiency furnaces does not require the use of 15 ppm fuel.

These two commentators also stated that having on-road, off-road and heating oil at the same sulfur level would result in significant operational efficiencies through storage in the same containers and thus cost savings for marketers who distribute these products. The Department agrees there would be some efficiency in storage and transportation but, as indicated by comments on the original proposal, mandating fuel sulfur levels at 15 ppm also carries the risk of higher prices for both heating oil and transportation fuels.

The PPMCSA commented that announcements indicating continued operation of two refineries in Southeast Pennsylvania and previously announced capacity enhancements of the Colonial Pipeline signal a stable source of ultra-low sulfur fuel for the region. The Department agrees that the potential for stable fuel supply has improved in the last few months. However, one refinery has shut down and will be repurposed. It is still uncertain whether the types of fuels to be supplied into the market from the other refineries will change.

The CAC commented that the concerns of refineries are overstated because the small increase in refining costs will be able to be absorbed by the consumer through savings in other areas and, with adequate notice, there will be enough supply to meet the demand. There will be costs to reducing sulfur from existing levels to 500 ppm, but only a small additional cost to reduce sulfur further to 15 ppm. The commentator felt that the concern with all Northeast states moving to a 15 ppm standard, namely that there will not be enough supply, was overstated. The Department disagrees with the characterizations on cost and supply. The commentator appears to be confusing the incremental cost difference to the consumer with the cost incurred by an individual owner or operator of a refinery to install sufficient desulfurization to meet the 15 ppm level. Desulfurization capacity is very expensive and is not cost-effective for the additional environmental benefit. The supply aspect is answered in the preceding response.

The CAC commented that refineries commented during the proposed rulemaking that given adequate time (to 2018) a 15 ppm standard would be a more feasible standard. The commentator supported the stepped approach used in several other states (500 ppm in 2014 and 15 ppm in 2018) as reasonable and as being similar to the incremental stepped approach in transportation fuels. The commentator suggested a compliance date for 500 ppm sulfur of 2014 and a 15 ppm sulfur limit, to provide refiners with 4 years notice from when they reasonably should have been on notice of a change in the sulfur standard, noting that New York successfully transitioned to 15 ppm in a 2-year time frame. The Department has not adopted the suggested phased-in schedule since allowing refiners the time to develop adequate desulfurization capacity is important to ensuring supplies of commercial fuel oil in this Commonwealth. New York's transition to

15 ppm in 2012 creates additional demand for 15 ppm fuel and New Jersey will add to that demand in 2014.

Two industry commentators suggested that the Department revise the definitions of "ultimate consumer" and "retail outlet" by deleting "a combustion unit" and substituting "fuel oil-burning equipment" so that these definitions would be consistent with the definition of "commercial fuel oil." The Department agreed that the terms should be consistent and changed "fuel oil-burning equipment" to "combustion unit" in the definition of "commercial fuel oil."

These commentators requested that language be added to the definition of "ultimate consumer" to ensure that facilities with the same owner or operator that engage in the non-resale transfer of commercial fuel oil are included in the definition. The Department does not agree that the additional language is necessary because the definition in the final-form rulemaking already includes these non-resale transfers.

Phillips 66 commented that the sulfur levels for No. 5 and No. 6 fuel oils (residual oils) are too stringent and could result in significant loss of supply. The company stated that sulfur removal from these heavier fuels is technologically difficult, very costly and usually economically prohibitive. The company explained that dilution is not a viable solution because blending may lead to not meeting other parameters and dilution with lighter, more valuable product is unlikely to be undertaken by refiners. Phillips 66 explained that dilution would yield more product than is needed by the market so there would be no outlets except export. The company suggested a fuel sulfur level for Nos. 5 and 6 of 1.0% and leaving the existing standard for the Southeast Pennsylvania air basin (0.5%) in place.

The Department respectfully disagrees. As the commentator points out, refiners are currently providing residual fuel oil with a 5,000 ppm sulfur content for sale in the Southeast Pennsylvania air basin, as well as several counties in New Jersey (and 3,000 ppm in some New Jersey counties). The MANE-VU states chose the 5,000 ppm residual oil standard for a regionally consistent goal level to reasonably reduce SO<sub>2</sub> emissions from this fuel. New Jersey, Vermont, Maine and Massachusetts have already adopted a 5,000 ppm maximum sulfur content. A market for off-specification residual oil above a 5,000 ppm sulfur content standard exists in the marine vessel market. According to the EIA State Energy Data System, in 2010 almost half of all residual oil was used for transportation purposes (residual oil by its nature and by EPA regulation cannot be used in on-road vehicles or most off-road uses, but can be used in large marine vessels). Furthermore, fuels with a higher sulfur content than those specified in the final-form rulemaking can be used in combustion units if control equipment or processes ensure that the existing SO<sub>2</sub> limits in pounds of SO<sub>2</sub> per million Btu of heat input over a 1-hour period are not exceeded.

The CAC commented that establishing a suspension policy for the rare times that compliant commercial fuel oil is legitimately unavailable is a reasonable and prudent measure. The Department agrees, as ensuring that customers have enough fuel for home heating is essential.

The CAC also commented that the specific requirements of the suspension policy have not been codified, which could leave it open for abuse from commercial fuel oil refiners. The two major flaws are as follows: 1) it is not clear under what limited circumstances the Depart-

ment can grant a suspension; and 2) it does not include a time limit for how long a suspension can last. In particular, the provision could allow a suspension of the limits due to poor planning or refusal of the refiners to make enough compliant fuel. The Department agrees that the temporary suspension provisions should be made more specific. The final-form rulemaking adds additional criteria for granting a temporary suspension and a time limit.

The CAC suggested that the Department adopt the language of section 211(c) of the CAA that sets a suspension limit of 20 days. The Department included language similar to section 211(c) of the CAA as it relates to planning, but has included a 60-day limit rather than 20 days, as many heating oil customers fill their tanks about every 2 months during the heating season.

Various industry commentators commented that the proposed amendments are not consistent with current industry practice and should be modified. They stated that current practices for testing, transporting and documenting heating oil are sufficient to ensure product delivered and sold in this Commonwealth will meet standards. They said it is impractical and unworkable to require each heating oil custody or title transfer to identify the actual sulfur content on the product transfer document because of the fungibility of the product, and that many transfers within a company or to a bulk distributor often do not test for the exact sulfur level. They called the requirement for specifying actual sulfur content for each sale or transfer impractical. They recommended that recordkeeping and reporting requirements be amended to specify that the requirement could be met by properly classifying the fuel by sulfur content as being below 15 ppm, between 15 and 500 ppm and over 500 ppm. They suggested that the practical implication of compliance with the regulation would significantly complicate distribution and slow the system. One of the commentators stated that companies should be able to maintain compliance with the regulation through the current practice of ensuring that a distillate fuel of less than 500 ppm sulfur does not come into contact in a tank or pipeline with another batch exceeding the 500 ppm sulfur standard. That commentator suggested the state allow the use of product codes to convey required transfer document information, as the EPA does. The commentator stated that fuels are commonly bought and sold per pipeline specifications or "codes," which are widely used throughout the industry. The commentator provided specific revisions to the draft final-form rulemaking to: restore the proposed language requiring refiners to sample, test and calculate the sulfur content of each batch of fuel; add requirements for testing if records are missing; confine the information to a determination of meeting the 500 ppm level rather than the specific sulfur level; and enable product transfer documents not to specify actual sulfur level.

In response to these comments, the Department revised the sampling and testing requirements to eliminate duplicate testing and to mirror current practices for ensuring product sold in this Commonwealth will be compliant, while ensuring that the Department can adequately enforce compliance and that the ultimate consumer knows that the fuel is compliant. The Department removed the requirement to record the actual sulfur content and instead only requires the information reflect the maximum sulfur level of the commercial oil fuel shipment. The Department has also allowed the use of product codes, under similar conditions as those described by the EPA for gasoline and diesel fuel in transfers from refiners up to the point that the fuel transfers to a truck

carrier. See 40 CFR 80.77, 80.106 and 80.590 (relating to product transfer documentation; product transfer documents; and what are the product transfer document requirements for motor vehicle diesel fuel, NRLM diesel fuel, heating oil, ECA marine fuel, and other distillates).

All4, an environmental consulting company, suggested that § 123.46(a)(1)(i) (relating to monitoring requirements) be amended to remove the requirement for continuous opacity monitoring systems (COMS) if natural gas, liquid fossil fuel or a combination thereof is used. The commentator stated that this revision is similar to a Federal requirement in 40 CFR 60.45(b)(1) (relating to emissions and fuel monitoring). The commentator stated that the cost of a COMS is overly burdensome for minimal environmental benefit, especially for natural gas fired sources that may only combust low sulfur fuel oil as a backup or as secondary fuel. The Department has not made this change. For fuel oil, opacity is much more a function of combustion characteristics. Simply limiting fuel sulfur content for oil-fired units does not, in itself, negate the need to continuously monitor opacity. Section § 123.46(a)(1)(ii) does not require COMS for oil-fired combustion units if the units can meet particulate and opacity requirements without particulate control and have not had an opacity violation in the previous 5 years. For a new source, if the units do not have PM control, COMS do not have to be installed unless and until they have an opacity violation. In addition, § 123.46(c) provides the unit with a possible full exemption from the COMS requirement.

#### G. *Benefits, Costs and Compliance*

##### *Benefits*

Implementation of the final-form rulemaking will benefit the health and welfare of the approximately 12 million residents and numerous animals, crops, vegetation and natural areas in this Commonwealth by reducing the ambient levels of SO<sub>2</sub>, resulting in reductions in regional haze and PM<sub>2.5</sub>. There are also important cobenefits of this final-form rulemaking. Emissions of NO<sub>x</sub>, which contribute to unhealthy levels of PM<sub>2.5</sub> and ground-level ozone, will also decrease with the use of low-sulfur content commercial fuel oil due to furnace and boiler efficiency improvements. Emissions of CO<sub>2</sub>, a greenhouse gas, should also decrease due to improved furnace and boiler combustion efficiency. SO<sub>2</sub> emissions also contribute to the formation of acid rain. Both acid rain and PM<sub>2.5</sub> contribute to agricultural crop and vegetation damage and degradation of the Chesapeake Bay. Combustion of low-sulfur content commercial fuel oil will contribute to reducing the incidences of these adverse effects in this Commonwealth.

Commercial fuel oil users benefit too. According to the EIA State Energy Profiles, approximately 26% of the households in this Commonwealth use No. 2 commercial fuel oil for space heat. Low-sulfur content commercial fuel oil has the potential to improve furnace and boiler combustion efficiency by reducing fouling rates of furnace and boiler heat exchangers and other components. Reduced boiler and furnace fouling rates translate directly into lower vacuum-cleaning costs for fuel oil companies and homeowners by extending the service intervals. For example, according to a NESCAUM study, using a median hourly service cost of \$72.50 per hour for vacuum-cleaning a furnace and changing No. 2 commercial fuel oil from a sulfur content of 2,500 ppm to 500 ppm would save \$29,000 a year per 1,000 homes, or \$29 annually per home in the United States. (See NESCAUM report "Low Sulfur Heating Oil in the Northeast States: An Overview of Benefits, Costs and Implementation Issues," December

2005, p. 3-2 and 3-3.) Further, the availability of low-sulfur content commercial fuel oil will enable the introduction of highly efficient advanced technology condensing furnaces. A lower sulfur content commercial fuel oil will also increase the number of clean fuel types available to consumers.

The commercial fuel oil industry also benefits. A requirement for lower sulfur content No. 2 commercial fuel oil benefits distributors of commercial fuel oil by increasing their ability to compete with natural gas, a cleaner fuel than today's No. 2 commercial fuel oil.

##### *Compliance Costs*

The final-form rulemaking will affect the owners and operators of refineries, distributors and carriers of commercial fuel oils; owners and operators of commercial fuel oil terminals; ICI boiler owners and operators; and individuals who use commercial fuel oils in this Commonwealth.

There are four refineries in this Commonwealth owned by four companies. The products of the refineries will be affected by the final-form rulemaking. Owners and operators of refineries outside this Commonwealth will be indirectly affected if they supply distributors that sell commercial fuel oil in this Commonwealth. The Department believes that this sophisticated industry has the technical capacity for implementing the program because sulfur limits have been established in motor fuels for 30 years.

There are 92 fuel oil terminal operations operated by 38 different companies and 737 distributors of petroleum products in this Commonwealth. Not all of these operations handle commercial fuel oil. Major distributors in this Commonwealth also operate terminals. While the size of distributor operations ranges from large to small, members of the petroleum distribution industry as a whole have been regulated for many years. Existing systems to track the quantity and composition of fuel are of long standing for purposes of compliance with both environmental and tax regulations.

End-users of commercial fuel oil range from large industrial users to homeowners. There are approximately 1.32 million households in this Commonwealth that may use commercial fuel oil for residential heating (5.08 million households × 26% of households). The EIA State Energy Profile estimates that 26% of homes in this Commonwealth use commercial fuel oil for space heat.

Fuel combustion at many ICI sources is already regulated by the Department under its permit program; these sources will be required to comply with the final-form rulemaking, which retains (with modification) the equivalency provisions of the existing regulation as an alternative compliance mechanism. The equivalency provisions allow the use of equipment or a process to control emissions to the same level as would result from the use of a compliant commercial fuel oil. This choice would most likely only occur if the cost of control were less than the cost of the purchase of compliant commercial fuel oil.

In a 2008 report entitled "Northeast Heating Oil Assessment," the National Oilheat Research Alliance (NORA) estimated that there would be a 6.3¢ to 6.8¢ per gallon incremental production cost for 500 ppm versus 2,500 ppm sulfur content home heating oil (No. 2 commercial fuel oil), including capital costs. These are costs to the producers; prices to the ultimate consumer will be influenced by factors in addition to the cost of reducing the sulfur content in the fuel oil.

Furnace and boiler maintenance costs for consumers should be lower due to less fouling of their combustion



units. According to NORA, although low-sulfur content commercial fuel oil may cost a few cents per gallon more, savings on maintenance costs will help defray that impact. Decreased fouling improves efficiency of the combustion unit, which results in lower fuel usage.

*Compliance Assistance Plan*

The Department plans to educate and assist the public and regulated community in understanding the newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing compliance assistance program.

*Paperwork Requirements*

The final-form rulemaking requires that, beginning with the refinery owner or operator who sells or transfers commercial fuel oil and ending with the ultimate consumer, each time the physical custody of or title to a shipment of commercial fuel oil changes hands the transferor shall provide the transferee with an electronic or paper record of the transaction. Each affected person shall keep the records in electronic or paper format for 2 years, except those ultimate consumers located at a private residence. Recordkeeping or reporting is not required of ultimate consumers at private residences or apartment complexes and condominiums; they only need to buy and use compliant commercial fuel oil. The Department conferred with the industry on normal industry practices and took those practices into account in crafting the paperwork requirements.

*H. 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 practices 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.

This final-form rulemaking reduces emissions of SO<sub>2</sub> and NO<sub>x</sub> air pollutants by requiring a lower amount of sulfur in commercial fuel oil used in this Commonwealth, thereby reducing regional haze and ambient levels of PM<sub>2.5</sub> in this Commonwealth and throughout the northeast. This final-form rulemaking does not require add-on controls, although existing provisions allow the use of noncompliant fuel if the emissions are equivalent to those obtained with compliant commercial fuel oil.

*I. Sunset Review*

This final-form 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.

*J. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 13, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 5456, to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy 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 Department 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 November 30, 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 December 13, 2012, and approved the final-form rulemaking.

*K. Findings*

The Board finds that:

(1) Public notice of proposed rulemaking 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 regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) At least a 60-day public comment period was provided as required by law and the comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 40 Pa.B. 5456.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

(5) These regulations are necessary and appropriate to implement provisions of the CAA.

*L. Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 121, 123 and 139, are amended by amending §§ 121.1, 123.22, 139.4 and 139.16 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Committees as required by the Regulatory Review Act.

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

(e) This final-form rulemaking will be submitted to the EPA as an amendment to the Pennsylvania SIP.

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

MICHAEL L. KRANCER,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 7877 (December 29, 2012).)*

**Fiscal Note:** Fiscal Note 7-462 remains valid for the final adoption of the subject regulations.



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:

\* \* \* \* \*

Carrier—A distributor who does not take title to or otherwise have ownership of the commercial fuel oil or gasoline, and does not alter either the quality or quantity of the commercial fuel oil or gasoline.

\* \* \* \* \*

Commercial fuel oil—A fuel oil specifically produced, manufactured for sale and intended for use in a combustion unit. A mixture of commercial fuel oil with noncommercial fuel when greater than 50% of the heat content is derived from the commercial fuel oil portion is considered a commercial fuel oil.

\* \* \* \* \*

Distributor—

(i) A person who transports, stores or causes the transportation or storage of gasoline at any point between a refinery, blending facility or terminal and a retail outlet or wholesale purchaser-consumer's facility.

(ii) For purposes of § 123.22 (relating to combustion units), a person who transports, stores or causes the transportation or storage of commercial fuel oil at any point between a refinery, blending facility or terminal and a retail outlet, wholesale purchaser-consumer's facility or ultimate consumer.

(iii) The term includes a refinery, a blending facility or a terminal.

\* \* \* \* \*

Noncommercial fuel—A gaseous or liquid fuel generated as a byproduct or waste product which is not specifically produced and manufactured for sale. A mixture of a noncommercial fuel and a commercial fuel oil when at least 50% of the heat content is derived from the noncommercial fuel portion is considered a noncommercial fuel.

\* \* \* \* \*

Retail outlet—An establishment at which commercial fuel oil or gasoline is sold or offered for sale to the ultimate consumer for use in a combustion unit or motor vehicle, respectively.

\* \* \* \* \*

Terminal—

(i) A facility which is capable of receiving commercial fuel oil or gasoline in bulk, that is, by pipeline, barge, ship or other transport, and at which commercial fuel oil or gasoline is sold or transferred into trucks for transportation to retail outlets, wholesale purchaser-consumer's facilities or ultimate consumers.

(ii) The term includes bulk gasoline terminals and bulk gasoline plants.

(iii) For purposes of Chapter 126, Subchapter A (relating to oxygenate content), the terminal does not have to be physically located in the control area.

\* \* \* \* \*

Transferee—

(i) A person who is the recipient of a sale or transfer.

(ii) For purposes of § 123.22, the term includes the following:

- (A) Terminal owner or operator.
(B) Carrier.
(C) Distributor.
(D) Retail outlet owner or operator.
(E) Ultimate consumer.

Transfer efficiency—The ratio of the amount of coating solids deposited onto the surface of a coated part to the amount of coating solids used expressed as a percentage.

Transferor—

(i) A person who initiates a sale or transfer.

(ii) For purposes of § 123.22, the term includes the following:

- (A) Refinery owner or operator.
(B) Terminal owner or operator.
(C) Carrier.
(D) Distributor.
(E) Retail outlet owner or operator.

\* \* \* \* \*

Type II chemical milling maskant—A coating that is applied directly to aluminum aerospace vehicles and components to protect surface areas when chemically milling the aerospace vehicle or component with a Type II etchant.

Ultimate consumer—With respect to a commercial fuel oil transfer or purchase, the last person, facility owner or operator or entity who in good faith receives the commercial fuel oil for the purpose of using it in a combustion unit or for purposes other than resale.

Ultimate purchaser—With respect to any new motor vehicle or new motor vehicle engine, the first person who in good faith purchases a new motor vehicle or new motor vehicle engine for purposes other than resale.

\* \* \* \* \*

CHAPTER 123. STANDARDS FOR CONTAMINANTS SULFUR COMPOUND EMISSIONS

§ 123.22. Combustion units.

(a) Nonair basin areas. Combustion units in nonair basin areas must conform with the following:

(1) General provision. A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO2, from a combustion unit in excess of the rate of 4 pounds per million Btu of heat input over a 1-hour period, except as provided in paragraph (4).

(2) Commercial fuel oil.

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in nonair basin areas if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following tables:

*Grades Commercial Fuel Oil*

*Maximum Allowable % Sulfur by Weight through June 30, 2016*

No. 2 and Lighter (viscosity less than or equal to 5.820cSt)	0.5
No. 4, No. 5, No. 6 and heavier (viscosity greater than 5.82cSt)	2.8

*Maximum Allowable Sulfur Content Beginning July 1, 2016, Expressed as Parts per Million (ppm) by Weight or Percentage by Weight*

*Grades Commercial Fuel Oil (Consistent with ASTM D396)*

No. 2 and lighter oil	500 ppm	(0.05%)
No. 4 oil	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to July 1, 2016, which met the applicable maximum allowable sulfur content for commercial fuel oil through June 30, 2016, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after July 1, 2016.

(iii) Beginning July 1, 2016, the Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a nonair basin area. The request must include the following:

(I) The nonair basin county or counties for which the suspension or increase is requested.

(II) The reason compliant commercial fuel oil is not reasonably available.

(III) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the nonair basin area and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the specified nonair basin area.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the specified nonair basin area.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

(3) *Equivalency provision.* Paragraph (2) does not apply to a person who uses equipment or a process, or to the owner or operator of an installation where equipment or a process is used, to reduce the sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in paragraph (2). The emissions may not exceed those which would result from the use of commercial fuel oil that meets the applicable maximum allowable sulfur content specified in paragraph (2).

(4) *Solid fossil fuel fired combustion units.* Solid fossil fuel fired combustion units shall conform with the following:

(i) This paragraph applies to solid fossil fuel fired combustion units with a rated capacity greater than or equal to 250 million Btus of heat input per hour.

(ii) The owner of a solid fossil fuel fired combustion unit with a rated capacity of less than 250 million Btu heat input per hour may petition the Department for application of the limitations in this paragraph in lieu of the limitations in paragraph (1). Upon demonstration of installation of continuous monitoring equipment which complies with Chapter 139 (relating to sampling and testing) the Department will grant the petition.

(iii) No person subject to this paragraph may permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO<sub>2</sub> from a combustion unit in excess of the rates set forth in the following table:

*Allowable Pounds SO<sub>2</sub> per 10<sup>6</sup> Btu Heat Input*

Thirty-day running average not to be exceeded at any time	3.7
Daily average not to be exceeded more than 2 days in any running 30-day period	4.0
Daily average maximum not to be exceeded at any time	4.8

(iv) A combustion unit which does not meet the requirements of § 123.25 (relating to monitoring requirements) for installation and operation of continuous SO<sub>2</sub> emission monitoring equipment shall be subject to the provisions of paragraph (1).

(b) *Erie; Harrisburg; York; Lancaster; and Scranton, Wilkes-Barre air basins.* Combustion units in these subject air basins must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides,

expressed as SO<sub>2</sub>, from a combustion unit in excess of the rate of 4 pounds per million Btu of heat input over a 1-hour period, except as provided in paragraph (4).

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in the subject air basins if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following tables:

<i>Grades Commercial Fuel Oil</i>	<i>Maximum Allowable % Sulfur by Weight through June 30, 2016</i>	
No. 2 and Lighter (viscosity less than or equal to 5.820cSt)	0.3	
No. 4, No. 5, No. 6 and heavier (viscosity greater than 5.82cSt)	2.8	

<i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i>	<i>Maximum Allowable Sulfur Content Beginning July 1, 2016, Expressed as Parts per Million (ppm) by Weight or Percentage by Weight</i>	
No. 2 and lighter oil	500 ppm	(0.05%)
No. 4 oil	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to July 1, 2016, which met the applicable maximum allowable sulfur content for commercial fuel oil through June 30, 2016, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after July 1, 2016.

(iii) Beginning July 1, 2016, the Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a subject air basin. The request must include the following:

(I) The subject air basin for which the suspension or increase is requested.

(II) The reason compliant commercial fuel oil is not reasonably available.

(III) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

(3) *Equivalency provision.* Paragraph (2) does not apply to a person who uses equipment or a process, or to the owner or operator of an installation where equipment or a process is used, to reduce the sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in paragraph (2). The emissions may not exceed those which would result from the use of commercial fuel oil that meets the applicable maximum allowable sulfur content specified in paragraph (2).

(4) *Solid fossil fuel fired combustion units.* Solid fossil fuel fired combustion units shall conform with the following:

(i) This paragraph applies to solid fossil fuel fired combustion units with a rated capacity greater than or equal to 250 million Btus of heat input per hour and to a solid fossil fuel fired combustion unit upon petition to and acceptance by the Department.

(ii) The owner of any solid fossil fuel fired combustion unit with a rated capacity of less than 250 million Btu heat input per hour may petition the Department for application of the limitations in this paragraph in lieu of the limitations in paragraph (1). Upon demonstration of installation of continuous monitoring equipment which complies with Chapter 139, the Department will grant the petition.

(iii) No person may permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO<sub>2</sub>, from a combustion unit, at any time, in excess of the rates set forth in the following table:

*Allowable Pounds SO<sub>2</sub> per 10<sup>6</sup> Btu Heat Input*

Thirty-day running average not to be exceeded at any time	3.7
Daily average not to be exceeded more than 2 days in any running 30-day period	4.0
Daily average maximum not to be exceeded at any time	4.8

(iv) A combustion unit which does not meet the requirements of § 123.25 for installation and operation of continuous SO<sub>2</sub> emission monitoring equipment is subject to the provisions of paragraph (1).

(c) *Allentown, Bethlehem, Easton, Reading, Upper Beaver Valley; and Johnstown air basins.* Combustion units in these subject air basins must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides,

expressed as SO<sub>2</sub>, from a combustion unit in excess of the rate of 3 pounds per million Btu of heat input over a 1-hour period, except as provided in paragraph (4).

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in the subject air basins if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following tables:

*Maximum Allowable % Sulfur by Weight through June 30, 2016*

<i>Grades Commercial Fuel Oil</i>	
No. 2 and Lighter (viscosity less than or equal to 5.82cSt)	0.3
No. 4, No. 5, No. 6 and heavier (viscosity greater than 5.82cSt)	2.0

*Maximum Allowable Sulfur Content Beginning July 1, 2016, Expressed as Parts per Million (ppm) by Weight or Percentage by Weight*

*Grades Commercial Fuel Oil (Consistent with ASTM D396)*

No. 2 and lighter oil	500 ppm	(0.05%)
No. 4 oil	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to July 1, 2016, which met the applicable maximum allowable sulfur content for commercial fuel oil through June 30, 2016, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after July 1, 2016.

(iii) Beginning July 1, 2016, the Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a subject air basin. The request must include the following:

(I) The subject air basin for which the suspension or increase is requested.

(II) The reason compliant commercial fuel oil is not reasonably available.

(III) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are

not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

(3) *Equivalency provision.* Paragraph (2) does not apply to a person who uses equipment or a process, or to the owner or operator of an installation where equipment or a process is used, to reduce the sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in paragraph (2). The emissions may not exceed those which would result from the use of commercial fuel oil that meets the applicable maximum allowable sulfur content specified in paragraph (2).

(4) *Solid fossil fuel fired combustion units.* Solid fuel fired combustion units shall conform with the following:

(i) This paragraph applies to all solid fossil fuel fired combustion units with a rated capacity greater than or equal to 250 million Btus of heat input per hour and to any solid fossil fuel fired combustion unit upon petition to and acceptance by the Department.



(ii) The owner of a solid fossil fuel fired combustion unit with a rated capacity of less than 250 million Btu heat input per hour may petition the Department for application of the limitations in this paragraph in lieu of the limitations in paragraph (1). Upon demonstration of installation of continuous monitoring equipment which

complies with Chapter 139 the Department will grant such petition.

(iii) No person may permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO<sub>2</sub>, from any combustion unit in excess of the rates set forth in the following table:

	<i>Allowable Pounds SO<sub>2</sub> per 10<sup>6</sup> Btu Heat Input</i>
Thirty-day running average not to be exceeded at any time	2.8
Daily average not to be exceeded more than 2 days in any running 30-day period	3.0
Daily average maximum not to be exceeded at any time	3.6

(iv) A combustion unit not meeting the requirements of § 123.25 (relating to monitoring requirements) for installation and operation of continuous SO<sub>2</sub> emission monitoring equipment is subject to the provisions of paragraph (1).

(ii) The rate determined by the following formula:  $A = 1.7E^{-0.14}$ , where: A = Allowable emissions in pounds per million Btu of heat input, and E = Heat input to the combustion unit in millions of Btus per hours when E is equal to or greater than 50 but less than 2,000.

(d) *Allegheny County; Lower Beaver Valley; and Monongahela Valley air basins.* Combustion units in these subject air basins must conform with the following:

(iii) The rate of 0.6 pounds per million Btu of heat input when the heat input to the combustion unit in millions of Btus per hour is equal to or greater than 2,000.

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO<sub>2</sub>, from a combustion unit in excess of one or more of the following:

(2) *Commercial fuel oil.*

(i) The rate of 1 pound per million Btu of heat input, when the heat input to the combustion unit in millions of Btus per hour is greater than 2.5 but less than 50.

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in the subject air basins on or after July 1, 2016, if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following table:

*Maximum Allowable Sulfur Content Beginning July 1, 2016, Expressed as Parts per Million (ppm) by Weight or Percentage by Weight*

*Grades Commercial Fuel Oil (Consistent with ASTM D396)*

No. 2 and lighter oil	500 ppm	(0.05%)
No. 4 oil	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to July 1, 2016, which met the applicable maximum allowable sulfur content at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after July 1, 2016.

(III) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(iii) Beginning July 1, 2016, the Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a subject air basin. The request must include the following:

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(I) The subject air basin for which the suspension or increase is requested.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

(II) The reason compliant commercial fuel oil is not reasonably available.

(3) *Equivalency provision.* Paragraph (2) does not apply to a person who uses equipment or a process, or to the owner or operator of an installation where equipment or a process is used, to reduce the sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in paragraph (2). The emissions may not exceed those which would result from the use of commercial fuel oil that meets the applicable maximum allowable sulfur content specified in paragraph (2).

(e) *Southeast Pennsylvania air basin.* Combustion units in the Southeast Pennsylvania air basin must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO<sub>2</sub>, from a combustion unit except as provided in paragraph (3) or (5), in excess of the applicable rate in pounds per million Btu of heat input specified in the following table:

<i>Rated Capacity of Units in 10<sup>6</sup> Btus per hour</i>	<i>Inner Zone</i>	<i>Outer Zone</i>
Less than 250	1.0	1.2
Greater than or equal to 250	0.6	1.2

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in a combustion unit in the Southeast Pennsylvania air basin if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following tables:

<i>Grades of Commercial Fuel Oil</i>	<i>Maximum Allowable % Sulfur by Weight through June 30, 2016</i>	
	<i>Inner Zone</i>	<i>Outer Zone</i>
No. 2 and lighter (viscosity less than or equal to 5.82cSt)	0.2	0.3
No. 4, No. 5, No. 6 and Heavier (viscosity greater than 5.82cSt)	0.5	1.0

*Maximum Allowable Sulfur Content Beginning July 1, 2016, Expressed as Parts per Million (ppm) by Weight or Percentage by Weight*

<i>Grades Commercial Fuel Oil (consistent with ASTM D396)</i>		
No. 2 and lighter oil	500 ppm	(0.05%)
No. 4 oil	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to July 1, 2016, which met the applicable maximum allowable sulfur content for commercial fuel oil through June 30, 2016, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after July 1, 2016.

(iii) Beginning July 1, 2016, the Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in the subject air basin. The request must include both of the following:

(I) The reason compliant commercial fuel oil is not reasonably available.

(II) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are

not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

(3) *Noncommercial fuels.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO<sub>2</sub>, from a combustion unit using a noncommercial fuel, in excess of the rate of 0.6 pound per million Btu of heat input in the inner zone or 1.2 pounds per million Btu of heat input in the outer zone.

(4) *Equivalency provision.* Paragraph (2) does not apply to a person who uses equipment or a process, or to the owner or operator of an installation where equipment or a process is used, to reduce the sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in paragraph (2). The emissions may not exceed those which would result from the use of commercial fuel oil that meets the applicable maximum allowable sulfur content specified in paragraph (2).

(5) *Solid fossil fuel fired combustion units.* Solid fossil fuel fired combustion units shall conform with the following:

(i) This paragraph applies to all solid fossil fuel fired combustion units with a rated capacity greater than or equal to 250 million Btus of heat input per hour and to any solid fossil fuel fired combustion unit upon petition to and acceptance by the Department.

(ii) The owner of any solid fossil fuel fired combustion unit with a rated capacity of less than 250 million Btu

heat input per hour may petition the Department for application of the limitations in this paragraph in lieu of the limitations in paragraph (1). Upon demonstration of installation of continuous monitoring equipment which complies with Chapter 139, the Department will grant the petition.

(iii) No person may permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO<sub>2</sub>, from any combustion unit in excess of the applicable rate in pounds per million Btu of heat input specified in the following table:

	<i>Rated Capacity of Unit in 10 Btus per Hour</i>	
	<i>Less than 250</i>	<i>Greater than or equal to 250</i>
Thirty-day running average not to be exceeded at any time		
Inner Zone	0.75	0.45
Outer Zone	0.90	0.90
Daily average not to be exceeded more than 2 days in any running 30-day period		
Inner Zone	1.00	0.60
Outer Zone	1.20	1.20
Daily average maximum not to be exceeded at any time		
Inner Zone	1.20	0.72
Outer Zone	1.44	1.44

(iv) A combustion unit not meeting the requirements of § 123.25 for installation and operation of continuous SO<sub>2</sub> emission monitoring equipment are subject to the provisions of paragraph (1).

(f) *Sampling and testing.*

(1) For the purpose of determining compliance with the requirements of this section, the actual sulfur content of commercial fuel oil shall be determined by one of the following:

(i) In accordance with the sample collection, test methods and procedures specified under § 139.16 (relating to sulfur in fuel oil).

(ii) Other methods developed or approved by the Department or the Administrator of the EPA, or both.

(2) Beginning July 1, 2016, A refinery owner or operator who produces commercial fuel oil intended for use or used in this Commonwealth is required to sample, test and calculate the actual sulfur content of each batch of the commercial fuel oil as specified in paragraph (1).

(3) Beginning July 1, 2016, and prior to offering for sale, delivering for use, exchanging in trade or permitting the use of commercial fuel oil in this Commonwealth, a person other than the ultimate consumer that accepts a shipment of commercial fuel oil from a refinery or other transferor, shall sample, test and calculate the actual sulfur content of the commercial fuel oil in accordance with paragraph (1) if the shipment lacks the record required under subsection (g)(1) that enables the transferee to determine if the sulfur content of the shipment of commercial fuel oil meets the applicable maximum allowable sulfur content.

(g) *Recordkeeping and reporting.*

(1) Beginning with the refinery owner or operator who sells or transfers commercial fuel oil into or within this Commonwealth for use in this Commonwealth and ending with the ultimate consumer, each time the physical custody of, or title to, a shipment of commercial fuel oil changes hands on or after July 1, 2016, the transferor shall provide to the transferee an electronic or paper record described in this paragraph. This record must legibly and conspicuously contain the following information:

(i) The date of the sale or transfer.

(ii) The name and address of the transferor.

(iii) The name and address of the transferee.

(iv) The volume of commercial fuel oil being sold or transferred.

(v) The identification of the sulfur content of the shipment of commercial fuel oil, determined using the sampling and testing methods specified in subsection (f)(1), expressed as one of the following statements:

(A) For a shipment of No. 2 and lighter commercial fuel oil, "The sulfur content of this shipment is 500 ppm or below."

(B) For a shipment of No. 4 commercial fuel oil, "The sulfur content of this shipment is 2,500 ppm or below."

(C) For a shipment of No. 5, No. 6 and heavier commercial fuel oil, "The sulfur content of this shipment is 5,000 ppm or below."

(vi) The location of the commercial fuel oil at the time of transfer.

(vii) Except for a transfer to a truck carrier, an owner or operator of a retail outlet or an ultimate consumer, the transferor may substitute the information required under subparagraphs (i)—(vi) with the use of a product code if the following are met:



(A) The product code includes the information required under subparagraphs (i)—(vi).

(B) The product code is standardized throughout the distribution system in which it is used.

(C) Each downstream party is given sufficient information to know the full meaning of the product code.

(2) The refinery owner or operator shall do both of the following:

(i) Maintain, in electronic or paper format, the records developed under subsection (f)(2) to determine the actual sulfur content of each batch of the commercial fuel oil.

(ii) Provide electronic or written copies of the records developed under subsection (f)(2) of the actual sulfur content of each batch of the commercial fuel oil to the Department upon request.

(3) The terminal owner or operator shall do both of the following:

(i) Maintain, in electronic or paper format, the applicable records developed under subsection (f)(3) or (g)(1), or both, to establish the maximum sulfur content of the shipment of commercial fuel oil.

(ii) Provide electronic or written copies of the records establishing the maximum sulfur content of the shipment of commercial fuel oil to the Department upon request.

(4) A person subject to this section shall do both of the following:

(i) Maintain the applicable records required under paragraphs (1)—(3) in electronic or paper format for 2 years unless a longer period is required under § 127.511(b)(2) (relating to monitoring and related recordkeeping and reporting requirements).

(ii) Provide an electronic or written copy of the applicable record to the Department upon request.

(5) The ultimate consumer shall maintain in electronic or paper format the record containing the information listed in paragraph (1), except in either of the following situations:

(i) The transfer or use of the commercial fuel oil occurs at a private residence.

(ii) The ultimate consumer is an owner of an apartment or condominium building housing private residents and the transfer or use of the commercial fuel oil occurs for use at the building.

(h) *Written request.* The written request for suspension of or increase in the sulfur content limit on the basis that compliant commercial fuel oil is not reasonably available shall be addressed to the Department of Environmental Protection, Bureau of Air Quality, Chief of the Division of Compliance and Enforcement, P. O. Box 8468, Harrisburg, Pennsylvania 17105-8468.

**CHAPTER 139. SAMPLING AND TESTING**

**Subchapter A. SAMPLING AND TESTING METHODS AND PROCEDURES**

**GENERAL**

**§ 139.4. References.**

(a) The references referred to in this chapter are as follows:

(1) Standards of Performance for New Stationary Sources, 40 CFR Chapter I, Part 60, Appendix A, Current Edition, Superintendent of Documents, Washington, D.C. 20402-9328.

(2) National Emission Standards for Hazardous Air Pollutants, 40 CFR, Chapter I, Part 61, Appendix B, Current Edition, Superintendent of Documents, Washington, D.C. 20402-9328.

(3) Requirements for Preparation, Adoption, and Submittal of Implementation Plans, 40 CFR, Chapter I, Part 51, Appendix M, Current Edition, Superintendent of Documents, Washington, D.C. 20402-9328.

(4) Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities, 40 CFR, Chapter I, Part 266, Appendix IX, Current Edition, Superintendent of Documents, Washington, D.C. 20402-9328.

(5) Source Testing Manual, Commonwealth of Pennsylvania, Department of Environmental Protection, Bureau of Air Quality, Post Office Box 8468, Harrisburg, Pennsylvania 17105-8468, including future revisions as noted in § 139.5(b) (relating to revisions to the source testing manual and continuous source monitoring manual).

(6) *Recommended Standard Method for Continuing Dust Fall Survey (APM-1, Revision 1)*, PR-2 Air Pollution Measurement Commission, J. Air Assoc., 16:372 (1966).

(7) *Air Pollution Measurements of the National Air Sampling Network: Analyses of Suspended Particulates 1957-1961*, Public Health Service Pub. No. 978, Washington, D.C., 1962.

(8) Interbranch Chemical Advisory Committee, *Selected Methods for the Measurement of Air Pollutants*, PHS Pub. No. 999-AP-11, Cincinnati, Ohio, 1965, page I-1.

(9) *Standard Method of Test for Inorganic Fluoride in the Atmosphere*, ASTM Standards on Methods of Atmospheric Sampling and Analyses, Philadelphia, Pennsylvania, 1962, page 67.

(10) ASTM D 4057, *Practice for Manual Sampling of Petroleum and Petroleum Products*, including updates and revisions.

(11) ASTM D 445, *Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity)*, including updates and revisions.

(12) ASTM D 1266, *Test Methods for Sulfur in Petroleum Products: Lamp Method*, including updates and revisions.

(13) ASTM D 129, *Test Methods for Sulfur in Petroleum Products: General Bomb Method*, including updates and revisions.

(14) ASTM D 1552, *Test Methods for Sulfur in Petroleum Products: High-Temperature Method*, including updates and revisions.

(15) ASTM D 2622, *Test Methods for Sulfur in Petroleum Products by X-Ray Spectrometry*, including updates and revisions.

(16) *Standard Methods for the Examination of Water and Wastewater*, 14th Ed., *Organic Carbon (total), Combustion-Infrared Method*, American Public Health Association, Washington, D.C.

(17) Jacobs, M. B. et al., *Ultramicrodetermination of Sulfides in Air*, *Anal. Chem.*, 29:1949 (1957).

(18) "Sampling procedures for fuel volatility," 40 CFR Part 80, Appendix D (relating to sampling procedures for fuel volatility).

(19) "Tests for Determining Reid Vapor Pressure (RVP) of Gasoline and Gasoline-Oxygenate Blends," 40 CFR Part 80, Appendix E (relating to test for determining Reid vapor pressure (RVP) of gasoline and gasoline-oxygenate blends).

(20) ASTM D 4294, *Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry*, including updates and revisions.

(21) ASTM D 4177, *Practice for Automatic Sampling of Petroleum and Petroleum Products*, including updates and revisions.

(b) References to ASTM in this chapter pertain to test methods developed by ASTM International, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959, [www.astm.org](http://www.astm.org).

#### STATIONARY SOURCES

##### § 139.16. Sulfur in fuel oil.

The following apply to tests for the analysis of commercial fuel oil:

(1) The fuel oil sample for chemical analysis shall be collected in a manner that provides a representative sample. Upon the request of a Department official, the person responsible for the operation of the source shall collect the sample employing the procedures and equipment specified in § 139.4(10) or (21) (relating to references).

(2) Test methods and procedures for the determination of viscosity shall be that specified in § 139.4(11). The viscosity shall be determined at 100°F.

(3) Test methods and procedures for the determination of sulfur shall be those specified in § 139.4(12)—(15) and (20).

(4) Results shall be reported in accordance with the units specified in § 123.22 (relating to combustion units).

[Pa.B. Doc. No. 13-227. Filed for public inspection February 8, 2013, 9:00 a.m.]

### DELAWARE RIVER BASIN COMMISSION

#### [ 25 PA. CODE CH. 901 ]

#### Amendments to the Water Code and Comprehensive Plan to Implement a Revised Water Audit Approach to Identify and Control Water Loss

##### Summary:

By Resolution No. 2009-01 on March 11, 2009, the Delaware River Basin Commission (DRBC or Commission) approved amendments to its Water Code and Comprehensive Plan to implement a requirement for water purveyors to follow an updated water audit approach to identify and control water loss in the Delaware River Basin.

##### Effective Date:

Upon publication in the *Pennsylvania Bulletin*. The rule was incorporated by reference into the *Code of Federal Regulations* effective November 20, 2009 (74 FR 60154).

##### Applicability Date:

The amendments to the Comprehensive Plan and Article 2 of the Water Code finalized by the Commission on March 11, 2009 phase in a program requiring water purveyors to perform a water audit and report their findings in accordance with a new audit structure established by the American Water Works Association (AWWW) and the International Water Association (IWA). Effective January 1, 2012, the owners of water supply systems serving the public with sources or service areas located in the Delaware River Basin must implement an annual calendar year water audit program conforming to the IWA/AWWA Water Audit Methodology and corresponding

AWWA guidance. Effective January 1, 2013, reported “non-revenue water” must be computed in accordance with the new methodology and guidance. During the period between the effective date of the rule, November 20, 2009, and December 31, 2011 water purveyors were encouraged to implement the new methodology and guidance on a voluntary basis.

##### Supplemental Information:

The DRBC is a federal-interstate regional agency charged with managing the water resources of the Delaware River Basin without regard to political boundaries. Its members are the governors of the four basin states—Delaware, New Jersey, New York, and Pennsylvania—and the North Atlantic Division Commander of the U.S. Army Corps of Engineers, representing the federal government.

An estimated 150 million gallons of treated and pressurized water is physically lost from public water supply distribution systems in the Delaware River Basin per day and current methods to account for, track and reduce this loss are inadequate. Water suppliers are experiencing real water losses due to physical infrastructure failures and apparent losses resulting from inaccurate meter readings and erroneous billing practices. As demand for water increases, it is essential to ensure that water supplies and the infrastructure delivering water are dependable and efficiently move water from source to customer.

The purpose of the proposed amendments is to phase in a program requiring water purveyors to perform water audits and report their findings in accordance with a new audit structure established by the AWWA and the IWA. These new methods are widely regarded as superior to the existing approach, which entails tracking “unaccounted for water,” which is no longer considered best practice.

The new water audit methodology provides a rational approach that will facilitate more consistent tracking and reporting than the existing approach allows. It will help water managers and regulators, including the Commission, state agencies, and utility managers, target their efforts to improve water supply efficiency, thereby reducing water withdrawals. Improving water accountability will contribute to achieving objective 1.3.C of the Water Resources Plan for the Delaware River Basin, which calls for ensuring maximum feasible efficiency of water use across all sectors.

The Commission’s Water Management Advisory Committee (WMAC), which has taken primary responsibility for reviewing the proposed audit methodology and developing these amendments, is composed of representatives from a wide range of public and private sector organizations. Six water purveyors from the Delaware River Basin were identified to participate in the nationwide pilot study. The comments and feedback provided to AWWA led to improvements in the software. The software was approved by the AWWA Water Loss Control Committee and is available on the AWWA website, at no charge to all users.

The WMAC and its subcommittee determined that the IWA/AWWA water audit methodology represents an improvement to the Commission’s current practices and can lead to multiple benefits for water utilities and other stakeholders. It is anticipated that adoption of the IWA/AWWA approach will:

- Improve upon the traditional approach for identifying “unaccounted for water,” which lacks standardized terminology and a clearly defined water audit structure.

- Provide a rational water audit structure to help identify water losses and improve water supply system efficiency.
- Provide meaningful performance indicators to help identify systems with the greatest losses. These indicators allow water utility managers to make reliable comparisons of performance and to identify best practices to control water loss in an economical way.
- Identify ways to improve water supply efficiency and thereby reduce water withdrawals that have no beneficial end use.
- Help to target efforts to reduce the estimated 150 million gallons per day that is physically lost from public water supply distribution systems in the Delaware River Basin.
- Enhance utility revenues by enabling utility managers to recover the significant revenue that is otherwise lost due to apparent losses such as theft of service, unbilled connections, meter discrepancies and data errors.
- Help utility managers and regulators identify real losses (such as leakage) that waste treated and pressurized water and increase operating costs. Significant real losses indicate opportunities for improved asset management that can reduce the vulnerability of utilities to disruptive water main breaks, other service disruptions and water quality upsets.

Because the water audit approach is relatively new in a regulatory context, the amendments called for phased implementation. Information was gathered from within the Delaware River Basin and nationwide to assist in the establishment of performance indicators for water loss, which ultimately will replace the “unaccounted for water” targets. The amendments require water purveyors to perform an annual water audit conforming to the IWA/AWWA methodology and require changes in the way data pertaining to water loss is collected by the state agencies and shared with DRBC.

Notice of the proposed amendments appeared in the *Pennsylvania Bulletin* (38 Pa. B. 4373) on August 9, 2009, as well as in the *Federal Register* (73 FR 44945) on August 1, 2008, the *Delaware Register of Regulations* (12 DE Reg. 275-278 (09/01/2008)) on September 1, 2008, the *New Jersey Register* (40 N.J.R. 4499) on August 4, 2008, and the *New York State Register* (p. 2) on August 20, 2008. A public hearing was held on September 25, 2008 and written comments were accepted through October 3, 2008. The Commission received one written submission and no oral testimony on the proposed changes. The Commission made minor revisions to the proposed amendments on its own initiative for clarification. A comment and response document setting forth the Commission’s responses and revisions in detail was approved by the Commission simultaneously with adoption of the final rule.

The final form of the rule differs from the proposed rule in the following respects: For purposes of clarity, a definition of “non-revenue water” consistent with the AWWA definition was added to Section 2.1.6.A. of the rule. The definition of “unaccounted-for-water” in the same section was amended to include a definition of “unaccounted-for water percent.” This change was made because the computation must return a percentage value so that it can be measured against the performance target of less than 15% unaccounted-for water.

The Commission also added language to establish that until January 1, 2012, DRBC’s regulatory standards for

leak detection and repair (i.e., measurement and control of unaccounted-for-water), set forth in Section 2.1.6 of the Water Code, remained in force. System operators who voluntarily submitted audits in a form consistent with the new methodology prior to January 1, 2012, were advised in the Commission’s comment and response document that non-revenue water volume expressed as a percentage of input volume will be treated as the equivalent of unaccounted-for-water, the measure applicable under the existing rule. The comment and response document explains that once the Water Audit method is introduced through the Delaware River Basin and a body of data is available for analysis, a more meaningful measure of system performance will be established.

DRBC Resolution No. 2009-01 and a copy of the comment and response document are available on the Commission’s web site, at <http://drbc.net>. Resolution 2009-1 incorporates Article 2 of the Water Code, showing the amendments as proposed in August 2008, as finally approved by the Commission on March 11, 2009 and incorporated by reference into the *Code of Federal Regulations* effective November 20, 2009.

*Rule Text:*

DRBC Resolution No. 2009-01 amends the Comprehensive Plan and Article 2 of the *Water Code* as set forth below. Additions appear in **bold face type**. Deletions appear in [ **bold face type within brackets** ]. Changes not included in the proposed rulemaking appear in **bold face type with underscore**, except that restored text (existing rule text originally proposed to be deleted) appears in normal type with underscore. *Italics denote editor’s notes.*

2.1.2 New and Existing Users (Resolution Nos. 76-17 and 92-2).

C. Owners of water supply systems serving the public (purveyors) seeking approval under Section 3.8 of the Compact for a new or an expanded water withdrawal shall include as part of the application a water conservation plan. The plan shall describe the various programs adopted by the purveyor to achieve maximum feasible efficiency in the use of water.

1. The water conservation plan shall, at a minimum, describe the implementation of the following programs as required by the Commission:

- a. Source metering (Resolution No. 86-12);

\* \* \* \* \*

**e. An ongoing water auditing program in accordance with section 2.1.8.**

\* \* \* \* \*

2.1.6 Leak detection and repair (Resolution No. 87-6 Revised).

A. Owners of water supply systems serving the public (purveyors) in the Delaware River Basin that distribute water supplies in excess of an average of 100,000 gallons per day (gpd) during any 30-day period shall develop and undertake a systematic program to monitor and control leakage within their water supply system. Such a program shall at a minimum include: periodic surveys to monitor leakage, enumerate **non-revenue water (or in instances where AWWA methodology as set forth in Section 2.1.8 below has not yet been adopted, enumerate unaccounted-for water)**, and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a schedule for the implementation of such recommendations. Each purvey-



or's program shall be subject to review and approval by the designated agency in the state where the system is located.

**"Non-revenue water" is defined by AWWA as the sum of unbilled authorized consumption, apparent losses and real losses. "Non-revenue water percent" is defined as non-revenue water divided by the amount of water entering the distribution system times 100 percent.**

**"Unaccounted-for water" is defined as the amount of water entering the distribution system minus the amount of water delivered through service meters. [ difference between the "metered ratio" and 100 percent. The metered ratio is the amount of water delivered through service meters ] "Unaccounted-for water percent" is defined as unaccounted-for water divided by the amount of water entering the distribution system times 100 percent.**

The designated state agencies are: Delaware Department of Natural Resources and Environmental Control; New Jersey Department of Environmental Protection; New York Department of Health, and Pennsylvania Department of Environmental Protection.

B. Each purveyor shall strive to minimize system leakage to levels as guided by IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance.

**[ Each purveyor that distributes in excess of one million gallons per day (mgd) shall submit its initial program to monitor and control leakage to the appropriate designated agency, within two years and each purveyor that distributes between 100,000 gpd and 1 mgd shall submit its initial program to monitor and control leakage to the appropriate designated agency within five years of the effective date of this regulation or at such earlier date as shall be fixed by the designated state agency. Each ] After a purveyor has submitted to the appropriate designated agency its initial program to monitor and control leakage, the purveyor shall prepare and submit a revised and updated program [ to monitor and control leakage ] every three years thereafter or at such greater frequency [earlier date] as [ may ] [shall] be required by the designated state agency. The designated state agency may require more frequent program submission from purveyors with unaccounted-for or non-revenue water that is in excess of 15 percent.**

C. Any project approvals hereafter granted pursuant to Section 3.8 of the DRBC Compact or any renewal of a project approval shall be subject to the provisions of this regulation.

**[ D. To avoid duplication of effort and to insure proper enforcement of this regulation, the Executive Director shall enter into administrative agreements with each of the designated agencies ... ]**

\* \* \* \* \*

**2.1.8 Water Auditing (Resolution No. 2009-1).**

**A. Policy Statement. It shall be the policy of the Commission to establish [ encourage owners of water supply systems serving the public to implement ] a standardized water audit methodology for**

**owners of water supply systems serving the public to ensure accountability in the management of water resources.**

**B. Voluntary Water Audit. [ For the period beginning EFFECTIVE DATE and ending ] Through December 31, 2011, owners of water supply systems serving the public[ , ] with sources or service areas located in the Delaware River Basin[ , ] are encouraged to implement an annual calendar year water audit program conforming to the IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance.**

**C. Mandatory Water Audit. Effective January 1, 2012, the owners of each water supply system serving the public[ , ] with sources or service areas located in the Delaware River Basin[ , ] shall implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance.**

**D. Mandatory Reporting. Effective January 1, 2013, "Non-revenue water" reported under section 2.50.3. (Reporting Requirements), subsection B.1.b.ii. of this Water Code shall be computed in accordance with IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance.**

**2.50.3 Reporting Requirements (Resolutions Nos. 2001-8 and 2009-1)**

*Existing subsection 2.50.3 A. (Year 2000 Reporting Requirements) in its entirety is deleted.*

**A[ B ]. Annual Reporting Requirements [ for Subsequent Years ]**

1. Water Supply Systems Serving the Public. **[ Commencing with reporting year 2001, t ]** The owner(s) of each water supply system serving the public and subject to requirements under subsection 2.50.1, subsection 2.50.2, and the Ground water Protected Area for South-eastern Pennsylvania[ , ] shall report the following data on an annual basis to the designated agency. **[ Changes to any other information required under Section A above shall also be reported. All information required under Section A above shall be completed for new withdrawals for the first year of operation. ]**

a. Source Data

\* \* \* \* \*

b. Service Area Data. The following data shall be reported separately for each county served.

i. Service Area Name(s)

ii. Total Annual Water Use by Category (MG). **[ ( ) All usage shall be reported according to the following categories: [ ] ]**

- Residential metered (including apartment complexes)
- Commercial metered
- Institutional metered
- Industrial metered



- Bulk Sales
- Other metered (Specify)
- **Non-revenue water, including unbilled authorized consumption, apparent losses, and real losses computed in accordance with Section 2.1.8 D. of this Water Code**
- Unaccounted for **water** (defined as the amount of water entering the distribution system minus the amount of water delivered through service meters)\*\*

— Total

2. Other Withdrawals. [**Commencing with reporting year 2001, e**] Each person, firm, corporation or other entity, except water supply systems serving the public[, ] subject to requirements under subsection 2.50.2 and the Ground Water Protected Area Regulations for Southeastern Pennsylvania[, ] shall report the following data on an annual basis to the designated agency. . . .

**B[ C ]**. To avoid duplication of effort and to insure proper enforcement of this regulation, the Executive Director is hereby authorized to enter into administrative agreements with the following designated agencies: . . .

\* \* \* \* \*

PAMELA M. BUSH,  
*Secretary*

**Fiscal Note:** Fiscal Note 68-52 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**  
**PART V. DELAWARE RIVER BASIN COMMISSION**  
**CHAPTER 901. GENERAL PROVISIONS**

**§ 901.2. Comprehensive Plan and water quality.**

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A (2013) and the Water Code and Water Quality Standards as set forth in 18 CFR Part 410 (2013) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 13-228. Filed for public inspection February 8, 2013, 9:00 a.m.]

**Title 55—PUBLIC WELFARE**

**DEPARTMENT OF PUBLIC WELFARE**  
**[ 55 PA. CODE CH. 52 ]**

**Corrective Amendment to 55 Pa. Code § 52.20**

The Department of Public Welfare has discovered a discrepancy between the agency text of 55 Pa. Code § 52.20 (relating to provisional hiring) as deposited with the Legislative Reference Bureau and the official text as published at 42 Pa.B. 2730, 2739 (May 19, 2012) and as currently appearing in the *Pennsylvania Code*. The word “not” was erroneously included in subsection (a)(6).

Therefore, under 45 Pa.C.S. § 901: The Department of Public Welfare has deposited with the Legislative Reference Bureau a corrective amendment to 55 Pa. Code § 52.20. The corrective amendment to 55 Pa. Code § 52.20 is effective May 19, 2012, the effective date of adoption of the final-form rulemaking amending this section.

The correct version of 55 Pa. Code § 52.20 appears in Annex A.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART I. DEPARTMENT OF PUBLIC WELFARE**  
**Subpart E. HOME AND COMMUNITY-BASED SERVICES**

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

**Subchapter B. PROVIDER QUALIFICATIONS AND PARTICIPATION**

**§ 52.20. Provisional hiring.**

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

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

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

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

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

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

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

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

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

[Pa.B. Doc. No. 13-229. Filed for public inspection February 8, 2013, 9:00 a.m.]

# PROPOSED RULEMAKING

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 461a, 465a, 525, 575, 577,  
579, 603a, 609a, 623a, 627a, 629a, 631a, 633a,  
635a, 637a, 649a, 659a, 661a, 663a AND 665a ]

### Slot Machines and Table Game Controls, Equip- ment, Credit and Rules

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207(3) and (9) and 13A02(1), (2) and (4) (relating to regulatory authority of board; and regulatory authority), proposes to amend Chapters 461a, 465a, 603a, 609a, 623a, 627a, 629a, 631a, 633a, 635a, 637a and 649a, rescind Chapters 525, 575, 577 and 579 and add Chapters 659a, 661a, 663a and 665a to read as set forth in Annex A.

#### *Purpose of the Proposed Rulemaking*

This proposed rulemaking will transition the requirements for Match Play Coupons and the game rules for Asia Poker, Three Dice Football and Five Card Hi-Lo from temporary to final-form regulations. Additionally, this proposed rulemaking contains a new game and optional side wagers.

#### *Explanation*

In § 461a.9 (relating to coupons utilized in slot machine gaming), the heading of the section is proposed to be changed to specify that the section refers to coupons utilized in slot machine gaming. The coupons used in table games, Match Play Coupons, are described in §§ 603a.20 and 603a.21 (relating to Match Play Coupons; physical characteristics and issuance; and Match Play Coupon use). The retention period for Match Play Coupons is proposed to be added in § 465a.6 (relating to retention, storage and destruction of books, records and documents) and is consistent with the retention periods for coupons used in slot machine gaming.

In §§ 465a.9(c)(2) and 465a.35 (relating to surveillance system; surveillance department control; surveillance department restrictions; and personnel assigned to the operation and conduct of table games), the camera coverage requirements and the personnel assigned to Three Dice Football are proposed to be added. The requirements are consistent with those established in the temporary regulations. Additionally, the inspection requirements for the dice utilized in Three Dice Football are proposed to be added in § 603a.13(f)(1) and (2) (relating to dice; receipt, storage, inspection and removal from use).

In § 603a.1 (relating to definitions), the definition of "Match Play Coupon" is proposed to be added. In § 603a.10 (relating to permissible wagering; exchange and redemption of gaming chips and plaques), a Match Play Coupon is proposed to be added as a permissible wager. The requirements for the design, internal controls and distribution of promotional Match Play Coupons are in proposed § 603a.20. Match Play Coupons are to be controlled by the finance department and distributed to patrons by the marketing department. Certificate holders are required to file a quarterly report with the Bureau of

Casino Compliance listing the total value of Match Play Coupons redeemed by patrons.

Proposed § 603a.21 specifies that a promotional Match Play Coupon shall be used with an equal value of gaming chips. The value of the Match Play Coupon is added to the gaming chips wagered by the patron. If the wager wins, it is paid in accordance with the terms and conditions of the Match Play Coupon. Irrespective of whether the Match Play Coupon wins or loses, it is deposited into the table game drop box at the conclusion of each round of play.

Section 603a.13(f)(3) is proposed to be added as an alternative dice inspection and distribution procedure. This alternative was previously available when the equipment chapter was a temporary regulation but was inadvertently not transitioned when the final-form regulations were promulgated. One operator requested to continue utilizing the procedures in this subsection.

Proposed amendments to § 603a.13(c)(3) allow the finance department to issue the manual Counter Check book to the table games department provided that adequate internal controls are submitted to Board staff for approval.

A new series of side wagers, Bonus Craps, are proposed to be added to the game of Craps. The layout requirements are in § 623a.2(d)(5) (relating to Craps and Mini-Craps tables; physical characteristics) and a description of the side wagers is proposed to be added to § 623a.3(a)(43) (relating to wagers) with the payout odds in § 623a.5(h) (relating to payout odds). The additional procedures regarding Bonus Craps are in proposed § 623a.12 (relating to additional procedures and rules for Bonus Craps).

A new side wager, the House Money Wager, is proposed to be added in the three Baccarat style games in Chapters 627a, 629a and 631a (relating to Minibaccarat; Midibaccarat; and Baccarat). The proposed amendments to the games include layout requirements, the description of the wager, dealing procedure and the payout odds.

Two additional side wagers, the Straight Jack Progressive Wager and the House Money Wager, are proposed to be added in Chapter 633a (relating to Blackjack). The layout requirements are proposed to be added in § 633a.2(b) (relating to Blackjack table; card reader device; physical characteristics; inspections), a description of the wagers is proposed to be added in § 633a.6(e) (relating to wagers), the dealing procedures are proposed to be added to § 633a.7(g) and (o) (relating to procedure for dealing the cards; completion of each round of play) and the payout odds are proposed to be added in § 633a.13(m) and (n) (relating to payout odds; payout limitation).

In Chapter 635a (relating to Spanish 21), the provision on when a patron may double down is proposed to be expanded to allow patrons to double down on two or more cards dealt instead of only the first two cards dealt to the patron.

Several new games are proposed to be added to Chapter 637a (relating to Poker). Operators may now offer Five-Card Omaha, Triple Draw 2-7, Triple Draw A-5, Triple Draw Bادهucey, Triple Draw Bادهucey and Badugi. The new games are proposed to be added in §§ 637a.19—637a.21 (relating to Five-card Omaha Poker; procedures for dealing the cards; completion of each round of play; Triple Draw Poker; procedures for dealing the cards;

completion of each round of play; and Badugi Poker; procedures for dealing the cards; completion of each round of play).

In Three Card Poker, a payout is proposed to be added in § 649a.12(g) (relating to payout odds; Envy Bonus; rate of progression) for a mini-royal flush. This payout was included in the temporary regulation but was not transitioned to the final regulation.

Three games that are included in Subpart K (relating to table games) as temporary regulations are proposed to be adopted in this proposed rulemaking—Chapters 659a, 661a and 663a (relating to Asia Poker; Three Dice Football; and Five Card Hi-Lo). These chapters include table layout requirements, dealing procedures, permissible wagers and payout odds for permissible wagers.

Chapter 665a (relating to Double Attack Blackjack) is proposed to be added. This is a variation on Blackjack in which a player may place an additional wager after seeing the dealer's up card and may surrender even after taking additional cards. Table layout requirements, the dealing procedures, permissible wagers and payout odds are included in this chapter.

#### *Affected Parties*

Slot machine licensees will be impacted by this proposed rulemaking as operators will have a greater number of table games and side wagers to offer at their facilities.

#### *Fiscal Impact*

*Commonwealth.* The Board does not expect that this proposed rulemaking will have fiscal impact on the Board or other Commonwealth agencies. Internal control procedures submitted by certificate holders regarding table games Rules Submissions and Match Play Coupons will be reviewed by existing Board staff.

Promotional Match Play Coupons have been utilized by the licensed facilities to increase the amount of table game play and the overall revenue to the facilities and the tax collected for the Commonwealth. Match Play Coupons are neither included in nor deducted from gross table game revenue.

*Political subdivisions.* This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties will benefit from the local share funding that is mandated by the act of January 7, 2010 (P. L. 1, No. 1).

*Private sector.* Slot machine licensees that decide to offer the new games, variations or side wagers will be required to comply with the requirements in this proposed rulemaking and will be required to submit updated Rules Submission forms and internal controls to reflect additions. Costs incurred to purchase equipment and train employees should be offset by the proceeds of gaming.

*General public.* This proposed rulemaking will not have fiscal impact on the general public.

#### *Paperwork Requirements*

If a certificate holder selects different options for the play of table games, the certificate holder will be required to update its gaming guide and submit an updated Rules Submission reflecting the changes. These forms are available and submitted to the Board electronically. If a

certificate holder elects to offer Match Play Coupons to patrons, the certificate holder will have to submit updated internal controls for approval and will have to submit a quarterly report listing the total value of Match Play Coupons given to patrons.

#### *Effective Date*

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

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin*, to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-166.

#### *Contact Person*

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 346-8300.

#### *Regulatory Review*

In accordance with section 5(a) and (f) of the Regulatory Review Act (71 P. S. §§ 745.5(a) and (f)), on January 29, 2013, the Board submitted a copy of this proposed rulemaking to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and to the Independent Regulatory Review Commission (IRRC). In accordance with section 5(f) of the Regulatory Review Act, the Board will submit the proposed rulemaking and the required material to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee no later than the second Monday after the date by which both Committee designations have been published in the *Pennsylvania Bulletin*. In addition to submitting the proposed rulemaking, the Board has provided IRRC and will provide the House and Senate Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request. A copy of this material is available to the public upon request and is available on the Board's web site at [www.gamingcontrolboard.pa.gov](http://www.gamingcontrolboard.pa.gov).

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria 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.

WILLIAM H. RYAN, Jr.,  
Chairperson

**Fiscal Note:** 125-166. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* See 42 Pa.B. 6761 (October 27, 2012) for proposed amendments to §§ 627a.7, 629a.7, 629a.12, 631a.8 and 631a.13.)



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.9. Coupons utilized in slot machine gaming.

\* \* \* \* \*

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.6. Retention, storage and destruction of books, records and documents.

\* \* \* \* \*

(c) Original books, records and documents shall be retained by a slot machine licensee for a minimum of 5 years with the following exceptions:

(1) Documentation with regard to gaming vouchers reported to the Board as possibly counterfeit, altered or tampered with should be retained for a minimum of 2 years.

(2) Coupons entitling patrons to cash, match play at a table game or slot machine credits, whether unused, voided or redeemed shall be retained for a minimum of 6 months.

\* \* \* \* \*

§ 465a.9. Surveillance system; surveillance department control; surveillance department restrictions.

\* \* \* \* \*

(c) The surveillance system required in this section must include:

\* \* \* \* \*

(2) The following number of cameras dedicated to table games that are not fully automated electronic gaming tables:

(i) At least one stationary camera for each table game offered by the licensed facility except Craps, Baccarat, Roulette and Big Six Wheel.

(ii) At least two stationary cameras for each Craps and Three Dice Football table, with one camera covering each end of the table.

\* \* \* \* \*

§ 465a.35. Personnel assigned to the operation and conduct of table games.

\* \* \* \* \*

(b) Certificate holders shall maintain the following minimum levels of staffing when table games are being operated:

(1) One dealer for any table game other than Craps or Baccarat.

(2) Two dealers for each Baccarat table.

(3) Three dealers for each Craps and Three Dice Football table, one of whom shall act as the stickperson.

(4) One boxperson for each Craps table.

(c) Certificate holders shall provide a sufficient number of floorpersons to supervise the operation of table games in accordance with the standards in this subsection. A

floorperson may not supervise more than the number of tables specified in one of the following paragraphs:

(1) Four tables comprised of any combination of banking table games excluding:

- (i) Baccarat.
(ii) Midibaccarat.
(iii) Craps.
(iv) Mini-Craps.
(v) Pai Gow.
(vi) Three Dice Football.

(2) One Baccarat table.
\* \* \* \* \*

(12) Ten Poker tables, if the floorperson assigned to Poker does not have responsibilities for seating players.

(13) Two Three Dice Football tables or one Three Dice Football table and one table of any other banking table game excluding Baccarat, Midibaccarat, Craps, Mini-Craps and Pai Gow.

(d) If the gaming tables being supervised by a floorperson are electronic gaming tables, other than fully automated electronic gaming tables, the maximum number of gaming tables that the floorperson may supervise may be increased by 50%. For example, under subsection (c)(1) the floorperson would be allowed to supervise six banking gaming tables instead of four.

\* \* \* \* \*

Subpart K. TABLE GAMES

CHAPTER 525. [ TABLE GAME INTERNAL CONTROLS ] (Reserved)

(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 525 and §§ 525.21 and 525.22, which appear in 58 Pa. Code pages 525-6—525-11, serial pages (362184)—(362189).)

Sec. 525.21. (Reserved).
525.22. (Reserved).

CHAPTER 575. [ ASIA POKER ] (Reserved)

(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 575 which appears in 58 Pa. Code pages 575-1—575-15, serial pages (358829)—(358842) and (363063).)

Sec. 575.1—575.13. (Reserved).

CHAPTER 577. [ THREE DICE FOOTBALL ] (Reserved)

(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 577 which appears in 58 Pa. Code pages 577-1—577-8 serial pages (363065)—(363070), (363735) and (363736).)

Sec. 577.1—577.9. (Reserved).

CHAPTER 579. [ FIVE CARD HI-LO ] (Reserved)

(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 579 which appears in 58 Pa. Code pages 579-1—579-13 serial pages (363737)—(363749).)

Sec. 579.1—579.13. (Reserved).



**CHAPTER 603a. TABLE GAME EQUIPMENT**

**§ 603a.1. Definitions.**

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

\* \* \* \* \*

*Impressment*—An inventory conducted on each impress.

**Match Play Coupon**—A noncash equivalent with a stated value imprinted thereon that when presented at a gaming table with gaming chips equal to or greater than the value of the coupon shall be included in the amount of the patron's wager.

*Primary color*—The predominant color used on a gaming chip.

\* \* \* \* \*

**§ 603a.10. Permissible wagering; exchange and redemption of gaming chips and plaques.**

(a) Wagering at table games in a licensed facility shall be conducted with gaming chips, plaques, electronic wagering credits or gaming vouchers, provided that noncashable promotional or free-play credits on a gaming voucher may be used only for the purpose of slot machine gaming, **Match Play Coupons** and other wagering instruments approved by the Board.

\* \* \* \* \*

**§ 603a.13. Dice; receipt, storage, inspection and removal from use.**

\* \* \* \* \*

(f) Dice shall be inspected and distributed to the gaming tables in accordance with one of the following applicable alternatives:

(1) Alternative No. 1.

(i) The assistant table games shift manager or above and the security department employee who removed the dice from the approved storage area shall distribute sufficient dice directly to the pit manager or above in each pit, or place them in a locked compartment in the pit stand, the keys to which shall be in the possession of the pit manager or above.

(ii) Immediately upon opening a table for gaming, the pit manager or above shall distribute a set of dice to the table. At the time of receipt, a boxperson at each Craps table and the floorperson at each Pai Gow, Pai Gow Poker, Sic Bo, **Three Dice Football** or Mini-Craps table, to ensure that the dice are in a condition to assure fair play and otherwise conform to the requirements of this chapter, shall, in the presence of the dealer, inspect the dice given to him with a micrometer or any other instrument approved by the Board's Executive Director which performs the same function, a balancing caliper, a steel set square and a magnet. These instruments shall be kept in a compartment at each Craps table or pit stand and shall be at all times readily available for use by the casino compliance representatives or other Board employees upon request. The inspection shall be performed on a flat surface which allows the dice inspection to be observed through the slot machine licensee's surveillance system and by any persons in the immediate vicinity of the table.

(iii) Following the inspection required under subparagraph (ii):

(A) For Craps, the boxperson shall, in the presence of a dealer, place the dice in a cup on the table for use in gaming.

(B) For Mini-Craps **and Three Dice Football**, the floorperson shall, in the presence of a dealer, place the dice in a cup on the table for use in gaming.

(C) For Sic Bo, the floorperson shall, in the presence of the dealer, place the required number of dice into the shaker and seal or lock the shaker. The floorperson shall then secure the Sic Bo shaker to the table in the presence of the dealer who observed the inspection.

(D) For Pai Gow and Pai Gow Poker, the floorperson shall, in the presence of the dealer, place the dice in the Pai Gow shaker.

(iv) The pit manager or above shall place extra dice for the dice reserve in the pit stand. Dice in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the pit manager or above. No dice taken from the pit stand reserve may be used for actual gaming until the dice have been inspected in accordance with subparagraph (ii).

(2) Alternative No. 2.

(i) The assistant table games shift manager or above and the security department employee who removed the dice from the approved storage area shall distribute the dice directly to the following certificate holder's employees who shall perform the inspection in each pit:

(A) For Craps and Mini-Craps, a boxperson or floorperson in the presence of another boxperson or floorperson, both of whom are assigned the responsibility of supervising the operation and conduct of a Craps or Mini-Craps game.

(B) For Sic Bo, **Three Dice Football**, Pai Gow and Pai Gow Poker, a floorperson, in the presence of another floorperson, both of whom are assigned the responsibility of supervising the operation and conduct of Sic Bo, **Three Dice Football**, Pai Gow or Pai Gow Poker games.

(C) For storage of the dice for the dice reserve in the pit stand, to the pit manager or above.

(ii) To ensure that the dice are in a condition to assure fair play and otherwise conform to the requirements of this chapter, the dice shall be inspected by one of the individuals listed in subparagraph (i)(A) or (B) with a micrometer or other instrument approved by the Board's Executive Director which performs the same function, a balancing caliper, a steel set square and a magnet. These instruments shall be kept at the pit stand and at all times readily available for use by the casino compliance representatives or other Board employees upon request. The inspection shall be performed on a flat surface which allows the dice inspection to be observed through the slot machine licensee's surveillance system and by any persons in the immediate vicinity of the pit stand.

(iii) After completion of the inspection, the dice shall be distributed as follows:

(A) For Craps and Mini-Craps, the boxperson or floorperson who inspected the dice shall, in the presence of the other boxperson or floorperson who observed the inspection, distribute the dice to the boxperson assigned at each Craps table or to the floorperson assigned at each Mini-Craps table. The Craps boxperson or the Mini-Craps floorperson shall, in the presence of the dealer, place the dice in a cup on the table for use in gaming.

(B) For Sic Bo, the floorperson who inspected the dice shall, in the presence of the other floorperson who

observed the inspection, place the required number of dice into the shaker and seal or lock the shaker. The floorperson shall then secure the Sic Bo shaker to the table in the presence of the other floorperson who observed the inspection.

(C) For Pai Gow and Pai Gow Poker, the floorperson who inspected the dice shall, in the presence of the other floorperson who observed the inspection, distribute the dice directly to the dealer at each Pai Gow table. The dealer shall immediately place the dice in the Pai Gow shaker.

**(D) For Three Dice Football, the floorperson who inspected the dice shall, in the presence of the other floorperson who observed the inspection, distribute the dice to the floorperson assigned at each Three Dice Football table. The floorperson shall, in the presence of the dealer, place the dice in a cup on the table for use in gaming.**

(iv) The pit manager or above shall place extra sets of dice for the dice reserve in the pit stand, as follows:

(A) Dice in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the pit manager or above.

(B) Except as otherwise provided in subparagraph (v), dice taken from the reserve in the pit stand shall be reinspected by a floorperson or above in the presence of another floorperson or above in accordance with the inspection procedures set forth in subparagraph (ii), prior to their use for actual gaming.

(v) Previously inspected reserve dice may be used for gaming without being reinspected if the dice are maintained in a locked compartment in the pit stand in accordance with the following procedures:

(A) For Craps [ and ], Mini-Craps and Three Dice Football, a set of five dice, after being inspected, shall be placed in a sealed envelope or container. A label that identifies the date of inspection and contains the signatures of those responsible for the inspection shall be attached to the envelope or container.

(B) For Sic Bo, three dice, after being inspected, shall be placed in a sealed envelope or container or sealed or locked in a Sic Bo shaker. A label or seal that identifies the date of inspection and contains the signatures of those responsible for the inspection shall, respectively, be attached to each envelope or container or placed over the area that allows access to open the Sic Bo shaker.

(C) For Pai Gow and Pai Gow Poker, a set of three dice, after being inspected, shall be placed in a sealed envelope or container. A label that identifies the date of inspection and contains the signatures of those responsible for the inspection shall be attached to each envelope or container.

### (3) Alternative No. 3.

(i) **The inspection of dice for table games shall take place in the approved storage area in the presence of a floorperson or above, the assistant table games shift manager or above and a security department employee.**

(ii) **Prior to starting the inspection of the dice, notice shall be provided to the certificate holder's surveillance department.**

(iii) **The dice shall be inspected by the floorperson or above, or the assistant table games shift manager or above, or both, with a micrometer**

**or another instrument approved by the Board's Executive Director which performs the same function, a balancing caliper, a steel set square and a magnet to ensure that the dice are in a condition to assure fair play and otherwise conform to this chapter. These instruments shall be maintained in the approved storage area and at all times readily available for use by the casino compliance representatives or other Board employees upon request.**

(iv) **After completion of the inspection, the persons performing the inspection shall seal the dice as follows:**

(A) **For Craps, Mini-Craps and Three Dice Football, after each set of five dice are inspected, the dice shall be placed in a sealed envelope or container. A label that identifies the date of the inspection and contains the signatures of those responsible for the inspection must be attached to each envelope or container.**

(B) **For Sic Bo, if a manual shaker is being utilized at the gaming table, after each set of dice are inspected, three dice shall be sealed or locked in a manual shaker. A seal that identifies the date of the inspection and contains the signatures of those responsible for the inspection shall be placed over the area that allows access to open the shaker. If an automated shaker is being utilized at the gaming table, after each set of three dice is inspected, the dice shall be placed in a sealed envelope or container. A label that identifies the date of the inspection and contains the signatures of those responsible for the inspection must be attached to each envelope or container.**

(C) **For Pai Gow, after each set of three dice is inspected, the dice shall be placed in a sealed envelope, container or shaker. A label that identifies the date of the inspection and contains the signatures of those responsible for the inspection must be attached to each envelope, container or shaker.**

(D) **Reserve dice may be placed in individual sealed envelopes or containers. A label that identifies the date of the inspection and contains the signatures of those responsible for the inspection must be attached to each envelope or container.**

(v) **At the beginning of each gaming day and at other times as may be necessary, an assistant table games shift manager or above and a security department employee shall distribute the dice as follows:**

(A) **For Craps and Mini-Craps, the sealed envelopes or containers of dice shall be distributed to a pit manager or above in each Craps or Mini-Craps pit or placed in a locked compartment in the pit stand. When the sealed dice are distributed to a Craps or Mini-Craps table, a boxperson at a Craps table or a floorperson at a Mini-Craps table, after assuring the seals are intact and free from tampering, shall open the sealed envelope or container in the presence of a dealer and place the dice in a cup on the table for use in gaming.**

(B) **For Sic Bo, if a manual shaker is being utilized at the gaming table, the sealed manual shakers shall be distributed to the pit manager or above supervising the game or placed in a locked compartment in the pit stand. The floor person or above, after assuring the seal on the shaker is**

intact and free from tampering, shall secure the manual Sic Bo shaker to the table. If an automated shaker is being utilized at the gaming table, the sealed envelope or container shall be distributed to a pit manager or above in a Sic Bo pit or placed in a locked compartment in the pit stand. When the sealed dice are distributed to the Sic Bo table by the pit manager or above, the floorperson, after assuring the seal and envelopes or containers are intact and free from tampering, shall open the sealed envelope or container in the presence of the dealer and place the dice in the Sic Bo shaker.

(C) For Pai Gow, the sealed envelope or container shall be distributed to a pit manager or above in a Pai Gow pit or placed in a locked compartment in the pit stand. When the sealed dice are distributed to the Pai Gow table by the pit manager or above, a floorperson, after assuring the seal and envelopes or containers are intact and free from tampering, shall open the sealed envelope or container in the presence of the dealer and place the dice in the Pai Gow shaker.

(vi) When an envelope, container or seal is damaged, broken or shows indication of tampering, the dice in the envelope, container or shaker may not be used for gaming activity unless the dice are reinspected in accordance with paragraph (1) or (2).

(vii) The pit manager or above shall place extra dice for the dice reserve in the pit stand. Dice in the pit stand shall be placed in a locked compartment. The keys to the locked compartment shall be in the possession of the pit manager or above.

(viii) A micrometer or another instrument approved by the Board's Executive Director which performs the same function, a balancing caliper, a steel set square and a magnet shall be maintained in a locked compartment in each pit stand. These instruments shall be readily available at all times for use by the casino compliance representatives or other Board employees upon request. The inspection of dice in the approved storage area in accordance with this alternative shall be performed on a flat surface which allows the dice inspection to be observed through the slot machine licensee's surveillance system.

(g) A certificate holder shall remove any dice at any time of the gaming day and file a Dice Discrepancy Report as required under subsection (h) if there is any indication of tampering, flaws or other defects that might affect the integrity or fairness of the game, or at the request of a casino compliance representative or other Board employee.

\* \* \* \* \*

*(Editor's Note: Sections 603a.20 and 603a.21 are new and printed in regular type to enhance readability.)*

**§ 603a.20. Match Play Coupons; physical characteristics and issuance.**

(a) A certificate holder may utilize Match Play Coupons in accordance with this section.

(b) Match Play Coupons may not be issued by a certificate holder or utilized in a licensed facility until:

(1) The design specifications of the proposed Match Play Coupons are submitted to the Bureau of Gaming

Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment).

(2) A system of internal procedures and administrative and accounting controls governing the inventory, distribution and redemption of the Match Play Coupons is submitted and approved as part of the certificate holder's internal controls in accordance with § 465a.2 (relating to internal control systems and audit protocols).

(c) Match Play Coupons issued by a certificate holder must contain:

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

(2) The value of the coupon which can be identified when viewing the coupon through the surveillance system of the certificate holder.

(3) A sequential serial number.

(4) Restrictions regarding redemption including the type of game or wager on which the coupon may be used.

(5) A statement specifying the date on which the coupon expires.

(6) An area designated for the placement of the required gaming chips so as to not obscure or interfere with the visibility of the denomination of the coupon.

(d) The marketing department, or other department as specified in the certificate holder's internal controls, and the finance department shall be responsible for administering the Match Play Coupon program. The marketing department shall be responsible for distributing the coupons to patrons. The finance department shall be responsible for maintaining the Match Play Coupon ledger and administering the coupon accounting procedures in subsection (m).

(e) Match Play Coupons received from a gaming service provider or produced by the certificate holder in accordance with subsection (p) shall be opened and examined by at least one member of the finance department and one member of the marketing department. Any deviation between the invoice accompanying the coupons and the actual coupons received shall be immediately reported to a supervisor from the finance department and to the Bureau of Casino Compliance.

(f) After checking the Match Play Coupon received from the gaming service provider or produced by the certificate holder, a finance department supervisor shall record the following information in the Match Play Coupon ledger:

(1) The date the coupons were received.

(2) The quantity and denomination of coupons received.

(3) The beginning and ending serial number of the coupons received.

(4) The name, signature and Board-issued credential number of the individuals who checked the coupons.

(g) A marketing department supervisor shall estimate the number of Match Play Coupons needed for each gaming day or promotion and complete a requisition document which contains the following information:

(1) The date the requisition was prepared.

(2) The date for which the coupons are needed.

(3) The denomination and quantity of coupons requested.



(4) The name, signature and Board-issued credential number of the marketing department supervisor completing the requisition.

(5) The name, signature and Board-issued credential number of the finance department supervisor authorizing the requisition.

(h) Upon receipt of the requisition document, the finance department supervisor shall record in the Match Play Coupon ledger the following information before the coupons are issued to the marketing department supervisor:

(1) The beginning and ending serial number of the coupons issued.

(2) The denomination and quantity of coupons issued.

(3) The name, signature and Board-issued credential number of the finance department supervisor who issued the coupons.

(4) A record and explanation of coupons that were voided.

(i) Match Play Coupons that are not issued to the marketing department shall be controlled by a finance department supervisor or above and stored in a secured and locked area approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The certificate holder shall include in its internal controls the location of the approved storage area.

(j) The marketing department shall maintain a daily Match Play Coupon Reconciliation Form which must contain:

(1) The date.

(2) The beginning and ending serial numbers of the coupons received from the finance department.

(3) The denomination and quantity of coupons the marketing department has to distribute to patrons.

(4) The denomination and quantity of coupons the marketing department distributed to patrons.

(5) The denomination, quantity and serial numbers of coupons remaining.

(6) The serial numbers of coupons that were voided and the reason the coupons were voided.

(7) Variations discovered and an explanation of the variations.

(8) The name, signature and Board-issued credential number of the marketing department supervisor completing the form.

(k) At the end of the gaming day or promotional period, a copy of the Match Play Coupon Reconciliation Form and Match Play Coupons that were not distributed to patrons shall be returned to the finance department. The marketing department may keep for use during the next gaming day coupons that were not distributed to patrons provided the coupons are stored in a secured and locked area approved by the Bureau of Casino Compliance in accordance with § 601a.10(f) and recoded on the daily Match Play Coupon Reconciliation Form for the next gaming day. Expired coupons shall be returned to the finance department on a daily basis.

(l) When unused and expired Match Play Coupons are returned to the finance department, a finance department supervisor shall record the following information in the Match Play Coupon ledger:

(1) The date the coupons were returned.

(2) The beginning and ending serial numbers of the coupons returned.

(3) The denomination and quantity of coupons returned.

(4) The serial numbers of any coupons that were voided and the reason the coupons were voided.

(5) The name, signature and Board-issued credential number of the marketing department supervisor returning the unused coupons and the name, signature and Board-issued credential number of the finance department supervisor who received the unused coupons.

(m) Documentation, voided coupons, redeemed coupons and coupons that were not distributed to patrons shall be forwarded on a daily basis to the finance department where the coupons shall be:

(1) Counted and examined for proper calculation and recording.

(2) Reviewed for the propriety of signatures on the documentation and cancelled.

(3) Reconciled by total number of coupons given to the marketing department for distribution to patrons, returned for reissuance, voided, distributed to patrons and redeemed.

(4) Recorded, maintained and controlled by the finance department.

(n) At least once every month, each certificate holder shall inventory the Match Play Coupons that are not distributed to patrons and record the result of the inventory in the Match Play Coupon ledger. The procedures to be utilized to inventory the Match Play Coupons shall be submitted for approval as part of the certificate holder's internal controls.

(o) Each certificate holder shall prepare and file with the Bureau of Casino Compliance a quarterly report which lists, by denomination of Match Play Coupon, the total value of the coupons redeemed by patrons.

(p) A certificate holder may internally manufacture or print Match Play Coupons provided that internal controls governing the production and subsequent reconciliation of the coupons are submitted and approved by the Board.

(q) If included in the certificate holder's internal controls, required under § 465a.2, a certificate holder may authorize a gaming service provider to print and mail Match Play Coupons directly to patrons in accordance with the following requirements:

(1) The Match Play Coupons mailed by the gaming service provider must comply with subsections (b) and (c).

(2) The certificate holder shall supply the gaming service provider, through electronic means, a list of the following information for each patron to whom the Match Play Coupon shall be mailed:

(i) The patron's name.

(ii) The patron's address.

(iii) The denomination of the Match Play Coupon.

(iv) The expiration date of the Match Play Coupon.

(v) A serial number on each Match Play Coupon.

(3) The Match Play Coupon issued must include a magnetic strip or bar code that will enable the certificate



holder's computer system to identify the information required under subsection (q)(2).

(4) The information in subsection (q)(2) shall be provided to the finance department which shall maintain the information for purposes of reconciliation as required under subsection (m).

(5) Prior to the redemption of the Match Play Coupon, the dealer shall verify the expiration date and confirm that the coupon has not expired.

(6) Match Play Coupons issued must be electronically canceled in the certificate holder's computer system immediately upon redemption or during the counting of the table game drop boxes as provided in § 465a.25 (relating to counting and recording of slot cash storage boxes and table game drop boxes).

(7) The certificate holder is responsible for ensuring that the gaming service provider does not mail Match Play Coupons to individuals on the self-exclusion list under Chapter 503a (relating to self-exclusion) or the exclusion list under Chapter 511a (relating to persons required to be excluded).

(r) A certificate holder may utilize a computerized system that complies with the requirements in this section provided that:

(1) The computerized system creates Match Play Coupons that comply with the requirements in subsection (c).

(2) The computerized system provides an equivalent audit trail and allows for the segregation of duties to satisfy the requirements in this section.

(3) The certificate holder includes in its internal controls required under § 465a.2 procedures governing the production, recording and reconciliation of the computer generated Match Play Coupons.

**§ 603a.21. Match Play Coupon use.**

(a) A Match Play Coupon may be redeemed only at a gaming table in which patrons wager against the house.

(b) A Match Play Coupon shall be redeemed by a dealer or boxperson if accompanied by gaming chips that are equal to or greater in value to the stated value of the coupon. The Match Play Coupon shall be placed underneath the gaming chips wagered by the patron so that the value of the coupon is visible at all times. If the gaming chips wagered by the patron are greater in value than the stated value of the Match Play Coupon, the dealer shall break down the wager by placing an amount of gaming chips equal to the stated value of the coupon directly on the coupon and the remainder of the gaming chips wagered next to the coupon. If the wager wins, it shall be paid in accordance with the terms and conditions of the coupon.

(c) A Match Play Coupon and any gaming chips wagered shall be positioned as follows:

(1) For all games other than Craps, Mini-Craps or Roulette, in the patron's betting area.

(2) For Craps and Mini-Craps, on the Pass or Don't Pass Line.

(3) For Roulette, in the box marked "Black," "Red," "Odd," "Even," "1-18," "19-36," "1st 12," "2nd 12" or "3rd 12."

(d) A patron may use only one Match Play Coupon per round of play.

(e) Whether the wager wins or loses, the dealer shall deposit the Match Play Coupon into the drop box at-

tached to the gaming table at the time the winning wager is paid or the losing wager is collected.

**CHAPTER 609a. CREDIT**

**§ 609a.13. Requirements for Counter Checks.**

\* \* \* \* \*

(c) For Counter Checks that are manually prepared:

\* \* \* \* \*

(3) Access to the Counter Checks shall be maintained and controlled [ **at all times** ] by the finance department employees responsible for the control of and accounting for the unused supply of Counter Checks[ , **and for the preparation of Counter Checks for a patron's signature** ]. **The finance department may issue the book containing the manually prepared Counter Checks to the table games department. The finance department shall establish sign in and sign out procedures in its internal controls to document the transfer and return.**

\* \* \* \* \*

**CHAPTER 623a. CRAPS AND MINI-CRAPS**

**§ 623a.2. Craps and Mini-Craps tables; physical characteristics.**

\* \* \* \* \*

(d) The layout for a Craps or Mini-Craps table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

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

(2) Specific areas designated for the placement of wagers authorized under § 623a.3 (relating to wagers).

(3) The words "no call bets."

(4) If the certificate holder offers the Fire Bet in accordance with § 623a.11 (relating to additional procedures and rules for the Fire Bet):

(i) No more than 16 areas designated for the placement of Fire Bets. The Fire Bet areas must be located around the perimeter of the layout, corresponding to player positions at the table, and sequentially numbered in a clockwise direction, with the area numbered 1 being located immediately to the left of the boxperson or dealer.

(ii) A designated area of the layout for the relocation and identification of all Fire Bets placed by players prior to the come out roll of a shooter. The designated area must be located in front of the boxperson and contain numbered areas which correspond to the location of the numbered areas described in subparagraph (i).

(iii) The following information, visible to all player positions, on the inside wall of the table:

(A) The payout odds for four, five and six different unique points made.

(B) Fire Bets shall be accepted only prior to a shooter's initial come out roll.

(C) The wager limitations applicable to the Fire Bet.

**(5) If the certificate holder offers Bonus Craps:**

**(i) A designated area of the layout in front of the boxperson for the placement of the following wagers:**

**(A) The All Small Wager.**

**(B) The All Or Nothing At All Wager.**

**(C) The All Tall Wager.**

**(ii) A designated area of the layout for the placement of a marker button on numbers 2 through 6 and numbers 8 through 12.**

**(iii) The payout odds for permissible Bonus Craps wagers.**

(e) Each Craps and Mini-Craps table must have a drop box and tip box attached to the table in locations approved by the Bureau of Casino Compliance in accordance with § 601a.10(g).

**§ 623a.3. Wagers.**

(a) The following wagers are authorized in the games of Craps and Mini-Craps:

\* \* \* \* \*

(42) In addition to or in lieu of the Place Bets to Lose on 4, 5, 6, 8, 9 and 10, a certificate holder may, if specified in its Rules Submission under § 601a.2, offer players the option of placing a Lay Bet to receive true odds on the Place Bet to Lose. A Lay Bet shall be active on a come out roll unless called "off" by the player and confirmed by the dealer through placement of an "off" marker button on top of the player's wager. A winning or losing Lay Bets shall be determined as follows:

(i) A Lay Bet shall win if a 7 is thrown before the particular number against which the wager is placed is thrown.

(ii) A Lay Bet shall lose if the particular number against which the wager is placed is thrown before a 7 is thrown.

**(43) If Bonus Craps is being offered, the following wagers may be made immediately prior to the come out roll:**

**(i) An All Small Wager which will win if all of the numbers 2 through 6 are thrown before a 7 is thrown.**

**(ii) An All Or Nothing At All Wager which shall win if all of the numbers 2 through 6 and 8 through 12 are thrown before a 7 is thrown.**

**(iii) An All Tall Wager which shall win if all numbers 8 through 12 are thrown before a 7 is thrown.**

(b) Except as permitted under § 623a.6(e) (relating to supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds)), the amount of a Craps or Mini-Craps wager:

- (1) May not be less than the minimum wager.
- (2) May not be more than the maximum wager.
- (c) The minimum and maximum wagers shall be posted at each Craps or Mini-Craps table.

**§ 623a.4. Making and removal of wagers.**

\* \* \* \* \*

(c) A wager made on any bet may be removed or reduced at any time prior to a roll that decides the outcome of the wager except that:

(1) A Pass Bet may not be removed or reduced after a come out point is established with respect to the Pass Bet.

(2) A Come Bet may not be removed or reduced after a come point is established with respect to the Come Bet.

(3) A Fire Bet may not be reduced or increased at any time, and may not be removed prior to the throwing of a loser 7.

**(4) Any of the Bonus Craps wagers may not be reduced or increased at any time.**

(d) A Don't Come Bet and a Don't Pass Bet may be removed or reduced at any time but may not be replaced or increased after the bet has been removed or reduced.

(e) Only players who are seated at a Mini-Craps table may place a wager at the game. Once a player has placed a wager, that player shall remain seated until the completion of the round of play.

**§ 623a.5. Payout odds.**

\* \* \* \* \*

**(h) A certificate holder that offers Bonus Craps in accordance with § 623a.12(a)(43) (relating to additional procedures and rules for Bonus Craps) shall pay winning:**

- (1) All Small Wagers at odds of 34 to 1.**
- (2) All Or Nothing At All Wagers at odds of 175 to 1.**
- (3) All Tall Wagers at odds of 34 to 1.**

(i) Except as permitted under subsection (g)(3), a certificate holder may not charge a percentage, fee or vigorish to a player in making any wager in the game of Craps or Mini-Craps.

**[ (i) ] (j)** Except as permitted under § 623a.6(e) (relating to supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds)), a certificate holder may not accept any wager in excess of the maximum bet posted at the table.

*(Editor's Note: The following section is new and printed in regular type to enhance readability.)*

**§ 623a.12. Additional procedures and rules for Bonus Craps.**

If a certificate holder elects to offer Bonus Craps as permitted under § 623a.3 (relating to wagers), the following additional rules and procedures apply:

(1) Prior to a new shooter's initial come out roll, each player may place one or more of the permissible wagers described in § 623a.3(43).

(2) The dealer shall place each player's wagers in the corresponding designated area in front of the boxperson, where the wagers must remain until they are either collected or paid.

(3) With each point made by a shooter, the dealer shall place a marker button inscribed with the point value in the area of the table layout containing the point value of the throw (2, 3, 4, 5, 6, 8, 9, 10, 11 or 12) which was just made. Each button must be visually distinguishable from and have a diameter larger than an authorized value chip. Marker buttons shall be maintained by the boxperson or dealers at the Craps table.

(4) Once all numbers necessary for the wager have been thrown and marked on the layout with the marker buttons, the dealer will pay the winning wagers in accordance with § 623a.5(h) (relating to payout odds). For example, if a player placed an All Small Wager and an All Or Nothing At All Wager and all of the numbers 2

through 6 were thrown and marked before a 7 was thrown, the dealer shall pay the winning All Small Wager but leave the marker buttons on the layout until either all other numbers necessary for the All Or Nothing At All Wager are thrown or the shooter throws a 7.

(5) If a 7 is thrown at any time, including a 7 on the come out roll, the dealer shall collect all Bonus Craps wagers and remove all marker buttons from the Bonus Craps area of the layout.

(6) The numbers required to win are not required to be made in a specific order or combination.

CHAPTER 627a. MINIBACCARAT

§ 627a.2. Minibaccarat table physical characteristics.

\* \* \* \* \*

(b) The layout for a Minibaccarat table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

\* \* \* \* \*

(7) If a certificate holder offers the House Money Wager, authorized under § 627a.7(a)(7), separate areas designated for the placement of the House Money Wager for each player.

(8) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

\* \* \* \* \*

§ 627a.7. Wagers.

(a) The following are permissible wagers in the game of Minibaccarat:

\* \* \* \* \*

(7) If offered by a certificate holder, a House Money Wager which shall:

(i) Win if the first two cards of either the Player's Hand or Banker's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of same rank (two queens, for example), regardless of suit.

(ii) Lose if the first two cards of either the Player's Hand or Banker's Hand do not contain a pair.

(b) Wagers at Minibaccarat shall be made by placing value chips or plaques on the appropriate areas of the Minibaccarat layout. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

§ 627a.8. Hands of player and banker; procedure for dealing initial two cards to each hand.

\* \* \* \* \*

(d) Prior to dealing a third card to the Player's or Banker's Hand, the dealer shall settle all House Money Wagers as follows:

(1) If a player placed a House Money Wager, beginning from the dealer's right and moving counterclockwise around the table, the dealer shall collect all losing House Money Wagers and pay all winning wagers in accordance with § 627a.12(h) (relating to payout odds; vigorish) provided that, at a player's discretion, the player may add the winning House Money payout to the player's original wager on the Player's or Banker's Hand in accordance with the following:

(i) All of the winning House Money payout or, if specified in the certificate holder's Rules Submission filed in accordance with § 601a.2, only a specified portion of the winning House Money payout shall be added to the area designated for the placement of the player's original wager on the Player's or Banker's Hand. The player's original wager and the House Money payout which was added to the player's original wager shall be settled based on the outcome of the player's wager on the Player's or Banker's Hand.

(ii) A player may not touch the winning House Money payout. The dealer shall either hand the entire winning House Money payout to the player or place all or a portion thereof, if permitted by the certificate holder, on the area designated for the placement of the player's wager on the Player's or Banker's Hand.

(2) After settling the House Money Wagers, the game shall resume by dealing any third cards that are required to be dealt in accordance with § 627a.9.

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

§ 627a.12. Payout odds; vigorish.

\* \* \* \* \*

(f) A winning Dragon 7 Insurance Wager, as described in § 627a.7(a)(5), shall be paid at odds of 40 to 1.

(g) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following payable:

<i>Hand</i>	<i>Odds</i>
Player and Banker Pair	15 to 1
Player or Banker Pair	3 to 1

CHAPTER 629a. MIDIBACCARAT

§ 629a.2. Midibaccarat table physical characteristics.

\* \* \* \* \*

(b) The layout for a Midibaccarat table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

\* \* \* \* \*

(7) If a certificate holder offers the House Money Wager, authorized under § 629a.7(a)(7), separate areas designated for the placement of the House Money Wager for each player.

(8) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the



dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

\* \* \* \* \*

§ 629a.7. Wagers.

(a) The following are permissible wagers in the game of Midibaccarat:

\* \* \* \* \*

(7) If offered by a certificate holder, a House Money Wager which shall:

(i) Win if the first two cards of either the Player's Hand or Banker's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of same rank (two queens, for example), regardless of suit.

(ii) Lose if the first two cards of either the Player's Hand or Banker's Hand do not contain a pair.

(b) Wagers at Midibaccarat shall be made by placing value chips or plaques on the appropriate areas of the Midibaccarat layout. Verbal wagers accompanied by cash may be accepted provided that the verbal wagers are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

§ 629a.8. Hands of player and banker; procedure for dealing initial two cards to each hand.

\* \* \* \* \*

(c) The dealer shall then deal an initial four cards from the dealing shoe. The first and third cards dealt shall be placed face down on the area designated for the Player's Hand and the second and fourth cards dealt shall be placed face down on the area designated for the Banker's Hand.

\* \* \* \* \*

(3) Prior to dealing a third card to the Player's or Banker's Hand, the dealer shall settle all House Money Wagers as follows:

(i) If a player placed a House Money Wager, after the initial two cards of the Player's Hand and Banker's Hand have been turned face up on the layout, beginning from the dealer's right and moving counterclockwise around the table, the dealer shall collect all losing House Money wagers and pay all winning wagers in accordance with § 629a.12(h) (relating to payout odds; vigorish) provided that, at a player's discretion, the player may add the winning House Money payout to the player's original wager on the Player's or Banker's Hand in accordance with the following:

(A) All of the winning House Money payout or, if specified in the certificate holder's Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions), only a specified portion of the winning House Money payout shall be added to the area designated for the placement of the player's original wager on the Player's or Banker's Hand. The player's original wager and the House Money payout which was added to the play-

er's original wager shall then be settled based on the outcome of the player's wager on the Player's or Banker's Hand.

(B) A player may not touch the winning House Money payout. The dealer shall either hand the entire winning House Money payout to the player or place all or a portion thereof, if permitted by the certificate holder, on the area designated for the placement of the player's wager on the Player's or Banker's Hand.

(ii) After settling the House Money Wagers, the game shall resume by dealing any third cards that are required to be dealt.

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

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

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

\* \* \* \* \*

§ 629a.12. Payout odds; vigorish.

\* \* \* \* \*

(h) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following payable:

<i>Hand</i>	<i>Odds</i>
Player and Banker Pair	15 to 1
Player or Banker Pair	3 to 1

CHAPTER 631a. BACCARAT

§ 631a.2. Baccarat table physical characteristics.

\* \* \* \* \*

(b) The layout for a Baccarat table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table layouts, signage and equipment) and contain, at a minimum:

\* \* \* \* \*

(7) If a certificate holder offers the House Money Wager, authorized under § 631a.8(a)(7), separate areas designated for the placement of the House Money Wager for each player.



(8) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

\* \* \* \* \*

§ 631a.8. Wagers.

(a) The following are permissible wagers in the game of Baccarat:

\* \* \* \* \*

(7) If offered by a certificate holder, a House Money Wager which shall:

(i) Win if the first two cards of either the Player's Hand or Banker's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of the same rank (two queens, for example), regardless of suit.

(ii) Lose if the first two cards of either the Player's Hand or Banker's Hand do not contain a pair.

(b) Wagers at Baccarat shall be made by placing value chips or plaques on the appropriate areas of the Baccarat layout. Verbal wagers accompanied by cash may be accepted provided that the verbal wagers are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

§ 631a.9. Hands of player and banker; procedure for dealing initial two cards to each hand.

\* \* \* \* \*

(e) After the initial two cards of the Player's Hand and Banker's Hand have been turned face up on the layout but prior to dealing a third card in accordance with subsections (c) and (d), the dealer shall settle all House Money Wagers as follows:

(1) If a player placed a House Money Wager, beginning from the dealer's right and moving counterclockwise around the table, the dealer shall collect all losing House Money wagers and pay all winning wagers in accordance with § 631a.13(h) (relating to payout odds; vigorish) provided that, at a player's discretion, the player may add the winning House Money payout to the player's original wager on the Player's or Banker's Hand in accordance with the following:

(i) All of the winning House Money payout or, if specified in the certificate holder's Rules Submission filed in accordance with § 601a.2, only a specified portion of the winning House Money payout shall be added to the area designated for the placement of the player's original wager on the Player's or Banker's Hand. The player's original wager and the House Money payout which was added to the player's original wager shall then be settled based on the outcome of the player's wager on the Player's or Banker's Hand.

(ii) A player may not touch the winning House Money payout. The dealer shall either hand the entire winning House Money payout to the player or place all or a portion thereof, if permitted by the

certificate holder, on the area designated for the placement of the player's wager on the Player's or Banker's Hand.

(2) After settling the House Money Wagers, the game shall resume by dealing any third cards that are required to be dealt in accordance with subsection (c) or (d)(4).

(f) The dealer or floorperson assigned to the table may require any player to relinquish the right to turn over the cards in accordance with subsection (d) if the player unreasonably delays the game. If the voluntary or compulsory relinquishment of that right occurs, the dealer shall offer it to the player immediately to the right of the previous player. If the player does not accept it or there is not a player in that position, the dealer shall offer it to each of the other players in turn, moving counterclockwise around the table for the remainder of that round of play. If no player accepts the cards, the dealer shall turn the cards over and place them on the designated areas of the layout.

§ 631a.13. Payout odds; vigorish.

\* \* \* \* \*

(h) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following payable:

<i>Hand</i>	<i>Odds</i>
Player and Banker Pair	15 to 1
Player or Banker Pair	3 to 1

CHAPTER 633a. BLACKJACK

§ 633a.1. Definitions.

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

*Ace-king suited*—An ace and a king of the same suit.

*Any 20*—Two cards of different suits with a total point count of 20.

\* \* \* \* \*

*Triple Match*—The player's initial two cards and the dealer's up card which are all the same rank.

*Two-card straight*—Two cards in consecutive rank regardless of suit.

*Two-card straight flush*—Two cards in consecutive rank of the same suit.

§ 633a.2. Blackjack table; card reader device; physical characteristics; inspections.

\* \* \* \* \*

(b) The layout for a Blackjack table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

\* \* \* \* \*

(13) If the certificate holder offers the Straight Jack Progressive Wager authorized under § 633a.6(e)(11), a separate area designated for the placement of the Straight Jack Progressive Wager.

(14) If the certificate holder offers the House Money Wager authorized under § 633a.6(e)(12), a separate area designated for the placement of the House Money Wager.

(15) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Blackjack table.

[ (14) ] (16) An inscription indicating the payout limit per hand established by the certificate holder under § 633a.13(m) (relating to payout odds; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Blackjack table.

(c) If the certificate holder offers the Bad Beat Progressive Wager authorized under § 633a.6(e)(8), the Blackjack table must have a progressive table game system in accordance with § 605a.7 (relating to progressive table game systems) and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Bad Beat Progressive Wager. The system must include a mechanism, such as a lock-out button, that prevents the placement of any Bad Beat Progressive Wagers that a player attempts to place after the dealer has begun dealing the cards.

(d) If a certificate holder offers the Hit and Run Progressive Wager in accordance with § 633a.6(e)(10) or the Straight Jack Progressive Wager in accordance with § 633a.6(e)(11), the Blackjack table must have a progressive table game system, in accordance with § 605a.7, for the placement of Hit and Run or Straight Jack Progressive Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Hit and Run or Straight Jack Progressive Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table including a mechanism, such as a lock-out button, that prevents the placement of any Hit and Run or Straight Jack Progressive Wagers that a player attempts to place after the dealer has begun dealing the cards.

\* \* \* \* \*

§ 633a.6. Wagers.

\* \* \* \* \*

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Blackjack Wager in accordance with subsection (d) the option of placing the following additional wagers:

\* \* \* \* \*

(10) A Hit and Run Progressive Wager that the dealer will have Blackjack or a hand containing five or more cards.

(11) A Straight Jack Progressive Wager that the initial two cards dealt to the player will form at least a two-card straight.

(12) A House Money Wager that the initial two cards dealt to the player will form a two-card straight, a pair, a two-card straight flush or an ace-king suited.

(f) The certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a Blackjack Wager in one round of play.

§ 633a.7. Procedure for dealing the cards; completion of each round of play.

\* \* \* \* \*

(g) Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before any card reader device is utilized, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the player's optional wagers by collecting all losing wagers and paying all winning wagers as follows:

\* \* \* \* \*

(8) If a player placed a Three Card Poker Wager and the dealer's up card and the player's initial two cards form a three-card Poker hand of a straight flush, three-of-a-kind, straight or a flush, the dealer shall pay the winning Three Card Poker Wager in accordance with § 633a.13(k).

(9) If a player placed a Straight Jack Progressive Wager and the player's initial two cards do not form a two-card straight, the dealer shall collect the player's Straight Jack Progressive Wager.

(10) If a player placed a House Money Wager and the player's initial two cards do not form a two-card straight, a pair, a two-card straight flush or an ace-king suited, the dealer shall collect the player's House Money Wager. If a player has a winning hand:

(i) And the dealer's up card is an ace, king, queen, jack or 10, the dealer shall determine whether the hole card will give the dealer a Blackjack in accordance with subsection (h). If the dealer:

(A) Has a Blackjack, the dealer shall pay the winning House Money Wager in accordance with § 633a.13(n).

(B) Does not have a Blackjack, the dealer shall follow the requirements in subparagraph (ii).

(ii) And the dealer's up card is not an ace, king, queen, jack or 10, the dealer shall pay all winning wagers in accordance with § 633a.13(n) provided that, at a player's discretion, the player may add the winning House Money payout to the player's Blackjack Wager in accordance with the following:

(A) All of the winning House Money payout or, if specified in the certificate holder's Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions), only a specified portion of the winning House Money payout shall be added to the area designated for the placement of the player's Blackjack Wager.

(B) A player may not touch the winning House Money payout. The dealer shall either hand the entire winning House Money payout to the player or place all or a portion thereof, if permitted by the certificate holder, on the area designated for the

placement of the player's Blackjack Wager. If a player has a Blackjack, the player may add the House Money payout to the Blackjack Wager.

(C) If the player adds the House Money payout to his Blackjack Wager, the House Money payout and the Blackjack Wager must be considered the entire Blackjack Wager. Thus, if the player elects to split in accordance with § 633a.11 (relating to splitting pairs) or doubles down in accordance with § 633a.10 (relating to Double Down Wager), the player shall match the entire Blackjack Wager.

(h) After settling the player's optional wagers in accordance with subsection (g), if the dealer's first card is an ace, king, queen, jack or 10, the dealer shall, after offering the Insurance Wager or even money in accordance with § 633a.8 (relating to Insurance Wager), determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone at the table, including the dealer. If the dealer has a Blackjack, additional cards may not be dealt and each player's Blackjack Wager and the Bad Beat, Hit and Run Progressive and Insurance Wagers, if applicable, shall be settled.

\* \* \* \* \*

(o) After all additional cards have been dealt to the players and the dealer, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the remaining optional wagers by collecting all losing wagers and paying all winning wagers as follows:

\* \* \* \* \*

(2) If a player placed a Hit and Run Progressive Wager:

(i) A player shall win if the dealer has Blackjack or the dealer's hand has five or more cards inclusive of any card which would give the dealer's hand a total point count of greater than 21. For example, if the dealer's hand has a total point count of 14 with five cards drawn and the dealer draws an additional card resulting in a total point count of 23, the dealer's sixth card shall also count toward the Hit and Run Progressive payout.

(ii) If a player has won the Hit and Run Progressive Wager, the dealer shall:

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

(B) Have a floorperson or above verify any Hit and Run Progressive payout with odds of 100 for 1 or greater in accordance with approved internal control procedures submitted under § 465a.2.

(C) Pay the player the winning Hit and Run Progressive Wager in accordance with § 633a.13(l). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of the player must remain on the table until the necessary documentation has been completed. If more than one player at the table has won a progressive payout that is 100% of the jackpot amount on the progressive meter, each player shall share the maximum amount equally.

(3) If a player placed a Straight Jack Progressive Wager:

(i) A player shall win if the player's initial two cards were a two-card straight. Each additional card drawn by the player which does not break the

sequence of the two-card straight shall result in a payout increase, provided that an ace, king shall be a two-card straight. For example, if the player's initial two cards are a 4 and a 5 and the player draws:

(A) A 6, the player has a three-card straight.

(B) A 3 then a 6, the player has a four-card straight.

(C) A 2 then a 3, the 2 breaks the sequence and the player has a two-card straight.

(D) A 6 then a 7, resulting in a hand with a total point count greater than 21, the last card drawn may not count toward the Straight Jack Progressive Payout. The player will receive a payout for only a three-card straight.

(ii) If a player has won the Straight Jack Progressive Wager, the dealer shall:

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

(B) Have a floorperson or above verify any Straight Jack Progressive Payout with odds of 100 for 1 or greater in accordance with approved internal control procedures submitted under § 465a.2.

(C) Pay the player the winning Straight Jack Progressive Wager in accordance with § 633a.13(m). If a player has won a progressive payout that is 10% or more of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of the player must remain on the table until the necessary documentation has been completed. If more than one player at the table has won a progressive payout that is 100% of the jackpot amount on the progressive meter, each player shall share the maximum amount equally.

(p) A player shall win the Blackjack Wager and be paid in accordance with the payout odds in § 633a.13(a) if:

\* \* \* \* \*

§ 633a.13. Payout odds; payout limitation.

\* \* \* \* \*

(m) If the certificate holder offers the Straight Jack Progressive Wager:

(1) The certificate holder shall pay out winning Straight Jack Progressive Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Player has:	
Six-card straight with an ace of spades	100% of meter and 200 to 1
Six-card straight with an ace of diamonds, clubs or hearts	10% of meter and 200 to 1
Five-card straight	200 to 1
Four-card straight	50 to 1
Three-card straight	15 to 1
Two-card straight	3 to 1

(2) The rate of progression for the meter used for the Straight Jack Progressive Wager must be specified in the certificate holder's Rules Submission



filed in accordance with § 601a.2. The initial and reset amounts must also be in the Rules Submission and be at least \$5,000.

(n) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following payable:

(1) If a single deck of cards is being used:

<i>Hand</i>	<i>Odds</i>
Ace-king suited	9 to 1
Two-card straight flush	5 to 1
Pair	3 to 1
Two-card straight	1 to 1

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

<i>Hand</i>	<i>Odds</i>
Ace-king suited	9 to 1
Two-card straight flush	4 to 1
Pair	3 to 1
Two-card straight	1 to 1

(o) Notwithstanding the payout odds in subsections (b) and (g), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player with a queen of hearts pair and dealer Blackjack or king of spades pair and dealer Blackjack that is payable to all winning hands in the aggregate on a single round of play. The maximum payout amount shall be at least \$25,000 or the maximum amount that one patron could win per round when betting the maximum possible wager, whichever is greater. If a certificate holder establishes a maximum payout, and more than one player at a table has a winning hand of queen of hearts pair and dealer Blackjack or king of spades pair and dealer Blackjack, each player shall share the maximum payout amount proportionately to the amount of the player's respective wager. Any maximum payout limit established by the certificate holder shall apply only to payouts of Royal Match 21 Wagers and King's Bounty Wagers.

**CHAPTER 635a. SPANISH 21**

**§ 635a.10. Double Down Wager; rescue.**

(a) Except when a player has Blackjack, a player may elect to make a Double Down Wager, which may not exceed the amount of his original Spanish 21 Wager [ , on the first two cards dealt to him or the first two cards of any split pair ]. A player may double down on two or more cards dealt to him or two or more cards of any split pair. Only one additional card shall be dealt to the hand on which the player has elected to double down. The one additional card shall be dealt face up and placed sideways on the layout.

\* \* \* \* \*

**CHAPTER 637a. POKER**

**§ 637a.6. Poker rankings.**

\* \* \* \* \*

(c) The rank of the cards used in low hand Poker in order of highest to lowest rank, shall be: ace, 2, 3, 4, 5, 6, 7, 8, 9, 10, jack, queen and king. **In Triple Draw 2-7 Lowball Poker, the order of highest to lowest rank shall be: 2, 3, 4, 5, 6, 7, 8, 9, 10, jack, queen, king and ace.** All suits shall be considered equal in rank.

(d) The ranking of a five-card low hand shall be the inverse of the rankings for a five-card high hand as set

forth in subsection (b). [ Straights ] In games except Triple Draw Lowball 2-7 Poker, straights and flushes will not be considered for purposes of determining a winning hand at low [ hand ] Poker.

\* \* \* \* \*

(Editor's Note: Sections 637a.19—637a.21 are new and printed in regular type to enhance readability.)

**§ 637a.19. Five-card Omaha Poker; procedures for dealing the cards; completion of each round of play.**

(a) A certificate holder that offers Five-card Omaha High or Five-card Omaha High-low Split Eight or Better Poker shall observe the procedures in this section.

(b) No more than eight players may participate in a Five-card Omaha Poker game. Each player who elects to participate in a round of play may be required to place an Ante bet. The rules governing the placement of an Ante bet and the amount of the Ante bet, if any, and the Kill or Half-kill option, if offered, must be specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) A button shall be used to indicate the order in which the cards shall be dealt and the order in which players shall bet in accordance with following procedures:

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

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

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

(d) Before any cards are dealt, the player to the immediate left of the button shall initiate the first betting round by placing a Blind Bet. A certificate holder may require additional Blind Bets to be made immediately after the initial Blind Bet. The amount and number of all Blind Bets required must be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at the table.

(e) The player to the left of the player who placed a Blind Bet may place a Straddle Bet, if offered by the certificate holder. The rules governing the placement of a Straddle Bet and the amount of the Straddle Bet, if any, must be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at each Poker table. No more than one Straddle Bet may be made during a round of play.

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

(g) After each player has been dealt five cards in accordance with subsection (f), each player, starting with the player to the left of the player or players who were required to place a Blind Bet or the player who placed a Straddle Bet, if offered, and continuing around the table in a clockwise manner, may fold, call or raise the bet. The option to raise also applies to a player who made a Blind Bet or Straddle Bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

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

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

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

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

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

(2) In Five-card Omaha High-low Split Eight or Better Poker:

(i) The player with the highest ranking five-card high hand and the player with the highest ranking five-card low hand, subject to subsection (l), shall divide the pot equally. If a pot cannot be divided equally, the excess amount, which may not exceed \$1, shall be given to the player with the highest ranking high hand.

(ii) If a tie exists between two or more players for the highest ranking high hand, the high hand share of the pot shall be divided equally among the tied players. If the high hand share of the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player with the highest ranking high card by suit or to the player specified in the certificate holder's Rules Submission under § 601a.2.

(iii) If a tie exists between two or more players for the highest ranking low hand, the low hand share of the pot shall be divided equally among the tied players. If the low hand share of the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player with the lowest ranking low hand Poker card by suit or to the player specified in the certificate holder's Rules Submission under § 601a.2.

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

(1) In Five-card Omaha High-low Split Eight or Better Poker:

(1) The winning low hand may not contain a pair, a three-of-a-kind or a four-of-a-kind or a 9, 10, jack, queen or king. In the event that none of the hands of the remaining players satisfy this requirement, the entire pot shall be awarded to the player with the highest ranking high hand.

(2) The player may form two different hands of five cards each, enabling that player to contend for both the high hand and low hand share of the pot. Each hand must consist of any three of the community cards and any two of five cards dealt to the player. A player may use the same five-card grouping to make a high hand and a low hand. An ace may be used concurrently as a low hand card to make up a low hand and as a high card to make up a high hand.

(3) The certificate holder may use either the Half-kill or Kill option. If the certificate holder elects to use either option, the certificate holder shall indicate which option is being used in the certificate holder's Rules Submission under § 601a.2 and post on a sign at each Omaha Poker table which option is being used and the minimum value of a qualifying pot.

**§ 637a.20. Triple Draw Poker; procedures for dealing the cards; completion of each round of play.**

(a) A certificate holder that offers Triple Draw Poker shall observe the procedures in this section.

(b) No more than seven players may participate in a Triple Draw Poker game. Each player who elects to participate in a round of play may be required to place an Ante bet. The rules governing the placement of an Ante bet and the amount of the Ante bet, if any, and the Kill or Half-kill option, if offered, must be specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) A button shall be used to indicate the order in which the cards shall be dealt and the order in which players shall bet in accordance with following procedures:

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

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

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

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

(d) Before any cards are dealt, the player to the immediate left of the button shall initiate the first betting round by placing a Blind Bet. A certificate holder may require additional Blind Bets to be made immediately after the initial Blind Bet. The amount and number of all Blind Bets required must be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at the table.

(e) The player to the left of the player who placed a Blind Bet may place a Straddle Bet, if offered by the certificate holder. The rules governing the placement of a Straddle Bet and the amount of the Straddle Bet, if any, must be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at each Poker table. No more than one Straddle Bet may be made during a round of play.

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

(g) After each player has been dealt five cards in accordance with subsection (f), each player, starting with the player to the left of the player or players who were required to place a Blind Bet or the player who placed a Straddle Bet, if offered, and continuing around the table

in a clockwise manner, may fold, call or raise the bet. The option to raise also applies to a player who made a Blind Bet or Straddle Bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(h) The dealer shall then burn the top card of the deck. Each player who has not folded, starting with the player to the immediate left of the button and continuing in a clockwise rotation, shall have the opportunity to draw new cards one player at a time. Each player may keep his original hand or discard as many cards as he chooses. Each discarded card shall be replaced by the dealer with a new card from the deck. If an insufficient number of cards remain in the deck for a player to draw new cards, the discarded cards, except the cards discarded by that player, shall be reshuffled and the new cards shall be dealt to the player. The first player to the left of the button who has not folded shall commence the next betting round and may bet or check. Each subsequent player may, in clockwise rotation, fold, call, raise or, if preceding players have not made a bet, make an opening bet or check. After the last player has responded to the most recent bet, the second betting round shall be considered complete.

(i) Upon completion of the second betting round, the dealer shall burn the top card of the deck. Each player who has not folded shall then have the opportunity to draw new cards in accordance with subsection (h). The next betting round shall be commenced and completed in accordance with subsection (h).

(j) Upon completion of the third betting round, the dealer shall burn the top card of the deck. Each player who has not folded shall then have the opportunity to draw new cards in accordance with subsection (h). The fourth and final betting round shall be commenced and completed in accordance with subsection (h).

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

(1) Hands are counted from the highest card in the hand to the lowest card in the hand.

(2) If a tie exists between two or more players for the highest ranking low hand, the pot shall be divided equally among the tied players. If the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player specified in the certificate holder's Rules Submission under § 601a.2.

(3) In 2-7 Lowball Poker:

- (i) An ace is used only as a high card.
- (ii) The best possible 2-7 Lowball Poker hand is 7-5-4-3-2 with all five cards not of the same suit.
- (iii) A straight, flush or pair shall be considered for purposes of determining a winning hand.

(4) In Ace-5 Lowball Poker:

- (i) An ace is used only as a low card.
- (ii) The best possible A-5 Lowball Poker hand is a 5-4-3-2-A, regardless of suit.
- (iii) A straight or flush shall not be considered for purposes of determining a winning hand.

(l) Notwithstanding the requirements in subsection (k), if specified in its Rules Submission, the certificate holder may offer Triple Draw Poker and split the pot awarded between players as follows:

(1) In 2-7 Lowball Poker, if Badeucey is being offered:

(i) Half of the pot shall be awarded to the highest ranking 2-7 Lowball Poker hand and the other half of the pot shall be awarded to the player with the best Badugi hand. For purposes of Badeucey, a Badugi hand is a hand in which four of the player's five cards are of a different suit from the others and rank in accordance with § 637a.6(c) (relating to Poker rankings) with the best Badugi hand being a 2, 3, 4 and 5.

(ii) If the pot cannot be split evenly, the excess, which may not exceed \$1, shall be given to the player with the highest 2-7 Lowball Poker hand.

(2) In A-5 Lowball Poker, if Badacey is being offered:

(i) Half of the pot shall be awarded to the highest ranking A-5 Lowball Poker hand and the other half of the pot shall be awarded to the player with the best Badugi hand. For purposes of Badacey, a Badugi hand is a hand in which four of the player's five cards are of a different suit from the others and rank in accordance with § 637a.6(c) with the best Badugi hand being an ace, 2, 3 and 4.

(ii) If the pot cannot be split evenly, the excess, which may not exceed \$1, shall be given to the player with the highest A-5 Lowball Poker hand.

**§ 637a.21. Badugi Poker; procedures for dealing the cards; completion of each round of play.**

(a) A certificate holder that offers Badugi Poker shall observe the procedures in this section.

(b) No more than nine players may participate in a Badugi Poker game. Each player who elects to participate in a round of play may be required to place an Ante bet. The rules governing the placement of an Ante bet and the amount of the Ante bet, if any, and the Kill or Half-kill option, if offered, must be specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) A button shall be used to indicate the order in which the cards shall be dealt and the order in which players shall bet in accordance with following procedures:

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

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

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

(d) Before any cards are dealt, the player to the immediate left of the button shall initiate the first betting round by placing a Blind Bet. A certificate holder may require additional Blind Bets to be made immediately after the initial Blind Bet. The amount and number of all Blind Bets required must be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at the table.

(e) The player to the left of the player who placed a Blind Bet may place a Straddle Bet, if offered by the certificate holder. The rules governing the placement of a Straddle Bet and the amount of the Straddle Bet, if any,



must be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at each Poker table. No more than one Straddle Bet may be made during a round of play.

(f) Starting with the player to the immediate left of the button and continuing around the table in a clockwise manner, the dealer shall deal four rounds of cards face down to each player. The player with the button shall be the last player to receive a card each time.

(g) After each player has been dealt four cards in accordance with subsection (f), each player, starting with the player to the left of the player or players who were required to place a Blind Bet or the player who placed a Straddle Bet, if offered, and continuing around the table in a clockwise manner, may fold, call or raise the bet. The option to raise also applies to a player who made a Blind Bet or Straddle Bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(h) The dealer shall then burn the top card of the deck. Each player who has not folded, starting with the player to the immediate left of the button and continuing in a clockwise rotation, shall have the opportunity to draw new cards one player at a time. Each player may keep his original hand or discard as many cards as he chooses. Each discarded card shall be replaced by the dealer with a new card from the deck. If an insufficient number of cards remain in the deck for a player to draw new cards, the discarded cards, except the cards discarded by that player, shall be reshuffled and the new cards shall be dealt to the player. The first player to the left of the button who has not folded shall commence the next betting round and may bet or check. Each subsequent player may, in clockwise rotation, fold, call, raise or, if preceding players have not made a bet, make an opening bet or check. After the last player has responded to the most recent bet, the second betting round shall be considered complete.

(i) Upon completion of the second betting round, the dealer shall burn the top card of the deck. Each player who has not folded shall then have the opportunity to draw new cards in accordance with subsection (h). The next betting round shall be commenced and completed in accordance with subsection (h).

(j) Upon completion of the third betting round, the dealer shall burn the top card of the deck. Each player who has not folded shall then have the opportunity to draw new cards in accordance with subsection (h). The fourth and final betting round shall be commenced and completed in accordance with subsection (h).

(k) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot based upon the following rakings in order from highest to lowest:

(1) The lowest Badugi hand shall win the pot. For purposes of this section, a Badugi hand shall be a hand in which each of the player's four cards are of a different suit from the others and rank in accordance with § 637a.6(c) (relating to Poker rankings) with the best Badugi hand being an ace, 2, 3 and 4.

(2) If no players have a Badugi, the player with the lowest hand containing three cards, each of which are a different suit and rank.

(3) If no players have three cards of a different suit and rank than the player with the lowest hand containing two cards, each of which are a different suit and rank shall win the pot.

(4) If no remaining players have a hand containing two cards of a different suit and rank than the player with the lowest card.

(5) If a tie exists between two or more players, the pot shall be divided equally among the tied players. If the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player specified in the certificate holder's Rules Submission under § 601a.2.

**CHAPTER 649a. THREE CARD POKER**

**§ 649a.6. Three Card Poker rankings.**

\* \* \* \* \*

(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:

\* \* \* \* \*

(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.

**(e) If the payable selected by the certificate holder includes a mini-royal flush, which is a hand consisting of an ace, king and queen, a mini-royal flush outranks a straight flush in subsection (b).**

**§ 649a.12. Payout odds; Envy Bonus; rate of progression.**

\* \* \* \* \*

**(g) If selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2, the paytables in subsections (b) and (d) may include a payout for a mini-royal flush in accordance with the following:**

**(1) In subsection (b), a mini-royal flush shall pay out at odds of no less than 5 to 1.**

**(2) In subsection (d), a mini-royal flush shall pay out at odds of no less than 40 to 1.**

*(Editor's Note: Chapters 659a, 661a, 663a and 665a are new and printed in regular type to enhance readability.)*

**CHAPTER 659a. ASIA POKER**

- Sec.
- 659a.1. Definitions.
- 659a.2. Asia Poker table; Asia Poker shaker; physical characteristics.
- 659a.3. Cards; number of decks.
- 659a.4. Opening of the table for gaming.
- 659a.5. Shuffle and cut of the cards; procedures for determining the starting position for dealing cards.
- 659a.6. Asia Poker rankings.
- 659a.7. Wagers.
- 659a.8. Procedures for dealing the cards from a manual dealing shoe.
- 659a.9. Procedures for dealing the cards from the hand.
- 659a.10. Procedures for dealing the cards from an automated dealing shoe.
- 659a.11. Procedures for completion of each round of play.
- 659a.12. Payout odds; payout limitation.
- 659a.13. Irregularities; invalid roll of dice.

**§ 659a.1. Definitions.**

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

*Copy hand*—A high hand, medium hand or low hand of a player that is identical in rank to the corresponding high hand, medium hand or low hand of the dealer.

*High hand*—The four-card hand that is formed from the seven cards dealt so as to rank higher than the medium hand and the low hand.

*Low hand*—The one-card hand that is formed from the seven cards dealt so as to rank lower than the high hand and the medium hand.

*Medium hand*—The two-card hand that is formed from the seven cards dealt so as to rank lower than the high hand and higher than the low hand.

*Setting the hands*—The process of forming a high hand, medium hand and low hand from the seven cards dealt.

**§ 659a.2. Asia Poker table; Asia Poker shaker; physical characteristics.**

(a) Asia 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 an Asia Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Asia Poker Wager for each player.
- (3) Three separate areas designated for the placement of the high hand, medium hand and low hand of each player.
- (4) Three separate areas designated for the placement of the high hand, medium hand and low hand of the dealer.
- (5) If the certificate holder offers the optional Bonus Wager authorized under § 659a.7(e) (relating to wagers), a separate area designated for the placement of the Bonus 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 Asia Poker table.
- (7) An inscription indicating the payout limit per hand established by the certificate holder under § 659a.12(c) (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 Asia Poker table.

(c) To determine the starting position for the dealing or delivery of the cards, Asia Poker may be played with:

(1) An Asia Poker shaker, approved in accordance with § 601a.10(a), which shall be designed and constructed to maintain the integrity of the game. The Asia Poker shaker shall be the responsibility of the dealer, may not be left unattended while at the table and must:

(i) Be capable of housing three dice that when not being shaken shall be maintained within the Asia Poker shaker. Dice that have been placed in an Asia Poker shaker for use in gaming may not remain on a table for more than 24 hours.

(ii) Be designed to prevent the dice from being seen while being shaken.

(iii) Have the name or logo of the certificate holder imprinted or impressed thereon.

(2) A computerized random number generator which must be approved by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use.

(3) A flat button which shall be approved by the Bureau of Gaming Operations prior to its use.

(d) Each Asia 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 and in locations 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 Asia Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 659a.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Asia Poker shall be played with one deck of cards that are identical in appearance and two cover cards. The deck of cards used to play Asia Poker must include one joker. A certificate holder may use decks that are manufactured with two jokers provided that only one joker is used for gaming.

(b) If an automated card shuffling device is utilized, Asia 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 Asia 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.

**§ 659a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) If the deck of cards used by the certificate holder contains two jokers, the dealer and a floorperson shall ensure that only one joker is utilized and that the other joker is torn in half and placed in the box, envelope or container that the deck came from. After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at

the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence and include the one joker.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

**§ 659a.5. Shuffle and cut of the cards; procedures for determining the starting position for dealing cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by the floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack provided, however, that the certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

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

(1) If the cards were shuffled using an automated card shuffling device, determine the starting position in accordance with subsection (g), then deal the cards in accordance with § 659a.8, § 659a.9 or § 659a.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 subsection (c).

(c) 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. The dealer shall then determine the starting position in accordance with subsection (g), and deal the cards in accordance with § 659a.8, § 659a.9 or § 659a.10.

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

(e) If there is no gaming activity at an Asia 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 § 659a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(f) A certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device is submitted and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a by certificate holder is utilizing the approved device, subsections (c)—(e) do not apply.

(g) To determine the starting position for the dealing of cards, the certificate holder shall use one of the following:

(1) An Asia Poker shaker in accordance with the following procedures:

(i) The dealer shall shake the Asia Poker shaker at least three times to cause a random mixture of the dice.

(ii) The dealer shall then remove the lid covering the Asia Poker shaker and place the uncovered shaker on the designated area of the table layout. The dealer shall then total the dice and announce the total.

(iii) To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner, until the count matches the total of the three dice.

(iv) After the dealing procedures required under § 659a.8, § 659a.9 or § 659a.10 have been completed, the dealer shall place the cover on the Asia Poker shaker and shake the shaker once. The Asia Poker shaker shall then be placed to the right of the dealer.

(2) A computerized random number generator to select and display a number from 1 to 7. To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner, until the count matches the number displayed by the random number generator.

(3) If an automated card shuffling device and dealing shoe are used under § 659a.10, a flat button to indicate the starting position. At the commencement of play, the button shall be placed in front of the dealer. Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(h) After the starting position for a round of play has been determined, a certificate holder may mark that position with an additional cover card or similar object approved by the Bureau of Gaming Operations.

**§ 659a.6. Asia Poker rankings.**

(a) The rank of the cards used in Asia Poker, in order of highest to lowest, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3 and 4 but may not be combined with any other sequence of cards (for example: queen, king, ace and 2). The joker shall be used and ranked as an ace or may be used as any card to complete a straight, a flush, a straight flush or a royal flush.



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

(1) Four aces, which is a high hand consisting of four aces or three aces and a joker.

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

(3) A straight flush, which is a high hand consisting of four cards of the same suit in consecutive ranking, with ace, 2, 3 and 4 being the highest ranking straight flush; king, queen, jack and 10 being the second highest ranking straight flush; and 2, 3, 4 and 5 being the lowest ranking straight flush. The certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), specify that a straight flush formed with an ace, 2, 3 and 4 of the same suit is the lowest ranking straight flush.

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

(5) A flush, which is a high hand consisting of four cards of the same suit. When comparing two flushes, the provisions in subsection (c) shall be applied.

(6) A straight, which is a high hand consisting of four cards of consecutive rank, regardless of suit, with an ace, king, queen and jack being the highest ranking straight; an ace, 2, 3 and 4 being the second highest ranking straight; and a 2, 3, 4 and 5 being the lowest ranking straight. The certificate holder may, if specified in its Rules Submission under § 601a.2, specify that a straight formed with an ace, 2, 3 and 4, regardless of suit, is the lowest ranking straight.

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

(8) Two pair, which is a high hand containing two pairs, with two aces and two kings being the highest ranking two pair hand and two 3s and two 2s being the lowest ranking two-pair hand.

(9) A pair, which is either a high hand or a low hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two high hands, two medium hands or two low hands that are of identical hand rank under subsection (b), or contain none of the hands in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not in the other hand, shall be considered the higher ranking hand. If the two hands are of identical rank after the application of this section, the hands shall be considered a copy.

(d) If the certificate holder offers the optional Bonus Wager under § 659a.7(e) (relating to wagers), the following hands shall be used to determine the amount of the bonus payout to a winning player:

(1) A three-of-a-kind and four 8s.

(2) Five aces, which is a hand consisting of four aces and a joker.

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

(4) A natural straight flush, which is a hand consisting of five cards of the same suit in consecutive rank with no joker.

(5) A straight flush with a joker, which is a hand consisting of five cards of the same suit in consecutive rank, one of which is a joker.

(6) A four-of-a-kind, which is a hand consisting of four cards of the same rank regardless of suit.

(7) A 9-high, which is a seven-card hand that contains a 9, 8, 7, 6, 4, 3 and 2 or a 9, 8, 7, 5, 4, 3 and 2.

(8) A full house, which is a hand consisting of a three-of-a-kind and a pair.

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

(10) A three-of-a-kind, which is a hand containing three cards of the same rank regardless of suit.

(11) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit.

#### § 659a.7. Wagers.

(a) Wagers at Asia Poker shall be made by placing value chips or plaques on the appropriate areas of the Asia Poker layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at an Asia 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 Asia Poker shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 659a.8, § 659a.9 or § 659a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) To participate in a round of play and compete against the dealer's high hand, medium hand and low hand, a player shall place an Asia Poker Wager.

(e) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed an Asia Poker Wager, the option of placing a Bonus Wager that the seven cards dealt to the player will form a hand with a rank of 9-high or better as described in § 659a.6(d) (relating to Asia Poker rankings).

(f) If specified in its Rules Submission under § 601a.2, a certificate holder may permit a player to wager on two adjacent betting areas at an Asia Poker table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

#### § 659a.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. Once the procedures required under § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets” and use one of the procedures authorized under § 659a.5(g) to determine the starting position for dealing the cards.

(c) The dealer shall then deal the first card to the starting position as determined in subsection (b) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has seven cards. Each card dealt shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed face down on the appropriate area of the layout with the opposite hand.

(d) After seven cards have been dealt to each position and the dealer, the dealer shall remove the stub from the manual dealing shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

**§ 659a.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 § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the dealer shall place the deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand when holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets” and use one of the procedures authorized under § 659a.5(g) to determine the starting position for dealing the cards. The dealer shall deal each card by holding the deck of cards in the chosen hand and shall use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(b) The dealer shall then deal the first card to the starting position as determined in subsection (a) and, continuing around the table in a clockwise manner, deal

one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has seven cards.

(c) After seven cards have been dealt to each position and the dealer, the dealer shall determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(d) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(e) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

**§ 659a.10. Procedures for dealing the cards from an automated dealing shoe.**

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

(1) After the procedures under § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets” and use one of the procedures authorized under § 659a.5(g) to determine the starting position for dealing the cards.

(b) After the starting position for delivering the cards has been determined, the dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to that position. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other positions, regardless of whether there is a wager at the position, and the dealer.

(c) After seven cards have been dispensed and delivered to each position and the dealer, the dealer shall remove the remaining cards from the shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(d) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(e) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

**§ 659a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 659a.8, § 659a.9 or § 659a.10 (relating to procedures for dealing the cards from a manual dealing shoe; proce-

dures 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 an Asia Poker table shall be responsible for setting his own hands and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player. If a player requests assistance in the setting of his hands, the dealer shall inform the player of the manner in which the certificate holder requires the hands of the dealer to be set in accordance with the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(2) Each player shall keep his seven cards in full view of the dealer at all times.

(3) Once each player has set his three hands and placed them face down on the appropriate area of the layout, the player may not touch the cards again.

(b) Each player shall set his hands by arranging the cards into a high hand, a medium hand and a low hand. When setting the three hands, the four-card high hand must be higher in rank than the two-card medium hand and the medium hand must be higher in rank than the one-card low hand. For example, if the two-card medium hand contains a pair of sevens, the four-card high hand must contain at least a pair of sevens and the two remaining cards.

(c) After all players have set their hands and placed the cards on the table, the seven cards of the dealer shall be turned over and the dealer shall set his hands by arranging the cards into a high hand, medium hand and low hand. The certificate holder shall specify in its Rules Submission under § 601a.2 the manner in which the hands of the dealer shall be set. The dealer shall then place the three hands face up on the appropriate area of the layout.

(d) Unless a player has placed an optional Bonus Wager in accordance with § 659a.7(e) (relating to wagers), a player may surrender his wager after the hands of the dealer have been set. The player shall announce his intention to surrender prior to the dealer exposing any of the three hands of that player as provided in subsection (e). Once the player has announced his intention to surrender, the dealer shall immediately collect the Asia Poker Wager from that player and collect the seven cards dealt to that player without exposing the cards to anyone at the table. The dealer shall verify that seven cards were collected by counting them face down on the layout prior to placing them in the discard rack.

(e) After the dealer has set a high hand, medium hand and a low hand, the dealer shall reveal all three hands of each player, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall compare the high, medium and low hand of each player to the high, medium and low hand of the dealer and shall announce if the Asia Poker Wager of that player wins or loses.

(f) An Asia Poker Wager will:

(1) Lose and will immediately be collected if:

(i) Any two of the player's three hands are identical or lower in rank than the dealer's corresponding hands.

(ii) Any one of the player's three hands is identical in rank to the corresponding hand of the dealer and one of the player's remaining hands is lower in rank than the dealer's corresponding hand.

(iii) The high hand of the player was not set so as to rank higher than the medium hand of that player.

(iv) The medium hand of the player was not set so as to rank higher than the low hand of that player.

(v) The three hands of the player were not otherwise set correctly in accordance with this chapter.

(2) Win if any two of the player's three hands are higher in rank than the dealer's corresponding hands. The dealer shall pay the winning Asia Poker Wager in accordance with the payout odds in § 659a.12(a) (relating to payout odds; payout limitation).

(g) Except as provide in subsection (h), after settling the player's Asia Poker Wager, the dealer shall place the cards of the player in the discard rack.

(h) If a player placed a Bonus Wager, after settling the player's Asia Poker Wager, the dealer shall rearrange the seven cards of any player and form the highest ranking hand and shall be responsible for creating the hand for purposes of the Bonus Wager. If a player:

(1) Does not have a 9-high or better, as described in § 659a.6(d) (relating to Asia Poker rankings), the dealer shall collect the Bonus Wager and place the cards of the player in the discard rack.

(2) Has a 9-high or better, the dealer shall pay the winning Bonus Wager in accordance with § 659a.12(b) and place the cards of the player in the discard rack.

(i) All cards removed from the table shall be placed in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 659a.12. Payout odds; payout limitation.**

(a) A certificate holder shall pay each winning Asia Poker Wager at odds of 1 to 1.

(b) The certificate holder shall pay out winning 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 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Three-of-a-kind and four 8s	5,000 to 1	5,000 to 1	5,000 to 1
Five aces	800 to 1	800 to 1	800 to 1
Royal flush	200 to 1	200 to 1	200 to 1
Natural straight flush	80 to 1	50 to 1	50 to 1
Straight flush with a joker	40 to 1	40 to 1	40 to 1
Four-of-a-kind	30 to 1	30 to 1	25 to 1
9-high	10 to 1	10 to 1	10 to 1
Full house	5 to 1	5 to 1	5 to 1
Flush	4 to 1	4 to 1	4 to 1
Three-of-a-kind	3 to 1	3 to 1	3 to 1
Straight	2 to 1	2 to 1	2 to 1

(c) Notwithstanding the payout odds in subsections (a) and (b), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum payout amount shall be at least \$50,000 or the maximum amount that one player could win per round when betting the minimum permissible wager, whichever is greater.



**§ 659a.13. Irregularities; invalid roll of dice.**

(a) If the dealer uncovers the Asia Poker shaker and all three dice do not land flat on the bottom of the shaker, the dealer shall call a “no roll” and reshake the dice.

(b) If the dealer uncovers the Asia Poker shaker and a die or dice fall out of the shaker, the dealer shall call a “no roll” and reshake the dice.

(c) If the dealer incorrectly totals the dice and deals the first card to the wrong position, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If the dealer exposes any of the cards dealt to a player, the player may void the hand. The player shall make the decision to either play out the hand or to void the hand without looking at the unexposed cards.

(e) If a card or cards in the dealer’s hand are exposed, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

(g) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(h) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(i) If the dealer does not set his hands in the manner in which the certificate holder requires the hands of the dealer to be set, the hands shall be reset in accordance with the certificate holder’s Rules Submission and the round of play shall be completed.

(j) If any of the dealer’s cards are inadvertently exposed while the dealer is dealing the cards, all wagers shall be returned to the players and the cards shall be reshuffled.

(k) If any player position or the dealer is dealt an incorrect number of cards, all hand shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

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

(n) If an automated shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated shuffling device or automated dealing show is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

**CHAPTER 661a. THREE DICE FOOTBALL**

Sec.	
661a.1.	Definitions.
661a.2.	Three Dice Football table; physical characteristics.
661a.3.	Wagers.
661a.4.	Dice; physical characteristics, retention and selection.
661a.5.	Throw of the dice; invalid roll of the dice.
661a.6.	Rules of the game; settlement of wagers.
661a.7.	Continuation of Quarterback; selection of new Quarterback.
661a.8.	Payout odds.

**§ 661a.1. Definitions.**

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

*Defensive Die*—The red die thrown by the Quarterback.

*Down*—Each time the Quarterback throws the dice with a corresponding outcome occurring on the field.

*Extra point roll*—An additional throw that occurs after a touchdown or Trips TD is scored.

*Offensive Dice*—Two green dice thrown by the Quarterback.

*Penalty*—When the total of the Offensive Dice is less than the value of the Defensive Die. A turnover is not a penalty.

*Quarterback*—The player responsible for throwing the dice.

*Stickperson*—An employee of the certificate holder whose primary function is to control the selection and use of the dice at a Three Dice Football table.

*Touchdown*—When, through downs, the 0 yard line is passed by the Quarterback resulting in the end of the game.

*Triple*—On an extra point roll when all three dice show the same number.

*Trips TD*—When all three dice show the same number resulting in an instant end of the game.

*Turnover*—When the Defensive Die is a 6 and the Offensive Dice have a total of 2 or 3 resulting in an instant end of the game.

**§ 661a.2. Three Dice Football table; physical characteristics.**

(a) Three Dice Football shall be played on an oblong table with rounded corners, high walled sides and wagering locations for a maximum of 16 players.

(b) The layout for a Three Dice Football table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

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

(2) Specific areas designated for the placement of wagers authorized under § 661a.3(b) and (d) (relating to wagers).

(3) 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 Three Dice Football table.

(4) A football field containing two end zones, two 10 yard lines and two 20 yard lines. Each yard, from 1 through 23, shall also be labeled in the center of the football field.

(5) An area designated for the following:

- (i) 1st Down.
- (ii) 2nd Down.
- (iii) 3rd Down.
- (iv) 1st & Goal.
- (v) 2nd & Goal.
- (vi) 3rd & Goal.
- (vii) Extra Point.

(6) An area designated for the game length, labeled 1 through 6.

(c) Each Three Dice Football table must have a drop box and tip box attached to the table in locations approved by the Bureau of Casino Compliance in accordance with § 601a.10(g).

**§ 661a.3. Wagers.**

(a) Wagers shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate areas of the layout. Verbal wagers accompanied by cash may not be accepted.

(b) The following full game wagers are authorized in Three Dice Football:

(1) A Touchdown Wager which shall win if a touchdown or Trips TD is scored.

(2) A Defense Wager which shall win if a touchdown or Trips TD is not scored.

(3) An Extra Point Wager which shall win if a touchdown or Trips TD is made and on the extra point roll either:

- (i) One or more of the three dice shows a 1.
- (ii) Any triple, other than three 1s, is rolled.

(4) A Quick Strike TD Wager which shall win if a touchdown or Trips TD is scored in 4 downs or fewer.

(5) A Game Changer Wager which shall win if a Trips TD or a turnover occurs.

(6) The following Game Length Wagers which shall win if the game lasts exactly:

- (i) One play.
- (ii) Two plays.
- (iii) Three plays.
- (iv) Four plays.
- (v) Five plays.
- (vi) Six plays.

(c) The full game wagers authorized in subsection (b) shall be placed prior to the start of each new game and may not be increased or withdrawn after the first throw of the dice.

(d) The following single play wagers are authorized in Three Dice Football:

(1) A Trips TD Wager which shall win if a Trips TD is scored.

(2) A Penalty Wager which shall win if a penalty or turnover occurs.

(3) A Turnover Wager which shall win if a turnover occurs. A turnover on downs does not qualify.

(4) A Cover Three Wager which shall win if a Trips TD is scored or a penalty or turnover occurs.

(5) A No Gain Wager which shall win if zero yards are gained or if a penalty or turnover occurs.

(6) A Big Play Wager which shall win if 7 yards or more are gained or if a Trips TD is scored.

(7) An Over Four Yards Wager which shall win if 5 yards or more are gained or if a Trips TD is scored.

(8) An Under Four Yards Wager which shall win if 3 yards or less are gained or if a penalty or turnover occurs. A Trips TD does not qualify.

(e) The single play wagers authorized in subsection (d) may be placed at any time during the game prior to the Quarterback's throw of the dice. Single play wagers shall be settled after each throw of the dice.

**§ 661a.4. Dice; physical characteristics, retention and selection.**

(a) The physical characteristics of the dice used in Three Dice Football must comply with the requirements of § 603a.12(a) (relating to dice; physical characteristics) except a set of four green and two red dice must be present at the table during gaming. Control of the dice at the table is the responsibility of the stickperson. The stickperson shall retain all dice, except those in active play, in a dice cup at the table.

(b) At the commencement of play, the stickperson shall offer the set of dice to the player immediately to the left of the stickperson. If that player rejects the dice, the stickperson shall offer the dice to each of the other players in turn clockwise around the table until one of the players accepts the dice.

(c) The first player to accept the dice when offered shall become the Quarterback who selects and retains two of the green dice and one red die offered. The remaining dice of the set shall be returned to the dice cup which shall be placed immediately in front of the stickperson.

(d) A set of dice used at a Three Dice Football table shall be changed at least once every 24 hours. A new set of dice shall be used when a Three Dice Football table is reopened for gaming, if a die goes off the table during play and is lost or if the dice show signs of tampering or alteration or are otherwise marked, chipped, scratched or no longer suitable for play.

**§ 661a.5. Throw of the dice; invalid roll of the dice.**

(a) After selecting the Offensive and Defensive Dice, the Quarterback shall throw the three selected dice so that they leave the Quarterback's hand simultaneously and in a manner which causes the dice to strike the end of the table farthest from the Quarterback.

(b) A roll of the dice shall be invalid if any of the dice go off the table or if one die comes to rest on top of the other.

(c) The stickperson shall have the authority to invalidate a roll of the dice by calling "no roll" for any of the following reasons:

(1) The dice do not leave the Quarterback's hand simultaneously.

(2) Any of the dice fail to strike the end of the table farthest from the Quarterback.

(3) Any of the dice come to rest on the chips constituting the bank of chips located in front of the stickperson.

(4) Any of the dice come to rest in the dice cup in front of the stickperson or on one of the rails surrounding the table.

(5) The use of a cheating, crooked or fixed device or technique in the roll of the dice.

(6) The stickperson considers the throw to be improper.

(d) A throw of the dice which results in the dice coming into contact with any chips or plaques on the table, other than the bank of chips located in front of the stickperson, is not a cause for a call of "no roll."

(e) When the dice come to rest from a valid throw, the stickperson shall at once call out the numbers on the uppermost or skyward sides of the three dice. Only one face on each die shall be considered uppermost or skyward.

(f) In the event any of the dice do not land flat on the table (for example, one edge of the die is resting cocked on a stack of chips), the side directly opposite the side that is resting on the chips or other object shall be considered uppermost or skyward. If more than one side of a die is resting on a stack of chips or other object, the roll shall be void and the dice shall be rethrown.

(g) In the event of a dispute as to which face is uppermost, the stickperson has discretion to determine which face is uppermost or to order the throw be void and the dice be rethrown.

(h) After calling the throw, the stickperson shall collect the dice and bring them to the center of the table. All wagers decided by that throw shall then be settled. The stickperson shall then pass the dice to the Quarterback for the next throw. When collecting the dice and passing them to the Quarterback, the stickperson shall use a stick designed for that purpose.

**§ 661a.6. Rules of the game; settlement of wagers.**

(a) Immediately prior to the commencement of each round of play, the dealer shall place the Down Puck on the area of the table layout designated for the 1st Down. The Yard Marker shall be placed on the football field in the 20 yard line circle. The Game Length Puck shall be placed on the area of the table layout designated for Play 1.

(b) Prior to the first throw of the dice, each player shall place a wager authorized under § 661a.3(b) or (d) (relating to wagers). Prior to each subsequent roll of the dice, a player may place any single play wager authorized under § 661a.3(d).

(c) Each roll of the dice shall determine the result of each down as follows:

(1) If the total of the Offensive Dice is greater than the value of the Defensive Die, a gain of yards has occurred. The dealer shall subtract the value of the Defensive Die from the total of the Offensive Dice and move the Yard Marker down the field toward the end zone the total number of yards earned during that down. For example, if the total of the Offensive Dice is 10 and the value of the Defensive Die is 2, the dealer shall move the Yard Marker toward the end zone 8 yards from its previous position on the field. The dealer shall then place the Down Puck on the next down and the Game Length Puck to the next play.

(2) If the total of the Offensive Dice is less than the value of the Defensive Die, a penalty has occurred which shall result in the loss of only 1 yard and the loss of the current down. The dealer shall move the Yard Marker back 1 yard from its previous position on the field, place the Down Puck on the next down and the Game Length Puck to the next play.

(3) If the total of the Offensive Dice is equal to the value of the Defensive Die, a gain or penalty has not

occurred. The dealer shall place the Down Puck on the next down and the Game Length Puck to the next play.

(4) If the Quarterback rolls a turnover, the dealer shall announce the turnover and end the game.

(5) If the Quarterback rolls a Trips TD, the dealer shall move the Yard Marker to the end zone and end the game.

(d) After each down, the dealer shall settle all single play wagers placed in accordance with § 661a.3(d). The value of the dice determines the outcome of single play wagers, not the actual yards moved on the field. The dealer shall then announce the number of downs and the distance to the end zone.

(e) The Quarterback shall have three downs to either score a touchdown, Trips TD or earn a 1st & Goal. A 1st & Goal is earned by reaching the 10 yard line. If after three downs:

(1) The Quarterback has not scored a touchdown, Trips TD or earned a 1st & Goal, the game ends.

(2) The Quarterback has earned a 1st & Goal, the Quarterback has three more downs to score a touchdown or a Trips TD.

(f) If the Quarterback:

(1) Scores a touchdown or a Trips TD, the dealer shall first collect all Defense Wagers then settle all single play wagers, placed in accordance with § 661a.3(d), and all full game wagers, placed in accordance with § 661a.3(b), with the exception of the Touchdown and Extra Point Wagers. If any player at the table has placed an Extra Point Wager, the Quarterback shall then throw an extra point roll. The dealer shall then pay out winning Touchdown Wagers and settle the Extra Point Wagers.

(2) Does not score a touchdown or a Trips TD, the dealer shall first collect all Touchdown and Extra Point Wagers and pay out winning Defense Wagers. The dealer shall then settle all single play wagers, placed in accordance with § 661a.3(d), and the remaining full game wagers placed in accordance with § 661a.3(b).

(g) All winning wagers shall be paid in accordance with § 661a.8 (relating to payout odds).

**§ 661a.7. Continuation of Quarterback; selection of new Quarterback.**

(a) If a game ends in a touchdown or Trips TD, the Quarterback shall retain the dice. If the game ends with defense winning, the stickperson shall offer the dice to the player to the immediate left of the previous Quarterback. If the player does not accept the dice, the stickperson shall offer the dice to each of the other players in turn clockwise around the table.

(b) The first player to accept the dice when offered shall become the new Quarterback who shall select and retain two of the green dice and one of the red die offered. The remaining dice of the set shall be returned to the dice cup which shall be placed immediately in front of the stickperson.

**§ 661a.8. Payout odds.**

(a) The certificate holder shall pay out winning full game wagers in accordance with the following odds:

<i>Wager</i>	<i>Payout</i>
Touchdown Wager	1 to 1
Defense Wager	4 to 5
Extra Point Wager with:	
A 1 appearing on one of the dice	1 to 1



<i>Wager</i>	<i>Payout</i>
A 1 appearing on two of the dice	10 to 1
A triple of 1s	50 to 1
Any triple other than 1s	10 to 1
Quick Strike TD Wager on:	
Play One	8 to 1
Play Two	5 to 1
Play Three	3 to 1
Play Four	1 to 1
Game Change Wager	5 to 1
Game Length Wager lasting:	
One play	22 to 1
Two plays	22 to 1
Three plays	6 to 5
Four plays	5 to 1
Five plays	3 to 1
Six plays	6 to 1

(b) The certificate holder shall pay out winning single play wagers in accordance with the following odds:

<i>Wager</i>	<i>Paytable</i>
Trips TD Wager	30 to 1
Penalty Wager	9 to 1
Turnover Wager	60 to 1
Cover Three Wager	7 to 1
No Gain Wager	5 to 1
Big Play Wager	4 to 1
Over 4 Yards Wager	1 to 1
Over 4 Yards Wager with Trips TD	7 to 1
Under 4 Yards Wager	1 to 1

### CHAPTER 663a. FIVE CARD HI-LO

Sec.	
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663a.3.	Cards; number of decks.
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663a.11.	Procedures for completion of each round of play.
663a.12.	Payout odds.
663a.13.	Irregularities.

#### § 663a.1. Definitions.

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

*High hand*—The three-card hand that is formed from the five cards dealt so as to have a point value higher than the two-card low hand.

*Low hand*—The two-card hand that is formed from the five cards dealt so as to have a point value lower than the three-card high hand.

*Setting the hands*—The process of forming a high hand and low hand from the five cards dealt.

#### § 663a.2. Five Card Hi-Lo table; physical characteristics.

(a) Five Card Hi-Lo 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 Five Card Hi-Lo table shall be submitted to the Bureau of Gaming Operations and

approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

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

(2) A separate betting area designated for the placement of the Ante Wager for each player.

(3) A separate betting area designated for the placement of the Play Wager for each player.

(4) Two separate areas designated for the placement of the high and low hands of each player.

(5) If the certificate holder offers the optional Tie Wager authorized under § 663a.7(e)(1) (relating to wagers), a separate area designated for the placement of the Tie Wager for each player.

(6) If the certificate holder offers the optional Poker Bonus Wager authorized under § 663a.7(e)(2), a separate area designated for the placement of the Poker Bonus Wager for each player.

(7) 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 Five Card Hi-Lo table.

(c) Each Five Card Hi-Lo table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Five Card Hi-Lo table must have a discard rack securely attached to the top of the dealer's side of the table.

#### § 663a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Five Card Hi-Lo 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, Five Card Hi-Lo 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 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 Five Card Hi-Lo 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.

**§ 663a.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 is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 663a.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.

**§ 663a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by the floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack. 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 § 663a.8, § 663a.9 or § 663a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually, cut the cards in accordance with the procedures in 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 Five Card Hi-Lo 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 § 663a.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 (b)—(f) do not apply.

**§ 663a.6. Five Card Hi-Lo rankings.**

(a) Each card dealt must have a point value. The point value of all face cards is their denomination. Jacks, queens and kings have a point value of 10. Aces have a point value of 11 if played in the high hand and a point value of 1 if played in the low hand.

(b) If the certificate holder offers the Poker Bonus Wager, authorized under § 663a.7(e) (relating to wagers), the winning five-card Poker hands must be:

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

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking. An ace may be used to complete a straight flush 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).

(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 a three-of-a-kind and a pair.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order.

(6) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit. An ace may be used to complete a straight formed with a king, queen, jack and 10 or 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).

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, regardless of suit.

(8) Two pairs, which is a hand consisting of two pairs.

(9) One pair of 6s, 7s or better, depending on the payable selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions), which is a hand consisting of two cards of the same rank.

**§ 663a.7. Wagers.**

(a) Wagers at Five Card Hi-Lo shall be made by placing value chips, plaques or other Board-approved wagering instruments, as defined in § 603a.10 (relating to permissible wagering; exchange and redemption of gaming chips and plaques), on the appropriate areas of

the Five Card Hi-Lo layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Five Card Hi-Lo 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 Five Card Hi-Lo shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 663a.8, § 663a.9 or § 663a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) To participate in a round of play and compete against the dealer's high and low hands, a player shall place an Ante Wager.

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed an Ante Wager, in accordance with subsection (d), the option of placing the following additional wagers:

(1) A Tie Wager that the total point value of either the high hand or the low hand of the player, or both, will tie the high or low hand of the dealer.

(2) A Poker Bonus Wager that the five cards dealt to the player will form a five-card Poker hand with a rank of a pair of 6s or better or a pair of 7s or better, as described in § 663a.6(b) (relating to Five Card Hi-Lo rankings), depending on the pay table selected by the certificate holder.

(f) A certificate holder may, if specified in its Rules Submission under § 601a.2, permit a player to wager on two adjacent betting areas at a Five Card Hi-Lo table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

**§ 663a.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 § 663a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, 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 to each player who placed an Ante Wager in accordance with § 663a.7(d) (relating to wagers) and to the dealer until each player and the dealer have five cards.

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

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 663a.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 § 663a.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."

(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 an Ante Wager in accordance with § 663a.7(d) (relating to wagers) and to the dealer until each player and the dealer have five cards.

(c) After five cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.



(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards), but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 663a.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 § 663a.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 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 § 663a.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 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.

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

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards is still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards), but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers

shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 663a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 663a.8, § 663a.9 or § 663a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at a Five Card Hi-Lo table shall be responsible for setting his own hands and a person other than the dealer and the player to whom the cards were dealt may not touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(3) Once each player has set a high and low hand and placed the two hands face down on the appropriate area of the layout, the player may not touch the cards again.

(b) 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 forfeit the Ante Wager and end his participation in the round of play or make a Play Wager in an amount equal to the player's Ante Wager. If a player:

(1) Has placed an Ante Wager and a Tie Wager but does not make a Play Wager, the player shall forfeit both wagers.

(2) Has placed an Ante Wager and a Poker Bonus Wager but does not make a Play Wager, the player shall forfeit the Ante Wager but does not forfeit the Poker 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 wagers and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. If a player has placed a Poker Bonus Wager but did not place a Play Wager, the dealer shall leave the player's cards and the Poker Bonus Wager on the table until the wager is resolved in accordance with subsection (j).

(d) Each player who placed a Play Wager shall then set his hands by arranging the cards into a high hand and a low hand. When setting the two hands, the player shall add the point value of the cards placing the three higher value cards in the high hand and the two lower value cards in the low hand, provided that a player may place up to one ace in his low hand. For example, if a player is dealt an ace, jack, 10, 9 and 2, the high hand may contain the jack, 10 and 9 for a total point value of 29 and the two-card low hand would contain the ace and 2 for a total point value of 3.

(e) After all players have set their hands and placed the cards on the table, the five cards of the dealer shall be turned over and the dealer shall set his hands by arranging the cards into a high and low hand, provided that aces shall be placed in the dealer's high hand unless the dealer was dealt four aces. The dealer shall then place the two hands face up on the appropriate area of the layout.

(f) After the dealer has set a high hand and a low hand, the dealer shall reveal both hands of each player, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise

direction. The dealer shall compare the total point value of the high and low hand of each player to the high and low hand of the dealer and shall announce if the Ante and Play Wagers of that player win, lose or are a tie.

(g) Ante and Play Wagers must:

(1) Win if the high hand of the player is higher in point value than the high hand of the dealer and the low hand of the player is lower in point value than the low hand of the dealer. The dealer shall pay the winning Ante and Play Wagers in accordance with the payout odds in § 663a.12(a) (relating to payout odds).

(2) Lose and will immediately be collected if the high hand of the player ties or is lower in point value than the high hand of the dealer and the low hand of the player ties or is higher in point value than the low hand of the dealer.

(3) Tie and will be returned to the player if:

(i) The high hand of the player is higher in point value than the high hand of the dealer, but the low hand of the player is identical in point value or higher in point value than the low hand of the dealer.

(ii) The high hand of the player is identical in total point value to the high hand of the dealer or lower in total point value than the high hand of the dealer, but the low hand of the player is lower in total point value than the low hand of the dealer.

(h) A player may also qualify for an additional Ante Bonus Payout, regardless of the outcome of the player's Ante and Play Wagers in subsection (g), if a player has three or more aces in the player's hand. Ante Bonus Payouts shall be paid in accordance with § 663a.12(b).

(i) Except as provided in subsection (j), after settling the player's Ante and Play Wagers, the dealer shall place the cards of the player in the discard rack.

(j) After settling the player's Ante and Play Wagers, the dealer shall settle the player's optional wagers as follows:

(1) If a player placed a Tie Wager in accordance with § 663a.7(e)(1) (relating to wagers), the dealer shall:

(i) Pay winning Tie Wagers in accordance with § 663a.12(c) if the high hand or low hand, or both, of the player is identical in point value with the high hand, low hand, or both, of the dealer.

(ii) Collect all losing Tie Wagers if the high hand or low hand of the player is not identical in point value with the high hand or low hand of the dealer.

(2) If a player placed a Poker Bonus Wager in accordance with § 663a.7(e)(2), the dealer shall rearrange the five cards of the player to form the highest ranking Poker hand in accordance with § 663a.6(b) (relating to Five Card Hi-Lo rankings). After rearranging the player's five cards, the dealer shall settle the player's Poker Bonus Wager as follows:

(i) If a player has a pair of 6s or better or a pair of 7s or better, depending on the payable selected by the certificate holder, the dealer shall pay the winning Poker Bonus Wager in accordance with § 663a.12(d).

(ii) If a player does not have a pair of 6s or better or a pair of 7s or better, depending on the payable selected by the certificate holder, the dealer shall collect the Poker Bonus Wager.

(k) If a player has placed more than one optional wager, the dealer shall settle all of the player's optional wagers before placing the player's cards in the discard rack.

(l) All cards removed from the table shall be placed in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

#### § 663a.12. Payout odds.

(a) A certificate holder shall pay each winning Ante and Play Wager at odds of 1 to 1.

(b) The certificate holder shall pay an Ante Bonus Payout based on the amount of the player's 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):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Four aces and one 2	1,000 for 1	500 for 1
Four aces	100 for 1	50 for 1
Three aces	10 for 1	5 for 1

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>
Four aces and one 2	200 for 1	100 for 1
Four aces	50 for 1	50 for 1
Three aces	5 for 1	5 for 1

(c) The certificate holder shall pay out winning Tie Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Low hands tie	4 to 1
High hands tie	4 to 1
Both high and low hands tie	20 to 1

(d) The certificate holder shall pay out winning Poker 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:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Royal flush	250 to 1	500 to 1
Straight flush	50 to 1	100 to 1
Four-of-a-kind	25 to 1	40 to 1
Full house	15 to 1	15 to 1
Flush	10 to 1	8 to 1
Straight	8 to 1	6 to 1
Three-of-a-kind	5 to 1	4 to 1
Two pair	3 to 1	3 to 1
Pair of 7s or better	1 to 1	
Pair of 6s or better		1 to 1

#### § 663a.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 an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

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

(f) 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 665a. DOUBLE ATTACK BLACKJACK**

Sec.	
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**§ 665a.1. Definitions.**

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

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

*Card reader device*—A device which permits the dealer to determine if the hole card will give the dealer a Blackjack.

*Hard total*—The total point count of a hand which does not contain aces or which contains aces that are each counted as 1 in value.

*Hole card*—The second card dealt face down to the dealer.

*Soft total*—The total point count of a hand containing an ace when the ace is counted as 11 in value.

**§ 665a.2. Double Attack Blackjack table; card reader device; physical characteristics; inspections.**

(a) Double Attack Blackjack 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 Double Attack Blackjack table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Bet Wager and the Double Attack Wager for each player.

(3) The following inscriptions:

- (i) Blackjack pays even money.
- (ii) Insurance pays 5 to 2.

(iii) Dealer shall draw to 16 and stand on all 17s or other similar language approved by the Executive Director in accordance with § 601a.10(a).

(4) If the certificate holder offers the optional Bust It Wager authorized under § 665a.6(e) (relating to wagers), a separate area designated for the placement of the Bust It 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 Blackjack table.

(c) Each Double Attack Blackjack table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Double Attack Blackjack table must have a card reader device attached to the top of the dealer's side of the table. The floorperson assigned to the Double Attack Blackjack table shall inspect the card reader device at the beginning of each gaming day to ensure that there has been no tampering with the device and that it is in proper working order.

(e) Each Double Attack Blackjack table must have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack must either:

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

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

**§ 665a.3. Cards; number of decks; value of cards.**

(a) Except as provided in subsections (b), Double Attack Blackjack shall be played with an eight-deck batch of cards that are identical in appearance and at least one cover card. The decks shall consist of 48 cards, with the 10 of each suit removed from each deck during the inspection required under § 665a.4 (relating to opening of the table for gaming) or as provided in § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use).

(b) If an automated card shuffling device is utilized, other than a continuous shuffler, Double Attack Blackjack shall be played with at two batches of cards in accordance with the following requirements:

- (1) The cards shall be separated into two batches with eight decks included in each batch.



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

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

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

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

(c) The decks of cards opened for use at a Double Attack Blackjack table shall be changed at least once every 24 hours.

(d) The value of the cards shall be as follows:

(1) Any card from 2 to 9 shall have its face value.

(2) Any jack, queen or king shall have a value of 10.

(3) An ace shall have a value of 11 unless that value would give a player or the dealer a score in excess of 21, in which case the ace shall have a value of 1.

**§ 665a.4. Opening of the table for gaming.**

(a) After receiving the decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) If the decks contain the 10 of any suit, the dealer and a floorperson shall ensure that these cards are removed from the decks, torn in half and placed in the box, envelope or container that the decks came from.

(c) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(d) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 665a.5 (relating to shuffle and cut of the cards).

(e) If an automated shuffling device is utilized, other than a continuous shuffler, all the decks in one batch of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c) separate from the decks in the other batch of cards.

(f) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a) and (c)—(e) do not apply.

**§ 665a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each shoe of cards is dealt or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the decks of cards in a single stack. The certificate holder may use an automated

card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to the player determined under subsection (c). If no player accepts the cut, the dealer shall cut the cards.

(c) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player on whose betting area the cover card appeared during the last round of play.

(3) If the cover card appeared on the dealer's hand during the last round of play, the player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(4) If the reshuffle was initiated at the direction of the floorperson or above, the player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(d) The player or dealer making the cut shall place the cover card in the stack at least ten cards from the top or bottom of the stack. Once the cover card has been inserted, the dealer shall take all cards on top of the cover card and place them on the bottom of the stack. The dealer shall then insert the cover card in the stack at a position at least 1/4 of the way in from the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut either by the player who last cut the cards or by the next person entitled to cut the cards, as determined under subsection (c). The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe, as provided in § 665a.7(d) (relating to procedure for dealing the cards; completion of each round of play), except that a floorperson may determine that the cards should be reshuffled after any round of play.

(g) If there is no gaming activity at a Double Attack Blackjack table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 665a.4(d) (relating to opening of the table for gaming) and this sections shall be completed.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(g) do not apply.

**§ 665a.6. Wagers.**

(a) Wagers at Double Attack Blackjack shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the Double Attack Blackjack layout. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(b) After the cards have been shuffled as required under § 665a.5 (relating to shuffle and cut of the cards), a certificate holder may prohibit any patron, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table until either:

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

(2) A reshuffle of the cards has occurred.

(c) A player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

(d) To participate in a round of play, a player shall place a Bet Wager.

(e) A player who has placed a Bet Wager may then place a Double Attack Wager as provided in § 665a.7(e) (relating to procedure for dealing the cards; completion of each round of play), in an amount equal to or less than the player's Bet Wager.

(f) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Bet Wager in accordance with subsection (d) the option of placing an additional Bust It Wager, in an amount equal to or less than the player's Bet Wager.

(g) The certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a Bet Wager in one round of play.

**§ 665a.7. Procedure for dealing the cards; completion of each round of play.**

(a) All cards shall be dealt from a dealing shoe which must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures under § 665a.5 (relating to shuffle and cut of the cards) have been completed, the dealer or automated card shuffling device shall place the stacked cards in the dealing shoe.

(b) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand. The dealer may deal cards to the two betting positions closest to the dealing shoe with the same hand.

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

(d) If the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and

placed to the side and the hand will be completed. The dealer shall then collect and reshuffle the cards in accordance with § 665a.5.

(e) At the commencement of each round of play and after all players have been afforded the opportunity to make a Bet and Bust It Wager, one card shall be dealt face up to the dealer. After examining the dealer's up card, a player who placed a Bet Wager may place an optional Double Attack Wager in accordance with § 665a.6(e) (relating to wagers).

(f) After all players have been afforded an opportunity to place a Double Attack Wager, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal the cards as follows:

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

(2) A second card face up to each box on the layout in which a Bet Wager is contained.

(3) A second card face down to the dealer.

(g) Immediately after the second card is dealt to each player and the dealer, if the dealer's first card is an ace, the dealer shall offer the Insurance Wager in accordance with § 665a.8 (relating to Insurance Wager). If the dealer's first card is an ace, king, queen or jack, the dealer shall then determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone at the table, including the dealer. If the dealer has a Blackjack, additional cards may not be dealt and each player's Bet, Double Attack, Bust It and Insurance Wagers, if applicable, shall be settled in accordance with this section and § 665a.8.

(h) After the procedures in subsection (g) have been completed, if necessary, the dealer shall start with the player farthest to the dealer's left and continue around the table in a clockwise direction and if the player:

(1) Has Blackjack, the dealer shall announce and pay the Bet and Double Attack Wagers in accordance with subsection (o) and remove the player's cards. If a player also placed a Bust It Wager, the wager shall remain on the layout until subsection (m) is completed.

(2) Does not have Blackjack, the player shall indicate whether he wishes to surrender, as permitted under § 665a.9 (relating to surrender), double down as permitted under § 665a.10 (relating to Double Down Wager), split pairs as permitted under § 665a.11 (relating to splitting pairs), stand or draw additional cards.

(i) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision.

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

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

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

(k) Prior to the dealer exposing his hole card, if player has less than 21 after drawing additional cards, the player may surrender in accordance with § 665a.9.

(l) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn the hole card face up.

(m) If the first two cards of the dealer's hand:

(1) Equal a total point count of 17 or higher, the dealer shall collect all losing Bust It Wagers before settling the player's Bet or Double Attack Wagers in accordance with subsection (o).

(2) Equal a total point count of less than 17, the dealer shall draw an additional card. If the dealer's three card hand has a total point count:

(i) In excess of 21, the dealer shall pay the winning Bust It Wager in accordance with § 665a.12(c) (relating to payout odds). The payout shall be based on the value of the third card drawn, except that if all three of the dealer's cards are an 8 of the same color or suit, a player shall receive an increased payout based on the three 8s instead of the payout based on the value of the third card drawn.

(ii) Of 21 or less, the dealer shall collect all losing Bust It Wagers.

(n) After settling the player's Bust It Wager, if applicable, if the dealer's first three cards equal a total point count of less than 17, the dealer shall draw additional cards until he has a hard or soft total of 17, 18, 19, 20 or 21.

(o) After all additional cards have been dealt to the players and the dealer, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the remaining wagers by collecting all losing wagers and paying all winning wagers as follows:

(1) A Bet Wager shall:

(i) Win and be paid in accordance with § 665a.12(a) if:

(A) The total point count of the player's hand is 21 or less and the total point count of the dealer's hand is in excess of 21.

(B) The total point count of the player's hand exceeds the total point count of the dealer's hand without exceeding 21.

(C) The player has a Blackjack and the dealer's hand has a total point count of 21 in more than two cards.

(ii) Lose and be collected if:

(A) The dealer has a Blackjack and the player does not have a Blackjack.

(B) The total point count of the dealer's hand is 21 or less and the total point count of the player's hand is in excess of 21.

(C) The total point count of the dealer's hand exceeds the total point count of the player's hand without exceeding 21.

(iii) Tie and be returned to the player if the total point count of the player's hand is the same as the dealer's or if both the player and dealer have Blackjack.

(2) A Double Attack Wager shall win, lose or tie in accordance with subsection (o)(1) except that the Double Attack Wager shall be returned to the player if the dealer has a Blackjack and the player does not have a Blackjack.

(p) The dealer shall pay all winning wagers and collect all losing wagers beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall place any losing wagers directly into the table inventory and may not pay off any winning wagers by using value chips collected from a losing wager.

(q) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

(r) Players and spectators may not handle, remove or alter any cards used to play Double Attack Blackjack.

#### § 665a.8. Insurance Wager.

(a) If the first card dealt to the dealer is an ace, each player may make an Insurance Wager which shall win if the dealer's hole card is a king, queen or jack.

(b) An Insurance Wager may be made by placing a value chip on the insurance line of the layout in an amount not more than 1/2 of the player's Bet Wager. A player may wager an amount in excess of 1/2 of the initial Bet Wager to the next unit that can be wagered in chips, when, because of the limitation of the value of chip denominations, half the initial wager cannot be bet. Insurance Wagers shall be placed prior to the dealer inserting his hole card into the card reader device.

(c) Winning Insurance Wagers shall be paid in accordance with the payout odds in § 665a.12(b) (relating to payout odds).

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

#### § 665a.9. Surrender.

(a) After the first two cards are dealt to the player, the player may elect to discontinue play on his hand for that round by surrendering. A player may also elect to surrender after additional cards are dealt to the player, after a hand is split as permitted under § 665a.11 (relating to splitting pairs) and after doubling down as permitted under § 665a.10 (relating to Double Down Wager). A player may not elect to surrender after deciding to stand.

(b) If the player elects to surrender and the first card dealt to the dealer:

(1) Is not an ace, king, queen or jack, the dealer shall immediately collect the cards of the player and 1/2 of the Bet Wager and Double Attack Wager, if applicable, and return the other 1/2 to the player.

(2) Is an ace, king, queen or jack, the dealer shall determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device in accordance with § 665a.7(g) (relating to procedure for dealing the cards; completion of each round of play). If the dealer:

(i) Has a Blackjack, the dealer shall collect the entire Bet Wager and the Bust It Wager, if applicable, and return the Double Attack Wager, if applicable, to the player.

(ii) Does not have a Blackjack, the dealer shall immediately collect the cards of the player and 1/2 of the Bet Wager and Double Attack Wager, if applicable, and return the other 1/2 to the player.

(c) If the player has made a Bust It Wager and then elects to surrender, the Bust It Wager must remain on the layout until settled in accordance with § 665a.7(m).

(d) If the player has made an Insurance Wager and then elects to surrender, each wager will be settled separately in accordance with subsection (b) and § 665a.8 (relating to Insurance Wager).



**§ 665a.10. Double Down Wager.**

(a) Except when a player has a Blackjack, a player may elect to make a Double Down Wager, which may not exceed the amount of his original Bet and Double Attack Wagers, on two or more cards dealt to that player, including any hands resulting from a split pair, provided that only one additional card shall be dealt to the hand on which the player has elected to double down.

(b) If a dealer obtains Blackjack after a player makes a Double Down Wager, the dealer shall collect only the amount of the original Bet Wager of the player and shall return the Double Down and Double Attack Wagers.

(c) Upon a player's election to make a Double Down Wager, the dealer shall deal the one additional card face up and place it sideways on the layout.

**§ 665a.11. Splitting pairs.**

(a) If the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands provided that he makes a wager on the second hand formed in an amount equal to his original Bet and Double Attack Wagers. For example, if a player has two 7s or a king and a queen, the player may elect to split the hand.

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

(c) After a second card is dealt to each split pair hand, the player shall indicate his decision to stand, draw or double down with respect that hand. A player may split pairs again if the second card dealt to an incomplete hand is identical in value to the split pair. A player may split pairs a maximum of three times for a total of four hands.

(d) If the dealer obtains Blackjack after a player splits pairs, the dealer shall collect only the amount of the original Bet Wager of the player and return the Double Attack Wager and the additional amount wagered in splitting pairs.

(e) If a player elects to split a pair of aces, each ace shall receive only one card. Aces may not be split more than once and may not be resplit.

**§ 665a.12. Payout odds.**

(a) The certificate holder shall pay out each winning Bet and Double Attack Wager at odds of 1 to 1.

(b) The certificate holder shall pay out winning Insurance Wagers at odds of 5 to 2.

(c) The certificate holder shall pay out winning Bust It Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
8, 8, 8 of the same suit	200 to 1
8, 8, 8 of the same color	50 to 1
Third card drawn:	
Is a 6	15 to 1
Is a 7	10 to 1
Is an 8	8 to 1
Is a 9	6 to 1
Is a king, queen or jack	3 to 1

**§ 665a.13. Irregularities.**

(a) A card found face up in the shoe may not be used in that round of play and shall be placed in the discard rack.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(c) After the initial two cards have been dealt to each player and the dealer and a card is drawn in error and exposed to the players, the card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept the card may not have any additional cards dealt to him during the round. If the card is refused by the players and the dealer cannot use the card, the card shall be placed in the discard rack.

(d) If the dealer has 17 and accidentally draws a card for himself, the card shall be placed in the discard rack.

(e) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack shall be shuffled and cut according to the procedures in § 665a.5 (relating to shuffle and cut of the cards). The first card shall be drawn face down and placed in the discard rack and the dealer shall complete the round of play.

(f) If no cards are dealt to a player's hand, the hand is dead and the player shall be included in the next deal. If only one card is dealt to a player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.

(g) If after receiving the first two cards, the dealer fails to deal an additional card to a player who has requested a card, then, at the player's option, the dealer shall either deal the additional card after all other players have received their additional cards but prior to the dealer revealing his hole card or call the player's hand dead and return the player's Bet and Double Attack Blackjack Wagers.

(h) If the dealer inserts his hole card into a card reader device when the value of his first card is not an ace, king, queen or jack, the dealer, after notification to a floorperson or above, shall:

(1) If the particular card reader device in use provides any player with the opportunity to determine the value of the hole card, call all hands dead, collect the cards and return each player's wager.

(2) If the particular card reader device in use does not provide any player with the opportunity to determine the value of the hole card, continue play.

(i) If a card reader device malfunctions, the dealer may not continue dealing the game of Double Attack Blackjack at that table until the card reader device is repaired or replaced.

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

(k) If an automated shuffling device malfunctions and cannot be used, the device must be covered or have a sign indicating that it is out of order placed on the device before any other method of shuffling may be utilized at that table.

[Pa.B. Doc. No. 13-230. Filed for public inspection February 8, 2013, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE 65 ]

## Advance Notice of Proposed Rulemaking Order; Water Conservation Measures

Public Meeting held  
January 24, 2013

*Commissioners Present:* Robert F. Powelson, Chairperson;  
John F. Coleman, Jr., Vice Chairperson; Wayne E.  
Gardner; James H. Cawley; Pamela A. Witmer

*Advance Notice of Proposed Rulemaking for Revision of  
the Commission's Regulations on Water Conservation  
Measures at 52 Pa. Code § 65.20; L-2012-2319361*

### Advance Notice of Proposed Rulemaking Order

*By the Commission:*

#### *The 2008 Tentative Order*

On November 10, 2008, the Pennsylvania Public Utility Commission (PUC or Commission) issued a Tentative Opinion and Order at Docket No. M-2008-2062697 (2008 Tentative Order) regarding a pilot program to implement the International Water Association (IWA)/American Water Works Association (AWWA) Water Audit methodology (Water Audit methodology). By way of the 2008 Tentative Order, the Commission invited all jurisdictional water utilities to voluntarily participate in a pilot program to implement the new IWA/AWWA methodology. The 2008 Tentative Order became final on December 10, 2008 (2008 Order).

The purpose of the 2008 Order was to implement, on a pilot basis, the Water Audit methodology. This methodology was established by the IWA and the AWWA. Implementation of this methodology by the Commission's jurisdictional water utilities was expected to achieve a number of public interest benefits, including furthering overall infrastructure reliability, preserving water resources, limiting water leakage, reducing overall company risk, and enhancing customer service.

The 2008 Order explained that participation in this pilot program by Pennsylvania's largest water utilities was expected for a number of reasons. First, their larger size, in terms of water industry standards, their resources, and their overall viability lend themselves to straightforward adaptation of the new procedure. Second, all viable water utilities should constantly strive to improve operational efficiency. Initiation of the pilot program was to further this ongoing effort. Third, the Water Audit methodology is consistent with current challenges facing the water industry, namely: (1) rising cost challenges imposed by the need to rehabilitate aging infrastructure; (2) increased energy costs for pumping; (3) increased costs of chemicals and other treatment necessary to meet the more stringent Safe Drinking Water Act requirements; and (4) the limited availability and higher costs for developing new sources of supply, among others.

As stated in the 2008 Order, a critical aspect of efficient operations involves tracking levels of unaccounted-for water (UFW).<sup>1</sup> Maintaining low levels of UFW helps

<sup>1</sup> UFW is, essentially, the amount of water that is "lost," when compared with the volume produced and the volume sold, taking into account, based on an estimated formula of water used, but not measured, in fire-fighting, hydrant and main flushing, and building construction, and/or due to theft, inaccurate meter recording and faulty meters, among other reasons. Ongoing leakage, particularly in older systems, is the most prevalent cause of UFW.

prevent waste of a precious resource, avoids lost revenue, and indicates a well-managed water utility. Both the PUC and the Department of Environmental Protection (DEP) monitor levels of UFW on an annual basis. In addition, as part of the Commission's rate case review process, expenses for power and chemicals may be disallowed when levels of UFW exceed 20 percent. Indeed, the Commission's comprehensive Policy Statement on Conservation strongly suggests that an ongoing leak detection and repair program is an integral part of maintaining low levels of UFW.<sup>2</sup>

For many years, the determination of UFW used by this Commission, jurisdictional water utilities, and throughout the country was a combination of a methodology established by William D. Hudson and a procedure set forth in the AWWA Training Manual.<sup>3</sup> Over time, however, it became apparent that differing interpretations and adjustments, along with the incorporation of different components, led to less than representative results. Ineffective planning and an inability to employ corrective measures are the likely consequences of inaccurate levels of UFW.

As stated in the 2008 Order, an enhanced, more comprehensive method has since been developed, which gives every indication that it offers superior data and indicators for improved operational accountability. The Water Audit methodology not only assists utilities in identifying where the losses are occurring, but also expresses by volume how much is lost and at what cost.<sup>4</sup> The term "unaccounted-for water" has been replaced with the term "water audit" based on the concept and underlying procedure that virtually all water can be "accounted-for." The Water Audit methodology was developed jointly by a five-country group formed by the IWA and the AWWA in 1997. In 2003, the AWWA's Water Loss Control Committee identified the Water Audit methodology as a world-wide best management practice in water loss control.<sup>5</sup> In 2006, the AWWA released a Water Audit software package that is available free of charge on its website, broadening the new procedure's accessibility.<sup>6</sup> A year later, the AWWA Research Foundation designated the Water Audit methodology as the current best practice.<sup>7</sup> Today, its use continues to expand, consistent with widespread efforts to increase water supply sustainability, infrastructure remediation, and overall service reliability.

As noted in the 2008 Order, experience with the Water Audit methodology throughout the country has been growing. It has been adopted by, among others: (1) the Texas Water Development Board, which has oversight over 2,000 water utilities; (2) the Metropolitan North Georgia Water Planning district, which oversees more than 60 water utilities in the Atlanta area; (3) the California Urban Water Conservation Council; and (4) the Office of the State Engineer, in New Mexico, which not only adopted the methodology but also sponsored a pilot

<sup>2</sup> See 52 Pa. Code § 65.20.

<sup>3</sup> Kozloff, Carol Allen (formerly, Allen, Carol J.), Smith, Roland Y. and Blatt, Harold C., *The Pennsylvania Public Utility Commission Analysis and Rate Treatment of Unaccounted-For Water*, May 1986.

<sup>4</sup> Texas Water Development Board, *Water Loss Audit Manual for Texas Utilities*, March 2008.

<sup>5</sup> Journal AWWA, *Applying World-wide Best Management Practices in Water Loss Control*, August 2003.

<sup>6</sup> See <http://www.awwa.org/resources-tools/water-knowledge/water-loss-control.aspx>.

<sup>7</sup> American Water Works Association Research Foundation Project 2811, *Evaluating Water Loss and Planning Loss Reduction Strategies Report*, March 2007.

audit. In Pennsylvania, the Philadelphia Water Department has been pioneering the procedure since its inception in 2000 and has achieved notable success.<sup>8</sup>

#### *The 2012 Order*

On November 10, 2011, the Commission issued a Tentative Opinion and Order at M-2008-2062697 (2011 Tentative Order) wherein the Commission ordered all Class A water utilities (over \$1,000,000 in annual revenues) to implement the Water Audit methodology. The Tentative Opinion and Order became final January 27, 2012 (2012 Order).<sup>9</sup> Specifically, the Commission concluded:

Based upon this Commission's tradition of establishing groundbreaking regulatory tools, such as the DSIC or single tariff pricing, we will order the implementation of this Water Audit methodology which will help achieve a number of public interest benefits, such as increased infrastructure reliability, help preserve water resources, limit water leakage, reduce overall company risk, and enhance customer service. We believe that this practice is a better tool than the current unaccounted-for-water method and in the public interest.

To this end, the Commission ordered the five participating water utilities, namely, Aqua Pennsylvania, Inc., Pennsylvania-American Water Company, Superior Water Company, York Water Company and United Water Pennsylvania, Inc., to file annual Water Audit summaries with the Secretary of the Commission for the year ended December 31, 2011, no later than April 30, 2012, and on subsequent years no later than April 30.

In addition to ordering the five participating water utilities to file annual Water Audit summaries by April 30, 2012, the Commission specifically directed in the 2012 Order:

That all other Class A water utilities (over \$1,000,000 in annual revenues) commence to file the annual Water Audit summaries with the Secretary of the Commission for the year ended December 31, 2012 no later than April 30, 2013, and on subsequent years no later than April 30. These other Class A water utilities presently include Columbia Water Company, Newtown Artesian Water Company, CAN DO, Inc.-Water Division, United Water Bethel, Inc., and Audubon Water Company.

Accordingly, the Water Audit methodology has now been adopted by this Commission and all Class A water utilities are now required to file the annual Water Audit summaries with the Secretary of the Commission no later than April 30 of each year.

While the Commission has formally adopted the Water Audit methodology and also has directed all Class A water utilities to file the annual Water Audit summaries no later than April 30th of each year, a remaining question going forward for the Commission and the water industry is whether the Commission should revise its existing regulations regarding unaccounted-for-water at

52 Pa. Code § 65.20, or, whether it is necessary for the Commission to adopt new regulations regarding the Water Audit methodology.

Section 65.20 of the Code states, in pertinent part:

#### **§ 65.20. Water conservation measures—statement of policy.**

In rate proceedings of water utilities, the Commission intends to examine specific factors regarding the action or failure to act to encourage cost-effective conservation by their customers. Specifically, the Commission will review utilities' efforts to meet the criteria in this section when determining just and reasonable rates and may consider those efforts in other proceedings instituted by the Commission.

Subsection (4) of this section, which specifically addresses unaccounted-for-water, states:

Levels of unaccounted-for-water should be kept within reasonable amounts. Levels above 20% have been considered by the Commission to be excessive.

By way of this advance notice of proposed rulemaking order, the Commission seeks comments from all interested parties on appropriate revisions to this regulation. In particular, comments are invited on whether it is necessary for the Commission, in light of our adoption of the Water Audit methodology, to adopt new regulations to further advance this methodology. If the comments advocate either revised regulations, or merely a policy statement, we expect the comments to also include proposed language for our consideration and subsequent review by the Independent Regulatory Review Commission. The Commission's evaluation will include a review of similar regulations in other jurisdictions that have adopted the Water Audit methodology so that the Commission can develop best practices on these issues.

Additionally, the Commission, as was requested in the 2012 Order, invites comments from the regulated community (particularly the participants in the pilot project and the other Class A water utilities that will be filing their first annual Water Audit by April 30, 2013) and other interested parties on the experienced benefits and costs of the Water Audit methodology.

Finally, the Commission invites comments as to whether the Water Audit methodology should be extended to the other jurisdictional water utilities.

Accordingly, pursuant to 66 Pa.C.S. §§ 501 and 2804, the Commission issues this Advance Notice of Proposed Rulemaking for comment; *Therefore,*

#### *It Is Ordered That:*

1. This Advance Notice of Proposed Rulemaking be issued to solicit comments regarding revisions to the Commission's existing regulations regarding unaccounted-for-water at 52 Pa. Code § 65.20(4).

2. This Advance Notice of Proposed Rulemaking be published in the *Pennsylvania Bulletin* for review and comment, with comments due 60 days from the date of publication and reply comments due 30 days thereafter.

3. Any comments or reply comments be served upon the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

4. The contact persons for this proposed rulemaking are Stanley E. Brown, Assistant Counsel, Law Bureau, (717) 783-3968, and Kenneth R. Stark, Assistant Counsel, Law Bureau, (717) 787-5558.

<sup>8</sup> George Kunkle P.E., who serves as Philadelphia Water Department's Assistant Chief, Water Conveyance Section, must be acknowledged for his ongoing efforts to develop and implement the Water Audit Methodology. Mr. Kunkle served on the IWA/AWWA Committee, which initiated the new procedure, helped develop the AWWA software, and actively helps promote its implementation. Furthermore, Mr. Kunkle has given Water Audit presentations to the National Association of Regulatory Utility Commissioners Committee on Water, before Public Utility Commission Staff and interested stakeholders.

<sup>9</sup> A Secretarial Letter finalizing the 2011 Tentative Order was issued on January 27, 2012, at Docket No. M-2008-2062697, after the only comments filed to the 2011 Tentative Order was withdrawn.



5. A copy of this Advance Notice of Proposed Rulemaking shall be served on the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation and Enforcement, all jurisdictional water utilities; the National Association of Water Companies—Pennsylvania Chapter; the Department of Environmental Protection, the Office of Regulatory Counsel; all regional offices; the Division of Water Use Planning; the Delaware River Basin Commission; the Susquehanna River Basin Commission; and the American Water Works Association, Pennsylvania Chapter.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-231. Filed for public inspection February 8, 2013, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

[ 25 PA. CODE CH. 806 ]

### Review and Approval of Projects

*Summary:* This document contains proposed rules that would amend the project review regulations of the Susquehanna River Basin Commission (Commission) to include special requirements for withdrawals from surface water and groundwater sources which, from the point of taking or point of impact respectively, have a drainage area of equal to or less than ten square miles (headwater area); and to modify provisions relating to the issuance of emergency certificates by the Executive Director.

*Dates:* Comments on these proposed rules may be submitted to the Commission on or before February 25, 2013. The Commission has scheduled a public hearing on the proposed rulemaking, to be held February 14, 2013, in Harrisburg, Pennsylvania. The location of the public hearing is listed in the addresses section of this notice.

*Addresses:* Comments may be mailed to: Mr. Richard A. Cairo, Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, PA 17102-2391, or by email to [rcairo@srbc.net](mailto:rcairo@srbc.net).

The public hearing will be held on February 14, 2013, at 3:00 p.m., at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, Pa. 17101. Those wishing to testify are asked to notify the Commission in advance, if possible, at the regular or electronic addresses given below.

*For Further Information Contact:* Richard A. Cairo, General Counsel, telephone: 717-238-0423, ext. 306; fax: 717-238-2436; e-mail: [rcairo@srbc.net](mailto:rcairo@srbc.net). Also, for further information on the proposed rulemaking, visit the Commission's web site at [www.srbc.net](http://www.srbc.net).

### Supplementary Information:

#### *Background and Purpose of Amendments*

The basic purpose of the regulatory amendments set forth in this proposed rulemaking is to make further modifications to the Commission's project review regulations relating to surface and groundwater withdrawal limitations in headwater areas, and also relating to the issuance of emergency certificates by the Executive Director.

The Commission adopted a Low Flow Protection Policy (LFPP) on December 14, 2012. The purpose of the LFPP is to provide implementation guidance to the Commission staff, project sponsors and the public on the criteria, methodology, and process used to evaluate withdrawal applications to ensure that any flow alteration related to such withdrawals does not cause significant adverse impacts to the water resources of the basin.

When first released in draft form for public review in March 2012, the LFPP included certain restrictions on water withdrawals in headwater areas. Those provisions were removed from the policy upon final adoption, and instead are being proposed for inclusion in the Commission's project review regulations, given that they would establish a binding norm more appropriately contained in regulation.

The addition of a new section, 18 CFR § 806.6—Project limitations, provides that projects proposing to withdraw water in drainage areas equal to or less than ten square miles shall not be approved unless, in the case of a surface water withdrawal, the use associated with the project would occur on the tract of land that is riparian or littoral to the surface water source from which the water is withdrawn, or would be used to provide source water to a public water supply system. Likewise, a groundwater withdrawal that impacts a surface water source which, from the point of impact is in a headwater area, would not be approved unless the water use associated with the project would occur on the tract of land from which the water is withdrawn, or would be used to provide source water to a public water supply system. Language is also included that provides that withdrawals by public water supply systems shall be limited for use within the system's service area, and not for bulk sale outside such area.

It is generally recognized that the smaller the drainage area, the less the amount of water that can be removed from it sustainably. On the whole, headwater areas of ten square miles or less have very limited yields, resulting in very limited water availability. The Commission believes it is appropriate, as a matter of sound public policy, to prioritize how that limited resource should be utilized by restricting its withdrawal for only uses within those areas or otherwise for public water supply.

So as not to prejudice administratively complete applications currently undergoing review as of the date of this Notice of Proposed Rulemaking, the Commission intends to exempt such applications from the scope of this new rule if and when finally adopted.

In addition, the Commission finds it desirable to clarify the provisions of 18 CFR § 806.34 relating to the issuance of emergency certificates by the Executive Director. Amendatory language is proposed in paragraph (a) of § 806.34 providing further criteria to apply in the exercise of this authority; namely, that consideration should be given to actions deemed necessary to sustain human life, health and safety, the life, health or safety of livestock, or the maintenance of electric system reliability, along with such other priorities established by the Commission relating to drought emergencies.

Language is also proposed to 18 CFR § 806.34(b) and (b)(2)(iii) clarifying that the authority is applicable to both unapproved projects and those operating under an existing Commission approval.

### List of Subjects in 18 CFR Part 806

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission proposes to amend 18 CFR Part 806 as follows:

**Part 806—Review and Approval of Projects**

**Subpart A—General Provisions**

1. The authority citation for Part 806 continues to read as follows:

Authority: Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

2. In Part 806, revise Table of Contents to read as follows:

**Subpart A—General Provisions**

Sec.	
806.1	Scope.
806.2	Purposes.
806.3	Definitions.
806.4	Projects requiring review and approval.
806.5	Projects that may require review and approval.
806.6	Project limitations.
806.7	Transfer of approvals.
806.8	Concurrent project review by member jurisdictions.
806.9	Waiver/modification.
	* * * * *

3. In § 806.4, revise paragraph (a) to read as follows:

**§ 806.4 Projects requiring review and approval.**

(a) Except for activities relating to site evaluation or those authorized under § 806.34, and subject to the limitations set forth in § 806.6, no person shall undertake any of the following projects without prior review and approval by the Commission. The project sponsor shall submit an application in accordance with subpart B and shall be subject to the applicable standards in subpart C.

\* \* \* \* \*

3. In § 806.6, insert a new section (Project limitations) and renumber existing §§ 806.6—806.8 as follows:

**§ 806.6 Project limitations.**

Except for existing projects undergoing approval, modification or renewal, any project requiring review and approval under this section and involving a withdrawal from a surface water source which, from the point of taking, has a drainage area of equal to or less than ten square miles, or any groundwater withdrawal that may impact a surface water source which, from the point of impact, has a drainage area of equal to or less than ten square miles, shall not be approved unless:

(a) In the case of a surface water withdrawal, the water use associated with the project will occur on the tract of land that is riparian or littoral to the surface water source from which the water is withdrawn, or will be used to provide source water to a public water supply system, as that term is defined in § 806.3 or by statute or regulation of the host member state, for use within the system's service area and not for bulk sale outside such area.

(b) In the case of a groundwater withdrawal, the water use associated with the project will occur on the tract of land from which the water is withdrawn, or will be used to provide source water to a public water supply system, as that term is defined in § 806.3 or by statute or regulation of the host member state, for use within the system's service area and not for bulk sale outside such area.

**§ 806.7 Transfer of approvals.**

\* \* \* \* \*

**§ 806.8 Concurrent project review by member jurisdictions.**

\* \* \* \* \*

**§ 806.9 Waiver/modification.**

\* \* \* \* \*

**Subpart D—Terms and Conditions of Approval**

3. In § 806.34, revise paragraphs (a), (b), and (b)(2)(iii) to read as follows:

**§ 806.34 Emergencies**

(a) *Emergency certificates.* The other requirements of these regulations notwithstanding, in the event of an emergency requiring immediate action to protect the public health, safety and welfare or to avoid substantial and irreparable injury to any person, property, or water resources when circumstances do not permit a review and determination in the regular course of the regulations in this part, the Executive Director, with the concurrence of the chairperson of the Commission and the commissioner from the affected member state, may issue an emergency certificate authorizing a project sponsor to take such action as the Executive Director may deem necessary and proper in the circumstances, pending review and determination by the Commission as otherwise required by this part. In the exercise of such authority, consideration should be given to actions deemed necessary to sustain human life, health and safety, or that of livestock, or the maintenance of electric system reliability to serve such needs, or any other such priorities that the Commission may establish from time to time utilizing its authority under Section 11.4 of the Compact related to drought emergencies.

(b) *Notification and application.* A project sponsor shall notify the Commission, prior to commencement of the project, that an emergency certificate is needed. In the case of a project operating under an existing Commission approval seeking emergency approval to modify, waive or partially waive one or more conditions of such approval, notice shall be provide to the Commission prior to initiating the operational changes associated with the request. If immediate action, as defined by this section, is required by a project sponsor and prior notice to the Commission is not possible, then the project sponsor must contact the Commission within one (1) business day of the action. Notification may be by certified mail, facsimile, telegram, mailgram, electronic mail or other form of written communication. This notification must be followed within one (1) business day by submission of the following:

\* \* \* \* \*

(2) At a minimum, the application shall contain:

\* \* \* \* \*

(iii) Location map and schematic of proposed project, or in the case of a project operating under an existing Commission approval, the project approval reference and a description of the operational changes requested.

\* \* \* \* \*

Dated: December 17, 2012.

THOMAS W. BEAUDUY,  
*Deputy Executive Director*

**Fiscal Note:** 72-10. No fiscal impact; (8) recommends adoption.

*(Editor's Note: For a document relating to this proposal see 43 Pa.B. 681 (February 2, 2013).*

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART IV. SUSQUEHANNA RIVER BASIN  
COMMISSION**

**CHAPTER 806. REVIEW AND APPROVAL OF  
PROJECTS**

**§ 806.1. Incorporation by reference.**

The regulations and procedures for review of projects as set forth in 18 CFR Part 806 [ (2011) ] (2013) (relating to review and approval of projects) are incorporated by reference and made part of this title.

[Pa.B. Doc. No. 13-232. Filed for public inspection February 8, 2013, 9:00 a.m.]



# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### **Reorganization of the Department of Conservation and Natural Resources**

The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective January 28, 2013.

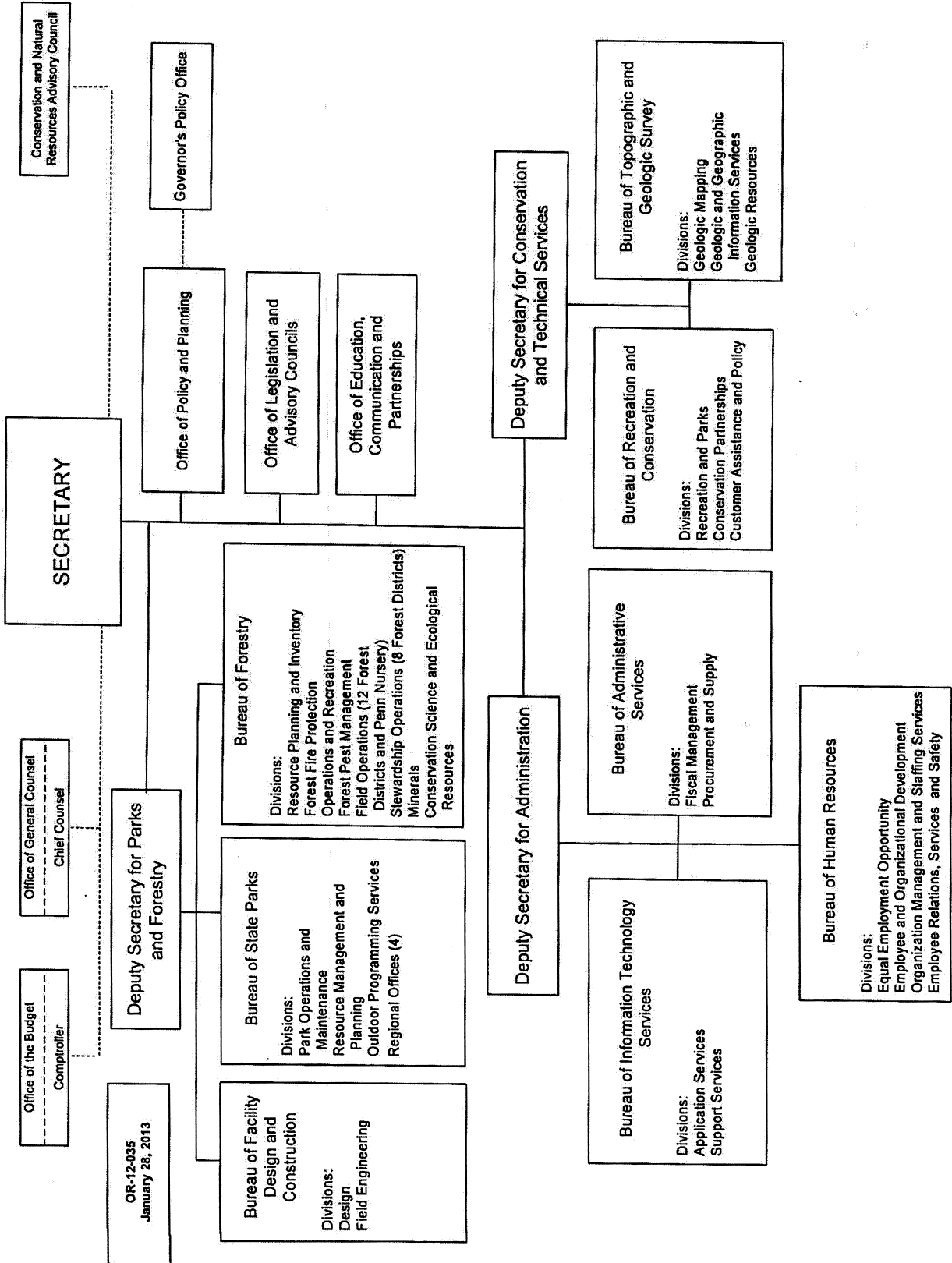
The organization chart at 43 Pa.B. 876 February 9, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(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. 13-233. Filed for public inspection February 8, 2013, 9:00 a.m.]

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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES



## DEPARTMENT OF GENERAL SERVICES

## [ 4 PA. CODE CH. 67a ]

## Steel Products Procurement

The Department of General Services (Department) adopts a statement of policy in Chapter 67a (relating to steel products procurement—statement of policy) to read as set forth in Annex A. Chapter 67a implements the act of October 24 (P. L. 1284, No. 159) (Act 159), which amended section 4 of the Steel Products Procurement Act (act) (73 P. S. § 1884(b)).

*Background*

The act requires that every public agency require every contract document for the construction, reconstruction, alteration, repair, improvement or maintenance of public works contain a provision that, if steel products are to be used or supplied in the performance of the contract, only steel products as defined by the act shall be used or supplied in the performance of a contract or subcontracts thereunder. Section 6 of the act (73 P. S. § 1886) defines a “steel product” as:

Products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated or otherwise similarly processed, or processed by a combination of two or more of such operations, from steel made in the United States by the open hearth, basic oxygen, electric furnace, Bessemer or other steel making process and shall include cast iron products and shall include machinery and equipment listed in United States Department of Commerce Standard Industrial Classification 25 (furniture and fixture), 35 (machinery, except electrical) and 37 (transportation equipment) and made of, fabricated from, or containing steel components. . . .

However, this section does not apply when the head of the public agency, in writing, determines that steel products are not produced in the United States in sufficient quantities to meet the requirements of the contract. Act 159 expands upon this exception by eliminating the need for the written determination if a steel product that is not produced domestically in sufficient quantities to meet contract requirements is identified on a preapproved list created by the Department. The contractor is not required to complete a waiver form if the steel product to be utilized on the project is on the list of exempt machinery and equipment steel products. Act 159 charges the Department with creating a list of exempt machinery and equipment steel products that have been identified by the Department as not domestically produced in sufficient quantities to meet contract requirements. If the product is identified on the list, it is exempt from the act.

*Purpose*

Chapter 67a outlines the procedure for creating the list of exempt products and establishes a procedure for resolving disputes regarding steel products on the list. The Department does not intend to give the policies or procedures the weight or deference of adjudications or regulations.

*Fiscal Impact*

The implementation of this statement of policy does not present significant fiscal impact to the Department.

*Effective Date*

This statement of policy shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

*Contact Person*

Specific questions relating to information provided in this statement of policy may be directed to the Department of General Services, Office of Chief Counsel, 603 North Office Building, Harrisburg, PA 17125.

SHERI PHILLIPS,  
*Secretary*

*(Editor’s Note:* For a notice relating to this statement of policy, see 43 Pa.B. 940 (February 9, 2013).)

*(Editor’s Note:* Title 4 of the *Pennsylvania Code* is amended by adding a statement of policy in § 67a.1 to read as set forth in Annex A.)

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

## Annex A

## TITLE 4. ADMINISTRATION

## PART III. DEPARTMENT OF GENERAL SERVICES

## Subpart C. CONSTRUCTION AND PROCUREMENT

## ARTICLE II. CONSTRUCTION

CHAPTER 67a. STEEL PRODUCTS  
PROCUREMENT—STATEMENT OF POLICY

Sec.

67a.1. Exempt machinery and equipment steel products.

**§ 67a.1. Exempt machinery and equipment steel products.**

(a) The initial list of exempt steel products will be compiled by the Deputy Secretary for Public Works or a designee from waiver forms submitted and approved in the previous 2 calendar years. The list will be published in the *Pennsylvania Bulletin* and the public will have 30 days to submit written comments as to the domestic availability of a steel product on the list.

(b) Written comments shall be submitted in writing to the Deputy Secretary for Public Works, Department of General Services, 18th and Herr Streets, Harrisburg, Pennsylvania 17125, or submitted to [ra-steel@pa.gov](mailto:ra-steel@pa.gov). The writing must be supported with a mill certification indicating that the steel was melted in the United States of America or an executed Steel Origin Certification form, found on the Department’s web site, indicating the disputed product is produced domestically.

(c) The Deputy Secretary for Public Works or a designee will review the comments and supporting evidence and may request additional information required to make a determination as to whether the product is produced domestically in sufficient quantities to meet contract requirements. If the disputed steel product is found to be produced domestically in sufficient quantities, the steel product may be removed from the list prior to publication on the Department’s publicly accessible web site.

(d) Following the 30-day public comment period and the Department of General Services’ (Department) review of disputed steel products, if any, the official annual list will be posted to the Department’s publicly accessible web site. The Department will not make changes to the official annual list for 1 year from the date of publication on the web site. The Department will solicit comments and publish an updated annual list in the *Pennsylvania Bulletin* in the next calendar year.

(e) For each subsequent annual list, the Department will identify specific machinery and equipment steel products that have been recognized as not being produced in the United States in sufficient quantities to meet the



previous year's contract requirements. The Department will utilize the previous annual list and add steel products from "not domestically manufactured" forms submitted and approved by the Department during the previous calendar year. The list will be published in the *Pennsylvania Bulletin* and the public will have 30 days to comment on the list. Disputed steel products will be resolved as stated in this section.

(f) The Department will update the list of exempt steel products on or about January 31st of each calendar year.

(g) Contractors, subcontractors, suppliers, bidders, offerors and public agencies may rely on the list of exempt steel products in preparing bids and contracts for any project that is subject to the Steel Products Procurement Act (73 P. S. §§ 1881—1887).

(h) Chapter 5, Subchapter A of 2 Pa.C.S. (relating to practice and procedure of Commonwealth agencies) does not apply to this chapter.

[Pa.B. Doc. No. 13-234. Filed for public inspection February 8, 2013, 9:00 a.m.]

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## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

#### [ 55 PA. CODE CH. 51 ]

#### Participant Rights

#### Scope

This statement of policy applies to individuals and families, Administrative Entity (AE) administrators or directors, County Mental Health/Intellectual Disability Program (MH/ID) administrators and directors, supports coordination organization (SCO) directors and providers of waiver services.

#### Purpose

The purpose of this statement of policy is to establish participant rights under § 51.17(b) (relating to incident management).

#### Discussion

Chapter 51 (relating to Office of Developmental Programs home and community-based services) provides the requirements for providers in the Adult Autism, Consolidated and Person Family Directed Supports waivers. Section 51.17(b) provides that a provider shall take prompt action to protect participant health, safety and rights and that the Department will establish participant rights by Departmental guidelines. This statement of policy establishes these rights.

#### Effective Date

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

#### Contact Person

Questions should be directed to the regional program manager at the appropriate regional Office of Developmental Programs (ODP) as follows. Copies of this statement of policy may be obtained at the local MH/ID County Program, AE or regional ODP in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144

- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749

- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245

- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

GARY D. ALEXANDER,  
*Secretary*

(*Editor's Note:* Title 55 of the *Pennsylvania Code* is amended by adding a statement of policy in § 51.17a to read as set forth in Annex A.)

**Fiscal Note:** 14-BUL-100. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 55. PUBLIC WELFARE

#### PART I. DEPARTMENT OF PUBLIC WELFARE

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

#### CHAPTER 51. OFFICE OF DEVELOPMENTAL PROGRAMS HOME AND COMMUNITY-BASED SERVICES

##### Subchapter B. PROVIDER QUALIFICATIONS AND PARTICIPATION

#### § 51.17a. Participant rights—statement of policy.

The following are the participant rights under § 51.17(b) (relating to incident management):

(1) A participant shall be treated with dignity and respect.

(2) A participant may not be discriminated against because of ethnicity, religious affiliation, disability, ancestry, national origin, age, gender or sexual orientation nor be deprived of civil or legal rights.

(3) A participant has the right to be free from abuse, neglect and exploitation and has the right to report abuse, neglect or exploitation.

(4) A participant has the right to voice complaints or concerns about treatment or services.

[Pa.B. Doc. No. 13-235. Filed for public inspection February 8, 2013, 9:00 a.m.]

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## Title 101—GENERAL ASSEMBLY

### LOCAL GOVERNMENT COMMISSION

#### [ 101 PA. CODE CH. 303 ]

#### Right-to-Know Law; Amendments

The Local Government Commission (Commission) amends § 303.18(c) (relating to fee schedule) to read as set forth in Annex A. The purpose of this statement of policy is to clarify the fee procedures applicable to a large or complex "legislative record" as defined in section 102 of the Right-to-Know Law (65 P. S. § 102).

*Effective Date*

This statement of policy is effective upon publication.

MICHAEL P. GASBARRE,  
*Director*

(*Editor's Note:* Title 101 of the *Pennsylvania Code* is amended by amending the statement of policy in § 303.18 to read as set forth in Annex A.)

**Annex A****TITLE 101. GENERAL ASSEMBLY****PART III. LOCAL GOVERNMENT COMMISSION****CHAPTER 303. RIGHT-TO-KNOW LAW—  
STATEMENT OF POLICY****Subchapter B. OPEN RECORDS PROCEDURES OF  
THE COMMISSION****§ 303.18. Fee schedule.**

(a) *General rule.* Except as set forth in subsection (b), the following apply:

- (1) The fee for providing a document is 25¢ per page.
- (2) The fee for postage will not exceed actual mailing costs.
- (3) The fee for certifying a document is \$5 per document, regardless of the number of pages. Each document requires separate certification and fee.
- (4) The fee for redaction of a document is \$1 per page.
- (5) The fee for electronic media such as a diskette or compact disc shall be \$1 per diskette or disc.

(b) *Exception.* The Executive Director of the Commission reserves the right to waive a duplication fee if the total amount due under this section does not exceed \$5.

(c) *Payment.*

(1) In accordance with paragraphs (2) and (3), payment arrangements shall be made between the requester and the open-records officer.

(2) If the actual fee is expected to exceed \$100, payment of an estimated fee under section 1307(h) of the law (65 P. S. § 67.1307(h)) shall be made prior to the initiation of providing of the document. If payment under this paragraph is required, a check, certified check or money order must be made payable to "Local Government Commission" in the amount of the estimated fee.

(3) Payment of the actual fee shall be made prior to providing the document. In the event that the amount of the prepayment of an estimated fee required under paragraph (2) exceeds the amount of actual fees required to provide the document, the Commission will refund the difference between estimated fees paid and actual fees, along with an accounting of actual fees incurred, within 45 days of providing the document.

(4) If a check provided for the payment of estimated or actual fees fails to clear due to insufficient funds, additional fees incurred by the Commission will be added to the total amount due under this section.

[Pa.B. Doc. No. 13-236. Filed for public inspection February 8, 2013, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (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 and Securities 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 January 22, 2013.

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

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-14-2013	Northwest Savings Bank Warren Warren	1 East Chocolate Avenue Hershey Dauphin County	Opened
1-16-2013	Penn Liberty Bank Wayne Chester County	1506 Egypt Road Oaks Montgomery County	Approved
1-22-2013	Jersey Shore State Bank Jersey Shore Lycoming County	550 North Derr Street Lewisburg Union County	Filed

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-8-2013	Citizens Bank of PA Philadelphia Philadelphia County	445 Penn Street Reading Berks County	Approved
1-18-2013	Citizens Bank of PA Philadelphia Philadelphia County	8-10 West Market Street Wilkes-Barre Luzerne County	Approved
1-18-2013	Citizens Bank of PA Philadelphia Philadelphia County	1290 Boyce Road Upper St. Clair Allegheny County	Approved

##### Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-12-2013	ESB Bank Ellwood City Lawrence County	<i>Into:</i> 1706 Lowrie Street Pittsburgh Allegheny County  <i>From:</i> Itin and Rhine Streets Pittsburgh Allegheny County	Effective
1-12-2013	ESB Bank Ellwood City Lawrence County	<i>Into:</i> 2521 Darlington Road Beaver Falls Beaver County  <i>From:</i> 233 Second Street Beaver Beaver County	Effective



## SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

## Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-16-2013	Lancaster Red Rose Credit Union Lancaster Lancaster County	Approved
Application for approval to merge United People's Federal Credit Union of Lancaster, Lancaster, with and into Lancaster Red Rose Credit Union, Lancaster.		

## Branch Applications

## De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-18-2013	TruMark Financial Credit Union Trevose Bucks County	200 West Ridge Pike Plymouth Township Montgomery County	Approved

## Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-22-2013	Superior Credit Union Collegeville Montgomery County	<i>To:</i> 799 Main Street Filed Royersford Montgomery County  <i>From:</i> 434 Main Street Royersford Montgomery County	

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-237. Filed for public inspection February 8, 2013, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. 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: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0070289 (Sewage)	Schuylkill County Municipal Authority Pinebrook WWTP Pinedale Industrial Road Orwigsburg, PA 17963	Schuylkill County West Brunswick Township	Pine Creek (3-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0087335 (Sew)	Broad Top Township (Kearney STP) 187 Municipal Road PO Box 57 Defiance, PA 16633-0057	Bedford County / Broad Top Township	Longs Run / 11-D	Y
PA0087343 (Sew)	Broad Top Township (Langdondale STP) 187 Municipal Road PO Box 57 Defiance, PA 16633-0057	Bedford County / Broad Top Township	Sandy Run / 11-D	Y
PA0070190 (Sew)	Allegheny East Conference PO Box 266 Pine Forge, PA 19548	Berks County / Douglass Township	Manatawny Creek / 3-D	Y
PA0020699 (Sewage)	Montgomery Borough Wastewater Treatment Plant PO Box 428 Muncy, PA 17756-0428	Lycoming County Montgomery Borough	West Branch Susquehanna River (10-D)	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0025470 (Sewage)	Fredericksburg STP 17946 Turner Road Meadville, PA 16335	Crawford County Vernon Township	Cussewago Creek (16-D)	Y
PA0102679 (Sewage)	Camp Runamuck 8896 Us Highway 6 Conneaut Lake, PA 16316	Crawford County Sadsbury Township	Unnamed Tributary to Conneaut Lake (16-D)	Y
PA0222909 (Sewage)	Kinzua Warren County WWTP Route 59 Warren, PA 16365	Warren County Mead Township	Allegheny River (16-B)	Y

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

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

**PA0058548**, SIC Code 4952, **Keelersville Club**, 2522 Ridge Road, Perkasie, PA 18944. Facility Name: Keelersville Club STP. This existing facility is located in East Rockhill Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Threemile Run, is located in State Water Plan watershed 2-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	10	20
Total Suspended Solids	XXX	XXX	XXX	10	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	50	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Geo Mean 10	20
Ammonia-Nitrogen					
May 1 - Oct 31	XXX	XXX	XXX	1.5	3.0
Nov 1 - Apr 30	XXX	XXX	XXX	3.0	6.0
Total Phosphorus	0.008	XXX	XXX	0.9	1.8

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

- Notification of designated operator.
- Abandon STP when public sewers available.
- Remedial Measures
- No stormwater
- Necessary Property Rights
- Change in Ownership
- Proper Sludge Disposal

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

The EPA Waiver is in effect.

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

**PA0087891**, Storm Water, SIC Code 5191, **Growmark FS, LLC**, 1701 Towanda Avenue, Bloomington, IL 61702-2500. Facility Name: Growmark FS, LLC. This existing facility is located in Latimore Township, **Adams County**.

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



The receiving stream(s), Unnamed Tributary to Mud Run, 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.

Proposed effluent limits for Outfall 001:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Alachlor	XXX	XXX	XXX	Report	XXX	XXX
Atrazine	XXX	XXX	XXX	Report	XXX	XXX

Proposed effluent limits for Outfall 002:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Alachlor	XXX	XXX	XXX	Report	XXX	XXX
Atrazine	XXX	XXX	XXX	Report	XXX	XXX

Proposed effluent limits for Outfall 003:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is in effect.

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

**PA314805**, Storm Water, SIC Code 1389, **Trican Well Service LP**, 920 Westport Parkway #200, Fort Worth, TX 76177-5102. Facility Name: Trican Well Service. This proposed facility is located in Lamar Township, **Clinton County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Storm Water.

The receiving stream(s), Unnamed Tributary of Fishing Creek, is located in State Water Plan watershed 9-C and is classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

**PA0026239**, Sewage, SIC Code 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8401. Facility Name: University Area Joint Authority Spring Creek Pollution Control Facility. This existing facility is located in Benner Township, **Centre County**.

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

The receiving stream(s), Spring Creek, is located in State Water Plan watershed 9-C 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 6 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	6.0 Ann'l Avg	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	XXX	XXX	0.02
Temperature (°F)	XXX	XXX	XXX	Report	Report Daily Max	XXX
CBOD <sub>5</sub>	500	751	XXX	10.0	15.0	20.0
Total Suspended Solids	500	751	XXX	10.0	15.0	20.0
Total Dissolved Solids	XXX	XXX	XXX	Report	Report Daily Max	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
UV Transmittance (%)	XXX	XXX	Report	Report	XXX	XXX
Ammonia-Nitrogen						
Jan 1-31	225	335	XXX	4.5	6.7	9.0
Feb 1-29	250	375	XXX	5.0	7.5	10.0
Mar 1-31	275	410	XXX	5.5	8.2	11.0
Apr 1-30	200	300	XXX	4.0	6.0	8.0
May 1-31	150	225	XXX	3.0	4.5	6.0
Jun 1-30	125	185	XXX	2.5	3.7	5.0
Jul 1 - Nov 30	50	75	XXX	1.0	1.5	2.0
Dec 1-31	200	300	XXX	4.0	6.0	8.0
Dissolved Phosphorus	6.5	XXX	XXX	0.13	XXX	0.26
Total Copper	XXX	XXX	XXX	Report Daily Max	XXX	XXX

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	164381			
Net Total Phosphorus	Report	21918			

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- Chesapeake Bay Nutrient Requirements
- POTW Pretreatment Program Implementation
- Solids Management
- Whole Effluent Toxicity
- Chlorine Minimization
- "Annual Average" Definition
- Hauled-In Wastes Restriction
- Stormwater Requirements
- Request for Data

- Minimum Flow Requirement
- Temperature Monitoring
- TDS Monitoring
- Thermal Conditions

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

**PA0229091 A-1**, Concentrated Animal Feeding Operation (CAFO), **GNH Farms LLC**, 224 White Church Road, Elysburg, PA 17824.

GNH Farms, LLC has submitted an application for an Individual NPDES permit for an existing CAFO located in Cleveland Township, **Columbia County**.

The CAFO is situated near Mugser Run in Watershed 5-E (Roaring Creek Watershed), which is classified for High Quality Waters—Cold Water Fishes and. The CAFO is designed to maintain an animal population of approximately 621.79 animal equivalent units (AEUs) consisting of 2,100 finishing swine, 95,000 layer chickens, 10 beef steer, 10 hogs, and 2 horses. The swine manure generated from the barn is collected in its own concrete underbarn manure pit. The manure collects through slotted floors to the pit. The pit (210'x 80'x 6') has a total capacity of 691,152 gallons. The freeboard requirement is 6 inches (no potential for stormwater infiltration). The manure associated with the layer chickens and other animal types is stacked and applied to cropland.

A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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

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

**WQM Permit No. 3775401**, Sewerage, **Amendment, New Wilmington Borough Lawrence County**, 134 High Street, New Wilmington, PA 16142-1104.

This existing facility is located in New Wilmington Borough, **Lawrence County**.

Description of Proposed Action/Activity: Upgrade and expansion of existing wastewater treatment plant.

**WQM Permit No. WQG0125132**, Sewage, **Robert J. Heibel**, 1709 Walnut Circle, North East, PA 16428.

This existing facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: Single residence sewage treatment plant to replace malfunctioning on-lot system.

**WQM Permit No. WQG018820**, Sewage, **Frank J & Molly A Mello**, 4115 Harboregreene Road, Erie, Pa 16510-4957.

This existing facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of permit.

**WQM Permit No. 2597404**, Sewage, **Kurt Hopkins**, 4240 Kinter Hill Road, Erie, PA 16412-1932.

This existing facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of permit.

**WQM Permit No. WQG018537**, Sewage, **Aaron J. Lewis**, 3120 Norcross Road, Erie, PA 16510.

This existing facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of permit.

**WQM Permit No. 6199401**, Sewage, **Amy L. & Bobby L. Fulton**, 275 Patchel Run Road, Franklin, PA 16323.

This existing facility is located in Sugarcreek Borough, **Venango County**.

Description of Proposed Action/Activity: Transfer of permit.

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

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

**PAI130510**, MS4, **Middletown Township Delaware County**, 27 N Pennell Road, Lima, PA 19037. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm



sewer system (MS4) to waters of the Commonwealth in Middletown Township, **Delaware County**. The receiving stream(s), Chrome Run, Crum Run, Dismal Run, Ridley Creek, Rocky Run, Spring Run, Chester Creek and Granite Run, is located in State Water Plan watershed 3-G and is classified for High Quality Waters—Trout Stocking, High Quality Waters—Cold Water Fishes, Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is in effect.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011507005-R	PondWorks by Buchholtz Associates, Inc. 2263 Romig Road Pottstown, PA 19464	Chester	Wallace Township	East Branch Brandywine Creek HQ-TSF, MF
PAI01151226(1)	Keith Tornetta 910 Germantown Pike Plymouth Meeting, PA 19462	Chester	North Coventry Township	Unnamed Tributary to Schuylkill River HQ-TSF
PAI011513002	James A. Nolen, IV 77 Farrier Lane Newtown Square, PA 19073	Chester	Willistown Township	Unnamed Tributary to Ridley Creek—HQ
PAI015113001	Tenet Healthsystem St. Christopher's Hospital for Children, LLC 1445 Ross Avenue, Suite 1400 Dallas, TX 75202	Philadelphia	City of Philadelphia	Delaware River WWF, MF

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Northampton County Conservation District: 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064, 610-746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024812017	Meadows at Lehigh Valley LP c/o Larken Associates Larry Gardner 390 Amwell Road Hillsborough, NJ 08844	Northampton	City of Bethlehem	Monocacy Creek, HQ-CWF, MF; and Nancy Run, CWF, MF
PAI024812019	Country Meadows Associates George M. Leader 830 Cherry Drive Hershey, PA 17033	Northampton	Forks Twp.	Bushkill Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024512013	Zaremba Group LLC 14600 Detroit Ave. Ste. 1500 Lakewood, OH 44107	Monroe	Tobyhanna Twp.	Tobyhanna Creek, HQ-CWF, MF

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI034413001	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Mifflin	Brown Township	Kishacoquillas Creek (HQ-CWF)

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI030613001	Process Enterprises, Inc. 1246 Maiden Creek Road Fleetwood, PA 19522	Berks	Maiden Creek Township	Peters Creek (EV, MF)

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

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PAG-12      CAFOs

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#### CAFO Notices of Intent Received

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

**PAG123574**, CAFO, **Swanger Ranch**, 150 Kissel Barrick Road Bainbridge, PA 17502.

This proposed facility is located in Conoy Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Seeking renewal of their permit approval for an operation with approximately 2600 grow-finish swine.

The receiving stream, Chickies Creek, is in watershed 7G and classified for: TSE, MF.

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

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

**Application No. PAG124844**, Concentrated Animal Feeding Operation (CAFO), **John Pfleeger (Pfleeger Family Farm)**, 460 Gold Road, Muncy, PA 17756.

This proposed facility is located in Lewis Township, **Northumberland County**.

Description of Size and Scope of Proposed Operation/Activity: The CAFO will be designed to maintain an animal population of approximately 682.5 animal equivalent units (AEUs) consisting of 4,400 Swine and 30 Beef Steers. Manure will be collected in a to be constructed 6 ft. deep underbarn with a capacity of 807,370 gallons. All manure generated at the CAFO will be land applied on owned and rented farmland.

The receiving stream, UNT to Warrior Run, is in watershed 10D and classified for: WWF.

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

### STATE CONSERVATION COMMISSION

#### PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Alan Bleacher 2794 Safe Harbor Road Millersville, PA 17551	Lancaster	80.6	459.9	Layer	NA	R
Jay L Bleacher 1173 Breneman Road Conestoga, PA 17516	Lancaster	330	583.27	Swine	HQ	R

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

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

<b>Permit No. 0912534</b> , Public Water Supply	
Applicant	<b>Buckingham Township Cold Spring</b>
Township	Buckingham
County	<b>Bucks</b>
Responsible Official	Araham Orton P. O. Box 413 Buckingham, PA. 18912
Type of Facility	PWS

Consulting Engineer	Gary Weaver Castle Valley Consultants, Inc. 10 Beulah Road New Britain, PA 18901
Application Received Date	December 5, 2012
Description of Action	Construction of a new groundwater supply well and expansion of the existing booster pumping station.
<b>Permit No. 1513504</b> , Public Water Supply	
Applicant	<b>Chatham Acres Nursing Home</b>
Township	London Grove
County	<b>Chester</b>
Responsible Official	Ms. Ellen Mumford Administrator Chatham Acres Nursing Home 315 East London Grove Road West Grove, PA 19390-9239
Type of Facility	PWS
Consulting Engineer	Jerry K. Snyder, P.E. Snyder Environmental Engineer Associates 3044 Appledale Road Audubon, PA 19403
Application Received Date	January 16, 2013
Description of Action	Development of a backup well and construction of a ground level water storage tank.
<b>Permit No. 0913501</b> , Public Water Supply	
Applicant	<b>DA-TECH Corporation</b>
Township	Warwick
County	<b>Chester</b>
Responsible Official	Leo Resinski 65 East Butler Avenue Suite 100 New Britain, PA 18901
Type of Facility	PWS
Consulting Engineer	Stuart L. Rosenthal, P.E. Gilmore & Associates, Inc. 65 East Butler Avenue Suite 100 New Britain, PA 18901
Application Received Date	January 4, 2013



Description of Action Installation of carbon filters for removal of volatile organics and the installation of a reverse osmosis system for the removal of nitrates and other solids.

#### MINOR AMENDMENT

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

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

##### Application No. 2450134MA

Applicant	<b>Pennsylvania-American Water Co.</b>
[Township or Borough]	Middle Smithfield Township <b>Monroe County</b>
Responsible Official	Paul A. Zielinski, Sr. Director Water Quality and Envir. Compliance Pennsylvania-American Water Co. 800 West Hersheypark Drive Hershey, PA 17033 717-531-3308
Type of Facility	Community Water System
Consulting Engineer	NA
Application Received Date	January 23, 2013
Description of Action	Application for transfer of the PWS operation permit for Fernwood Water system from Resorts USA, Inc. to Pennsylvania-American Water Company.

## 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:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**Rohm & Haas Chemical LLC**, Bristol Township, **Bucks County**. David Kistner, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Robert Casselberry Dow Chemical Company, 3100 State Road, Croydon, PA 19021 has submitted a Notice of Intent to Remediate. Groundwater and soil has been impacted with the release of other organics. The future use of the site will be non-residential. A summary of the Notice of Intended to Remediate was reported to have been published in *The Advance of Buck County* on October 11, 2012.

**Cardone Industry Plant 15 & 16**, City of Philadelphia, **Philadelphia County**. Mark Kuczynski, REPSG, Inc., 6901 Kingsessing Avenue, 2nd floor, Philadelphia, PA 19142, Suzanne Shourde, REPSG, Inc., 6901 Kingsessing Avenue, 2nd floor, Philadelphia, PA 19142 on behalf of Glenn DePalantino, Harvest Realty, 5501 Whitaker Avenue, Philadelphia, PA 19124 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site was impacted with the release of unleaded gasoline. The future use of the site will remain the same.

**Harrison House**, City of Coatesville, **Chester County**. Christopher J. Horan, Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468 on behalf of Harrison Enterprises, 300 Strode Avenue, Coatesville, PA 19320 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of heating oil. The future use of the site will remain the same.

**McGonigle Residence**, Pottstown Borough, **Montgomery County**. Jim Gould, Lewis Environmental, Inc. P. O. Box 639, 155 Railroad Plaza, Royersford, PA 19468 on behalf of Jeremy McGonigle, 347 West Beech Street, Pottstown, PA 19464 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of heating oil. The future use of the site will remain the same.

**Jarrett Dodge**, Borough of Hatboro, **Montgomery County**. Jeffery Wynn, Patriot Environmental Management, LLC, P. O. Box 629, Douglasville, PA 19518 on behalf of Frank Jarrett, Jarrett Dodge, 333 South York Road, Hatboro, PA 19040 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of petroleum. The future use of the site will remain the same.

**Schulmerich Carillons Inc.**, Borough of Sellersville, **Bucks County**. Michael D. Lattanze, Penn Environmental & Remediation Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Jonathan S. Goldstein, Esquire, Carillon Hill, LP, Sellersville, PA 18960 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of copper and lead. The future use of the site will remain the same.

**Wellington Estate Lot 208**, Bensalem Township, **Bucks County**. Joseph W. Standing, Jr, Leggett, Brashear's & Graham, Inc. 901 South Belmar Street, Suite B, West Chester, PA 19382, Guenter K. Miller, Leggett, Brashear's & Graham, Inc. 901 South Belmar Street, Suite B, West Chester, PA 19383 on behalf of Vincent G. DeLuca, DeLuca Homes, 370 East Maple Avenue, Suite 101, Langhorne, PA 19047 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of chlorinated solvents. The future use of the site will remain the same. A summary of the Notice of Intent to remediate was reported to have been published in *The Public Spirit* and *Willow Grove Guide* on January 11, 2013.

**FBF Incorporated**, Upper Southampton Township, **Bucks County**. Philip Getty, Boucher & James, Inc., 1456 Ferry Road, Building 500, Doylestown, PA 18901 on behalf of Joe Medvic, FBF, Incorporated, 1145 Industrial Boulevard, Southampton, PA 18966 has submitted a Notice of Intent to Remediate. The Groundwater at the site has been impacted with the release of PCE and TCE. The intended use of the property is as it has been since the 1960's: light industrial metal fabrication. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on June 13, 2012.

**(AMENDED) 2800 North American Street**, City of Philadelphia, **Philadelphia County**. Charlene Drake, REPSG, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Dario Bellot, Congreso de Latinos Unidos, Inc/2800 American Street Company, 2800 North American Street, Philadelphia, PA 19133 has submitted a Notice of Intent to Remediate. Soil at that site has been impacted with the release of inorganics. The future use of the site will remain the same.

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

**Mount Carmel Former MGP Site, Mount Carmel Gas Pit**, Borough of Mt. Carmel, **Northumberland County**. Silar Services Inc., 983 Butler Pike, Blue Bell, PA 19422 on behalf of UGI Utilities Inc., 2525 North 12th Street, Reading, PA 19605 has submitted a Notice of Intent to Remediate soils contaminated with volatile

organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), and certain metals. The applicant proposes to remediate the site to meet a combination of the Act 2 Statewide Health Standard and Site-Specific Standard.

## 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.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

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

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**09-0221: Bucks County Courier Times** (2 Geoffrey Rd, Fairless Hills, PA 19030-4310) for installation of one (1) offset lithographic press at their existing facility in Falls Township, **Bucks County**. This facility is a natural minor facility for VOC emissions. The facility wide VOC emissions will not exceed seven tons per year. The Plan Approval will contain work practice standards, monitoring and recordkeeping requirements, and operating restrictions designed to keep the sources and facility operating within all applicable air quality requirements.

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

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

**48-322-008: Grand Central Sanitary Landfill Inc.** (910 West Pennsylvania Avenue, Pen Argyl, PA 18072) for addition of one (1) landfill gas flare and the removal of one (1) landfill gas flare currently installed at their facility in Plainfield Township, **Northampton County**. This change does not represent an increase in allowable tonnage per day and no other current emission limits in the facility Title V permit will change as a result of this modification. The Plan Approval will contain additional recordkeeping, testing, and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 48-00032. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

**36-399-070: Samuel Adams Brewing Co.** (7880 Penn Drive, Breinigsville, PA 18031) for construction of a new can filling line with associated equipment in Upper Macungie Township, **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) intends to issue a Plan Approval to Samuel Adams Brewing Company (7880 Penn Drive, Breinigsville, PA 18031) for their facility located in Upper Macungie Twp., Lehigh County. This Plan Approval No. 36-399-070 will be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Plan Approval No. 39-399-070 is for the construction of a new can filling line with associated equipment. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO<sub>x</sub> emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO<sub>x</sub>, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emissions (opacity) shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

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, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 39-399-070 and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**36-03161B: Compass Quarries, Inc.** (PO Box 130, 47 Mellvaine Road, Paradise, PA 17562) for the replacement of two (2) baghouses and a tertiary crusher in Paradise Township, **Lancaster County**.

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

Plan Approval No. 36-03161B is for the replacement of two (2) baghouses with a wet suppression system and the replacement of the 250 tph Kemco impact crusher with a 375 tph Metso Nordberg cone crusher. The new crusher will be controlled by wet suppression. The facility is a minor facility subject to 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The Plan Approval will contain monitoring, recordkeeping & work practice standards designed to keep the facility operating within all applicable air quality requirements. The expected increase in potential air emissions from the proposed project are 3.3 tpy PM, 1.28 tpy PM<sub>10</sub> & 0.1 tpy PM<sub>2.5</sub>.

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.

Tom Hanlon, East Permitting Section 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, protests.

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

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

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

**59-00025B: EQT Gathering, LLC** (625 Liberty Drive, Suite 1700, Pittsburgh, PA 15222) for construction and operation construct two (2) Caterpillar Model G3616, 4-stroke lean burn (4SLB), natural gas fired engine, each with a power rating of 4,735 brake-horsepower (Source IDs P104 and P105) and a 120 million cubic foot per day Exterran triethylene glycol dehydration unit (Source ID P302) at their Tioga Compressor Station located in Duncan Township, **Tioga County**. The air contaminant emissions from Source IDs P104 and P105 will be controlled by independent Miratech model SP-RESIGA-72S3624x41-20x2/30-XH4B0 oxidation catalysts (IDs C104 and C105). The air contaminant emissions from Source ID P302 will be controlled by an 11.45 million Btu per hour enclosed flare (Control Device ID C302). This is a State Only facility for which an operating permit has not been issued.

The Department's review of the information contained in the application submitted by EQT Gathering, LLC, indicates that the sources will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the particulate matter emission limitation of 25 Pa. Code § 123.13, the sulfur oxide emission limitation of 25 Pa. Code § 123.21 and the visible emission limitation of 25 Pa. Code § 123.41. Additionally, the Department has determined that the proposed engines satisfy best available technology (BAT) requirements, under 25 Pa. Code §§ 127.1 and 127.12 as well as the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines specified in 40 CFR Part 60 Subpart JJJJ. Under the requirements of BAT, the compressor engines are restricted to emit emissions for the following pollutants at a rate above; 0.50 g/bhp-hr for nitrogen oxide (NO<sub>x</sub>), 0.14 g/bhp-hr for carbon monoxide (CO), 0.23 g/bhp-hr for volatile organic compounds (VOC, expressed as NMNEHC), and 0.04 g/bhp-hr for formaldehyde. To demonstrate compliance with these limitations, EQT Gathering, LLC will be required to conduct EPA reference method testing on each engine-compressor's exhaust for NO<sub>x</sub>, CO, VOC, and formaldehyde emissions. EQT Gathering, LLC will be required to perform periodic testing of each engine, every 2,500 hours of operation to verify continuous compliance with the NO<sub>x</sub> and CO emission limitations. Continuous compliance demonstration will include monitoring of operational parameters of the catalyst. The compressor-engines are also required to use only pipeline quality natural gas as fuel for operation. The plan approval, if issued, will subsequently be incorpo-

rated into the state only operating permit via an administrative amendment in accordance with 25 Pa. Code § 127.450 at a later date.

Based on the findings above, the Department proposes to issue a plan approval with annual emission restrictions for all sources at the Tioga Compressor Station as well as monitoring, recordkeeping and work practice requirements to verify compliance with the annual emission restrictions.

In addition to the emission limitations above, the following is a summary of the types of conditions the Department intends to place in Plan Approval 59-00025B to ensure compliance with applicable Federal and State regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Initial and subsequent testing at the exhaust of each engine-compressors using Department-approved methods on an approximate annual basis.

Monitoring requirement on the inlet and outlet exhaust temperature and differential pressure of catalysts to demonstrate continuous compliance with the destruction efficiency of the catalyst.

Recordkeeping requirement for engine-compressors' gas usage and operational hours including the records of all required monitoring.

Work practice requirement to construct and operate in accordance with the manufacturer's recommendations and good air pollution control practices, minimize blowdowns and limit the emission of malodors to level undetectable outside the property.

The potential air contaminate emissions from all sources at the Tioga Compressor Station will be 74.36 tons per year (tpy) for NO<sub>x</sub>, 26.23 tpy for CO, 38.83 tpy for VOC, 0.29 tpy for sulfur oxide, 4.37 tpy for particulate matter (PM) including PM<sub>10</sub> and PM<sub>2.5</sub>, 4.94 tpy for formaldehyde, and 6.88 tpy for hazardous air pollutants (HAP).

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.

David M. Shimmel, P.E., Chief, New Source Review Section, may be contacted at 570-327-3568, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

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

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

**10-0010: AK Steel Corporation—Butler Works** (1 Armco Drive, Butler, PA 16045) for modifications to Plan Approval 10-001M, at their facility in Butler Township, **Butler County**.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue Plan Approval 10-001O to AK Steel Corporation for modifications to Plan Approval 10-001M at their Butler Works facility located at 1 Armco Drive, Butler Township, Butler County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 10-001O is for modifications to Plan Approval 10-001M, which was issued by the Department on February 22, 2010 for construction of the Melt Shop Modernization Project, consisting of the #5 Electric Arc Furnace (EAF), Ladle Metallurgical Facility (LMF), and various ancillary sources. On March 22, 2010, AK Steel filed a Notice of Appeal with the Pa. Environmental Hearing Board with regards to Plan Approval 10-001M. Under this Notice of Appeal, and ongoing discussions between the Department and AK Steel, the Department has developed Plan Approval 10-001O as a proposed modification to Plan Approval 10-001M, which addresses a number of the issues raised by the appeal and subsequent discussions between AK Steel and the Department.

Proposed Plan Approval 10-001O will reestablish carbon monoxide and nitrogen oxides (NO<sub>x</sub>) emission limits associated with the #1/2 Baghouse, through a three (3) year program of stack testing. Final limits will be based on values observed during stack testing, and will not exceed the values used by AK Steel in the PSD/NSR netting analysis previously performed in conjunction with Plan Approval 10-001M (0.05 lb NO<sub>x</sub>/ton steel produced, 1.0 lb CO/ton steel produced, 50 tpy NO<sub>x</sub>, 1000 tpy CO). Additionally, the Plan Approval authorizes a 10.8 ton per year increase in allowable emissions of particulate matter; increases short-term VOC emission limits associated with operation of the existing #2 EAF; incorporates changes affecting the applicability of 40 CFR 60 Subpart AAa to the #2 EAF and AOD; control device mapping related to the #1/2 Baghouse; permit language related to production rate requirements for stack testing; requirements related to the simultaneous operation of the #2 and #5 EAFs; monitoring requirements related to natural gas consumption for various sources; monitoring requirements for new and existing cooling towers; recordkeeping requirements for paved and unpaved roads; testing requirements for truck dump stations; and compliance dates for various conditions. The Department has determined that the proposed changes are of minor significance with regards to the PSD/NSR netting analysis previously performed by AK Steel in conjunction with Plan Approval 10-001M.

The subject source(s) will be subject to the applicable requirements of 40 CFR Subparts AAa (Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983) and IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines). The Plan Approval will contain testing, monitoring, reporting, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis, and other documents used in the evaluation 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. 10-001O 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.

**10-380B: XTO Energy, dba Mountain Gathering LLC, Jefferson Compressor Station** (810 Houston Street, Fort Worth, TX 76102-6203), for the installation of eight (8) lean burn natural gas fueled compressor engines (CAT 3606, 1775 bhp each), eight (8) oxidation catalysts to control engine CO and VOC emissions, three (3) process tanks (16,800 gallons), a flare to control tank emissions and a TEG dehydrated at 2.0 MMBtu/hr. This facility will be a compressor station, located at 910 Saxonburg Road, Butler, PA 16002. This facility will be located in Jefferson Township, **Butler County**.

Under 25 Pa. Code §§ 127.44 and 127.424, the Department of Environmental Protection (DEP) intends to issue Plan Approval 10-380B to XTO Energy dba Mountain Gathering LLC for the installation of eight (8) lean burn natural gas fueled compressor engines (CAT 3606, 1775 bhp each), eight (8) oxidation catalysts to control engine CO and VOC emissions, three (3) process tanks (16,800 gallons), a flare to control tank emissions and a TEG dehydrated at 2.0 MMBtu/hr. This facility will be known as the Jefferson Compressor Station and will be located in Jefferson Township, Butler County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 10-380B is for the installation of eight (8) lean burn natural gas fueled compressor engines (CAT 3606, 1775 bhp each), eight (8) oxidation catalysts to control engine CO and VOC emissions, three (3) process tanks (16,800 gallons), a flare to control tank emissions and a TEG dehydrated at 2.0 MMBtu/hr. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the potential to emit approximately 70.266 tons per year (tpy) of NO<sub>x</sub>, 41.313 tpy of volatile organic compounds, 28.303 tpy of carbon monoxide (CO), 15.159 tpy of PM<sub>10</sub>, 9.665 tpy of HAPs, 0.261 tpy of sulfur oxides and 63,705 tpy of carbon dioxide (CO<sub>2</sub>e) emissions.

The Plan Approval will contain testing, monitoring, recordkeeping, reporting, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements and will demonstrate BAT for the sources.

This facility will be subject to 40 CFR Part 60 Subpart OOOO (Standards of Performance for Crude Oil and



Natural Gas Production, Transmission and Distribution), Subpart JJJJ (New Source Performance Standards: Stationary Spark Ignition Internal Combustion Engines) and Part 63 Subpart ZZZZ (National Emission Standards for Hazardous Air Pollutants: Stationary Reciprocating Internal Combustion Engines) and Subpart HH (National Emission Standards for Hazardous Air Pollutants: Oil and Natural Gas Production and Natural Gas Transmission).

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval (10-381A) and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

**10-381A: XTO Energy—dba Mountain Gathering LLC—Forward Compressor Station** (810 Houston Street, Fort Worth, TX 76102-6203) for installation of eight (8) lean burn natural gas fueled compressor engines (CAT 3606, 1775 bhp each), three (3) process tanks (16,800 gallons), a flare to control tank emissions and a TEG dehydrated at 2.0 MMBtu/hr. This facility will be a compressor station, located at 275 Powder Mill Road, Renfrew, PA 16053. This facility will be located in Forward Township, **Butler County**.

Under 25 Pa. Code §§ 127.44 and 127.424, the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 10-381A to XTO Energy dba Mountain Gathering LLC for the installation of eight (8) lean burn natural gas fueled compressor engines (CAT 3606, 1775 bhp each), eight (8) oxidation catalysts to control engine CO and VOC emissions, three (3) process tanks (16,800 gallons), a flare to control tank emissions and a TEG dehydrated at 2.0 MMBtu/hr. This facility will be known as the Forward Compressor Station and will be located in Forward Township, Butler County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 10-381A is for the installation of eight (8) lean burn natural gas fueled compressor engines (CAT 3606, 1775 bhp each), eight (8) oxidation catalysts to control engine CO and VOC emissions, three (3) process tanks (16,800 gallons), a flare to control tank emissions and a TEG dehydrated at 2.0 MMBtu/hr. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the potential to emit approximately 70.266 tons per year (tpy)

of NO<sub>x</sub>, 41.313 tpy of volatile organic compounds, 28.303 tpy of carbon monoxide (CO), 15.159 tpy of PM<sub>10</sub>, 9.665 tpy of HAPs, 0.261 tpy of sulfur oxides and 63,705 tpy of carbon dioxide (CO<sub>2e</sub>) emissions.

The Plan Approval will contain testing, monitoring, recordkeeping, reporting, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements, and will demonstrate BAT for the sources.

This facility will be subject to 40 CFR Part 60 Subpart OOOO (Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution), Subpart JJJJ (New Source Performance Standards: Stationary Spark Ignition Internal Combustion Engines) and Part 63 Subpart ZZZZ (National Emission Standards for Hazardous Air Pollutants: Stationary Reciprocating Internal Combustion Engines) and Subpart HH (National Emission Standards for Hazardous Air Pollutants: Oil and Natural Gas Production and Natural Gas Transmission).

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval (10-381A) and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

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

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

**AMS 06167A: (Veolia Energy—Edison Station, 908 Sansom Street, Philadelphia, PA 19107)** for modification of existing plan approval of a Cooling Tower. The modification include increase throughput resulting in a total PM emission of 12.62 tons per year (tpy) which is an increase of less than 1.2 tpy. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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



Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

**06-05040: East Penn Manufacturing Co., Inc.** (Deka Road, P. O. Box 147, Lyon Station, PA 19536) for the secondary lead smelting facility in Richmond Township, **Berks County**. This is a significant modification to the facility's Title V operating permit issued August 22, 2011.

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 modified Air Quality Operating Permit for the abovementioned facility. The purpose of the permit modifications is to correct baghouse differential pressure ranges listed in Air Quality Permit 06-05040.

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.

Mr. Thomas Hanlon, Chief, Air Quality Permitting 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.

**22-05010: Texas Eastern Transmission, LP** (PO Box 1642, Houston, TX 77251-1642) for the Grantville Compressor Station in East Hanover Township, **Dauphin County**.

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

The plant is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permit requirements). The plant's newest turbine is subject to 40 CFR Part 60, Subpart GG—New Source Performance Standards for Stationary Gas Turbines. An emergency IC engine is subject to 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Actual facility emissions for 2011 included 59 tons of carbon monoxide, 292 tons of nitrogen oxides, 5 tons each of PM<sub>10</sub> and PM<sub>2.5</sub>, 3 tons of sulfur oxides, 10 tons of VOC, 4 tons of formaldehyde (largest HAP), and 4 tons of total HAPs.

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, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

William Weaver, Air Quality Program Manager, may be contacted at 717-705-4868, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

**16-00133: Clarion Bathware Inc.** (16273 Route 208, Marble, PA 16334), for the renewal of a Title V Permit to operate a fiberglass bathware manufacturing facility located in Washington Township, **Clarion County**. The facility's major emitting sources included, 1) Miscellaneous natural gas usage, 2) Surface coating process (Resin Booth), 3) Surface coating process (Gel-coat booth) and 4) Custom, acrylic and mold shops. The fiberglass operations are subject to 40 CFR Part 63, Subpart WWW. The facility is a major facility due to its potential to emit of Volatile Organic Compounds and Hazardous Air Pollutants (Styrene). The facility is restricted to less than or equal to 150 Tons per year of VOC. The restriction was previously established in a RACT permit for the facility. The actual emissions from the facility are: NO<sub>x</sub>: 0.3 Tons per year (TPY), CO: 0.2 TPY, VOC: 81 TPY.

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

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**23-00094: CCL Label, Inc.** (1515 Garnet Mine Road, Boothwyn, PA 19061) for operation of a rotogravure printing press, an automated parts washing machine, and a regenerative oxidizer at their plant located in Bethel Township, **Delaware County**. This action is a renewal of the State Only Operating Permit (Natural Minor), which was originally issued on February 27, 2008. The facility shall comply with the emission limitations of 2.63 ton/yr. of CO, 2.5 ton/yr. of NO<sub>x</sub>, and 5.57 ton/yr. of VOC, on a 12-month rolling sum basis. The renewal contains all applicable requirements including monitoring, record-keeping and reporting designed to keep the facility operating within all applicable air quality requirements.

**46-00059: Handelok Bag Co., Inc.** (701a West 5th Street, Lansdale, PA 19446) for operation of a printing facility in Lansdale Borough, **Montgomery County**. The permit is for a non-Title V (State only) facility. The facility has requested a synthetic minor limit of 24.9 tons of VOC emissions. One source (104) was added to the facility in October 2011 through the Department's RFD process. The facility is not subject to PSD for Greenhouse Gases. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00047: Evonik Corporation** (1200 West Front Street, Chester, Pa 19013) for a renewal of the State Only (Synthetic Minor) Operating Permit, which was issued on April 3, 2008, and amended on April 2, 2009 in City of Chester, **Delaware County**. This proposed renewal of the State Only Operating permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. Evonik manufactures silica from sodium silicate using spray dryers, silos, granulator system, and packaging system, which are controlled by the baghouses. Total PM emissions from the facility are limited to 99.0 tons/yr, & 24.9 tons/yr NO<sub>x</sub> on a 12-month rolling basis. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00046: RJM Manufacturing Inc.** (250 Canal Road, Fairless Hills, Pa 19030) for a renewal of the State Only (Synthetic Minor) Operating Permit issued on April 11, 2008 in Falls Township, **Bucks County**. This proposed renewal of the State Only Operating permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. RJM manufactures pressure sensitive tapes. Coaters are used to apply a water based acrylic adhesive. One coater uses solvent based coating, from which the VOC emissions are controlled by a catalytic oxidizer. Total VOC emissions from the facility are limited to 24.9 tons/yr on a 12-month rolling basis. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**35-00026: Quadrant EPP** (900 North South Road, Scranton, PA 18504) for operation of an unsupported film and sheet plastic manufacturing facility in the City of Scranton, **Lackawanna County**. The primary sources at the facility include 3 presses and 2 natural gas fired boilers. This is a renewal State-Only Natural Minor operating permit. The proposed State-only Operating Permit contains other applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards used to verify facility compliance with Federal and State air pollution regulations.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**38-03007: Evans Eagle Burial Vaults, Inc.** (15 Graybill Road, Leola PA 19610) for operation of two human cremation units in Heidelberg Township, **Lebanon 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 renew the Air Quality Operating Permit for the abovementioned facility.

The operation of the cremation units has the potential to emit NO<sub>x</sub> in the amount of 6.2 tpy, CO in the amount of 0.9 tpy, PM<sub>10</sub> in the amount of 0.6 tpy, SO<sub>x</sub> in the amount of 0.3 tpy, and VOCs in the amount of 0.2 tpy. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping 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 identification of the proposed permit by the permit number listed above.

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

**31-03004: New Enterprise Stone & Lime Company, Inc.** (PO Box 77, New Enterprise, PA 16664) for their limestone crushing plant in Warriors Mark Township, **Huntingdon County**.

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

The subject facility employs wet suppression and fabric filters for emission control and has minimal particulate matter (PM) emissions. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the renewal 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.

William R. Weaver, Regional Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**29-03002: P&W Excavating, Inc.** (882 Pigeon Cove Road, Warfordsburg PA 17267) for their hot mix batch asphalt plant in Bethel Township, **Fulton County**.

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

The subject asphalt plant has an estimated emissions potential of more than 10 tons per year of particulate matter. The asphalt plant is subject to 40 CFR Part 60, Subpart I for hot mix asphalt facilities. The Operating Permit renewal will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the renewal 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.

William R. Weaver, Regional Manager may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

**55-00007: Lozier Corp.** (48 East Ohio Street, McClure, PA 17841) for their facility in McClure Borough, **Snyder 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 has the following potential emissions: 11.00 TPY of NO<sub>x</sub>; 2.35 TPY of CO; 38.04 TPY of SO<sub>x</sub>; 4.46 TPY of PM<sub>10</sub>; 0.34 TPY of VOC and 0.07 TPY of total HAPs. The operating permit will include emission limits and work practice standards along with monitor-

ing, 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 Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, PA 17701

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.

Keith C. Allison, Chief, Facilities Permitting Section, may be contacted at 570-327-3640, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

**14-00018: HRI, Inc.** (1750 West College Avenue, State College, PA 16801) for their Oak Hall facility in College Township, **Centre 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 has the following potential emissions: 27.23 TPY of NO<sub>x</sub>; 66.53 TPY of CO; 49.09 TPY of SO<sub>x</sub>; 39.12 TPY of PM<sub>10</sub>; 3.82 TPY of VOC and 0.10 TPY of total HAPs. The operating permit will include emission limits and work practice standards along with 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 Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, PA 17701

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.

Keith C. Allison, Chief, Facilities Permitting Section, may be contacted at 570-327-3640, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

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



Contact: Edward Orris, New Source Review Chief—  
Telephone: 814-332-6131

**33-00016: NAC Carbon Products, Inc.**, (Elk Run Avenue, Punxsutawney, PA 15767), located in the Borough of Punxsutawney, **Jefferson County**. Notice is for the intent to re-issue a Natural Minor Operating Permit. The facility's primary sources of emissions are the carbon baking kilns and associated equipment. Emissions continue to be below major source levels.

#### PLAN APPROVALS

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

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

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

**48-00099A: CAP Glass Allentown LLC** (799 Smith Lane, Northampton, PA 18067) for their facility in Northampton Borough, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to CAP Glass Allentown LLC (799 Smith Lane, Northampton, PA 18067) for the facility located in Northampton Borough, Northampton County. This Plan Approval No. 48-00099A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 48-00099A is for the installation of two new dust collectors. Particulate emissions will not exceed 0.02 grains/dscf. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. Emissions will be controlled by the use of baghouses. These limits will meet BAT requirements for this source. 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.

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, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 48-00099A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing

by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone # 570-826-2511 within 30 days after publication date.

**54-00017: Lehigh Asphalt Paving and Construction** (Andreas Quarry) (PO Box 549, Tamaqua, PA 18252) for their facility located in West Penn Twp, **Schuylkill County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Lehigh Asphalt Paving and Construction (Andreas Quarry) (PO Box 549, Tamaqua, PA 18252) for their facility located in West Penn Twp, Schuylkill County. This Plan Approval No. 54-00017A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 54-00017A is for the replacement of a VSI crusher with a new crusher with water sprays at Andreas Quarry. The crushing operation is subject to NSPS Subpart OOO requirements. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. 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.

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, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 54-00017A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

**39-00098A: Ocean Spray Cranberries Inc** (151 Boulder Drive, Breinigsville, PA 18031) for their facility located in Upper Macungie Twp., **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Ocean Spray Cranberries, Inc. (151 Boulder Drive, Breinigsville, PA 18031) for their facility located in Upper Macungie Twp., Lehigh County. This Plan Ap-

proval No. 39-00098A will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 39-00098A is for the construction of a new juice processing facility. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. The facility is subject to 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emissions (opacity) shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 39-00098A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

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

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

**55-00002C: Pa. Department of Public Welfare** (1000 Route 522, Selinsgrove, PA 17870) for installation of oxidation catalyst technology on two (2) diesel-fired emergency generators at their Selinsgrove Center in Penn Township, **Snyder County**.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015);

the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

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

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

### *Coal Applications Received*

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

**56061301 and NPDES No. PA0235709. RoxCOAL, Inc.**, (P. O. Box 149, Friedens, PA 15541). To renew the permit for the Kimberly Run Mine in Somerset Township, **Somerset County** and related NPDES permit. Includes renewal of Air Quality GPA/GP12 authorization. No additional discharges. The application was considered administratively complete on January 24, 2013. Application received: August 29, 2012.

**56100701 and NPDES No. PA0235989. Wilson Creek Energy, LLC**, (609 Georgian Place, Somerset, PA 15501). To revise the permit for the Milford #3 CRDA in Milford Township, **Somerset County** and related NPDES permit for a 47.7 total acreage refuse site expansion and the addition of two NPDES outfalls and relocation of one NPDES outfall. Coal Refuse Disposal Support Acres Proposed 26.5, Coal Refuse Disposal Acres Proposed 21.2. Receiving stream: Unnamed Tributary to south Glade Creek, classified for the following use: WWF. The application was considered administratively complete on January 24, 2013. Application received: July 24, 2012.

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

**17820104 and NPDES No. PA0609218. Sky Haven Coal Company** (5510 State Park Road, Penfield, PA 15849). Modifications to NPDES permit for the SP-73 and SP-76 treatment system located in Boggs and Bradford Townships, **Clearfield County**, affecting 479.5 acres. Receiving streams: Long Run and Unnamed Tributaries to Clearfield Creek classified for the following uses: Cold Water Fishes and Clearfield Creek classified for the following uses: Warm Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 23, 2013.

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

**54910205R4. Penn Equipment Corp.**, (15 Main Street, Port Carbon, PA 17965), renewal of an existing anthracite coal refuse reprocessing operation in West Mahanoy Township, **Schuylkill County** affecting 12.5 acres, receiving stream: Mahanoy Creek, classified for the following uses: cold water and migratory fishes. Application received: January 8, 2013.

**49931601R4. Black Creek Breaker Company**, (3027 Upper Road, Shamokin, PA 17872), renewal of an existing anthracite coal preparation plant operation in West Cameron Township, **Northumberland County** affecting 5.7 acres, receiving stream: Mahanoy Creek, classified for the following uses: warm water and migratory fishes. Application received: January 17, 2013.

*Noncoal Applications Received*

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

**7874SM3A1C10 and NPDES Permit No. PA0612537. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.**, (4401 Camp Meeting Road, Suite 600, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage in Whitehall Township, **Lehigh County** affecting 137.6 acres, receiving streams: Coplay Creek and Lehigh River, classified for the following uses: cold water fishes. Application received: December 24, 2012.

**8074SM3T and NPDES Permit No. PA0118443. Harleysville Materials, LLC**, (P. O. Box 587, Berlin, NJ 08009), transfer of an existing quarry operation from M & M Stone Company in Lower Salford Township, **Montgomery County** affecting 43.4 acres, receiving stream: East Branch of Perkiomen Creek, classified for the following uses: trout stocking fishes and migratory fishes. Application received: January 11, 2013.

**38020301C2 and NPDES Permit No. PA0224227. Greater Lebanon Refuse Authority**, (1610 Russell Road, Lebanon, PA 17046), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in North Annville and North Lebanon Townships, **Lebanon County** affecting 58.0 acres, receiving streams: unknown tributary to Union Canal and Swatara Creek, classified for the following use: warm water fishes. Application received: January 14, 2013.

**MINING ACTIVITY NPDES DRAFT PERMITS**

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

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

*Effluent Limits for Coal Mining Activities*

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

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

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

\* The parameter is applicable at all times.

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

*Effluent Limits for Noncoal Mining Activities*

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



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

\* The parameter is applicable at all times.

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

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

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

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

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

#### *Coal NPDES Draft Permits*

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

**NPDES No. 0257630 (Mining Permit No. 17110105), AMFIRE Mining Company, LLC**, One Energy Place, Latrobe, PA 15650, new NPDES permit for bituminous coal surface mining in Girard Township, **Clearfield County**, affecting 234 acres. Receiving stream: Bald Hill Run to the West Branch Susquehanna River, classified for the following use: Cold Water Fishes (West Branch Susquehanna River TMDL). Application received: April 21, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities. The West Branch Susquehanna River TMDL requires aluminum effluent limits to be 0.75 mg/L average monthly (1.5 mg/L maximum daily and 1.9 mg/L instantaneous maximum).

The outfalls listed below discharge to: Bald Hill Run and tributaries to Bald Hill Run.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-1	Y
TF-2	Y
TF-3	Y
TF-4	Y
SP-A	Y
SP-B	Y
SP-C	Y
SP-D	Y
SP-E	Y
SP-F	Y

**NPDES No. PA-0257281 (Mining permit No. 12100101), Allegheny Enterprises, Inc.** 3885 Roller Coaster Road, Corsica, PA 15829, new NPDES permit for coal surface mine in Shippen and Lumber Townships, **Cameron County**, affecting 324.2 acres. Receiving stream(s): Portable Run, Miller Hollow, and May Hollow Run, classified for the following use(s): Cold Water Fishes. [West Branch Susquehanna River TMDL] Application received: February 24, 2010.

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: Portable Run

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SPA	Yes
SPB	Yes

The outfall(s) listed below discharge to: Miller Hollow

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SPC	Yes
SPD	Yes
SPF	Yes
SPG	Yes

The outfall(s) listed below discharge to: May Hollow Run

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

The outfall(s) listed below require a non-discharge alternative and discharge to: Portable Run

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB1	Yes
TB2	Yes

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

The outfall(s) listed below require a non-discharge alternative and discharge to: Miller Hollow

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB3	Yes
TB4	Yes
TB6	Yes
TB7	Yes

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

The outfall(s) listed below require a non-discharge alternative and discharge to: May Hollow Run

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB5	Yes

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in

writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E09-967. William Edmonds**, Tincum Township, 2 Hidden Valley Lane, Erwinna, PA 18920, Tincum Township, **Bucks County**, ACOE Philadelphia District.

To maintain a constructed stone retaining wall and associated fill for bank stabilization purposes within the

floodway and along the Delaware River (Perennial WWF-MF). The wall measures approximately 120-feet long, 3-feet wide and 5 feet high.

The site is located at the eastern side of River Road and Smithtown Road crossing between the Delaware Canal Towpath and the Delaware River (Lumberville, PA-NJ, USGS Quadrangle N: 15.9 inches W: 9.85 inches).

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E54-356. Pennsylvania Department of Transportation, Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA 18103-1013, in City of Pottsville and Palo Alto Borough, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure; and to construct and maintain a 77-foot wide single span steel I-beam bridge over the Schuylkill River (CWF), having a normal span of 100 feet and an approximate under-clearance of 12 feet. Also to relocate 250 feet of a tributary to the Schuylkill River Creek (CWF). The relocation consists of filling in the existing channel and to construct and maintain a 250-foot long channel having a 2-foot bottom width and 2:1 side slopes. The project is located along S.R. 61, Section 15B, Segment 0350, Offset 0627 (Pottsville, PA Quadrangle, Latitude: 40°40'54"; Longitude: 76°11'24").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.*

**E31-225: Huntingdon Borough**, 530 Washington Street, PO Box 592, Huntingdon, Pennsylvania 16652, in Huntingdon Borough, **Huntingdon County**, ACOE Baltimore District

To: 1) remove the existing 75.0-foot long by 35.0-foot wide concrete pool, 2) construct and maintain a 21.0-inch diameter stormwater outfall with a 5.0-foot by 5.0-foot concrete endwall with flap gate, and 3) place and maintain a 12.0-foot long by 16.0-foot wide R6 riprap apron for scour protection for the outfall in Standing Stone Creek, which is a perennial stream classified as a High Quality Cold Water Fishery. The project proposes to directly affect a total of 91.0 linear feet of Stream Channel (Huntingdon, PA Quadrangle; Latitude: 40°28'57", Longitude: -78°00'12").

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E17-479. Osceola Mills DPP VII, LLC**, 9010 Overlook Boulevard, Brentwood, TN 37027. Commercial Retail Building Construction in Decatur Township, **Clearfield County**, ACOE Baltimore District (Houtzdale, PA Quadrangle 40° 51' 34"; Longitude: -78° 15' 45").

The applicant proposes to construct a commercial retail building with associated parking, site utilities and stormwater infrastructure, all totaling 9,100 square feet. This project will permanently impact 0.57 acre of wetland through site construction activities. Mitigation for wetland impacts will be achieved through construction of 0.61 acre of replacement wetlands.

*Southwest Region: Wetlands & Waterways Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-584-A18 Hanson Aggregates PMA, Inc.**, 2200 Springfield Pike, Connellsville, Pa. 15425, in Hopewell

Township, The City of Aliquippa, and Ambridge Borough, **Beaver County**, Pittsburgh ACOE District.

Applicant proposes to amend Permit E02-584, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys, and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to include Ohio River Mile Points 15.9 to 16.4 (Upstream beginning point: Ambridge, PA Quadrangle N: 14.3 inches, W: 15 inches; Latitude: 40°34'47", Longitude: 80°13'59". Downstream end point: Ambridge, PA Quadrangle N: 16.5 inches, W: 15.7 inches; Latitude: 40°35'28", Longitude: 80°14'11".), left and right descending banks in Hopewell Township, The City of Aliquippa, and Ambridge Borough, Beaver County.

**E02-1684 Pennsylvania Department of Transportation—District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017, Harmar Township and Oakmont Borough, **Allegheny County**; ACOE: Pittsburgh.

Applicant proposes to remove the existing SR 2082, two lane, 28.3 ft total width, five span, steel through truss bridge with a 70 degree skew and having a total length of 1,544 ft, and having a navigational channel normal pool elevation clearance of approximately 50 ft; and to construct and maintain adjacent to and upstream and to the north of the existing bridge a five span, steel girder, four lane, 69 ft width replacement bridge with a 80 degree skew and having a total length of 1,633 ft, and having a navigational channel normal pool elevation clearance of approximately 47 ft over the Allegheny River (WWF) with a drainage area of 11,682 square miles. In addition the project includes temporary encroachments for construction and demolition, and encroachments associated with modification or replacement of stormwater facilities from the road alignment adjustment and new bridge. The PennDOT improvement and relocation project extends between Oakmont Borough to the east and Harmar Township to the west (New Kensington West Quadrangle, Latitude 40° 31' 37" and Longitude -79° 50' 46") in Allegheny County.

**E02-919-A18 Tri-State River Products, Inc.**, Box 218, 334 Insurance Street, Beaver PA 15009, in Hopewell Township, The City of Aliquippa, and Ambridge Borough, **Beaver County**, Pittsburgh ACOE District.

Applicant proposes to amend Permit E02-919, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys, and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to include Ohio River Mile Points 15.9 to 16.4 (Upstream beginning point: Ambridge, PA Quadrangle N: 14.3 inches, W: 15 inches; Latitude: 40°34'47", Longitude: 80°13'59". Downstream end point: Ambridge, PA Quadrangle N: 16.5 inches, W: 15.7 inches; Latitude: 40°35'28", Longitude: 80°14'11".), left and right descending banks in Hopewell Township, The City of Aliquippa, and Ambridge Borough, Beaver County.

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

**E10-481, National Fuel Gas Supply Corporation**, 1100 State Street, Erie PA 16501-1912. N Pipeline Lateral Project, in Slippery Rock Borough and Slippery Rock Township, **Butler County**, ACOE Pittsburgh District (Slippery Rock, PA Quadrangle N: 41°, 05', 04.6"; W: 80°, 03', 05.9").

To install approximately 2.86 miles of 20-inch natural gas transmission pipeline to replace an abandoned section



of pipeline. Approximately 0.6 mi of the project will be installed within previously disturbed ROW, however, most of the project is proposed along a new alignment to avoid construction in a dense residential development and reduce stream and wetland impacts. Project will also utilize up to an additional 2.6 acres beyond the 75 foot wide ROW for topsoil segregation as needed. Project impacts include 4 pipeline and temporary equipment crossings of 2 wetlands totaling 0.95 acre of temporary impacts and 4 pipeline and temporary equipment crossings of 4 UNTs Wolf Run (CWF) totaling 371 LF of temporary impacts. All wetland and stream crossings will be installed by open trench method with timber mats placed for equipment crossings. Disturbed stream banks and wetlands will be restored to original contours and stabilized upon completion of construction.

**E37-191, Kent and Darrell Mitcheltree**, 8485 Mercer Street, PO Box 332, Pulaski, PA 16143. Mitcheltree Brothers Water Filling Station, in Pulaski Township, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 41°, 07', 07"; W: 80°, 25', 44").

To operate and maintain following structures constructed as part of a water filling station west of S.R. 551 (Mercer Street) approximately 0.5 mile north of S.R. 208:

1. A 24-foot wide access road within the right assumed 50-foot floodway of Buchanan Run for a distance of approximately 700 feet extending west from Mercer Street.

2. A water intake structure along the left (east) bank of the Shenango River consisting of twin 12-inch diameter intake pipes spaced approximately 9 feet apart and extending approximately 13 feet into the Shenango River with floatation bouys and a pump house structure near the top of bank.

3. A water pipeline from the intake to the filling station across a tributary to Buchanan Run.

**E43-358, Grove City College**, 100 Campus Drive, Grove City, PA 16127. Wolf Creek Streambank Restoration in Grove City, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 41°, 9', 31"; W: 80°, 4', 59.9").

To reconstruct approximately 700 linear feet of existing stream bank that was severely eroded by highwater events or has future potential to further erode.

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

**E0829-066: Angelina Gathering Company, LLC**, 2350 N. Sam Houston Parkway Houston, TX 77032, Orwell and Herrick Township, **Bradford County**, ACOE Baltimore District. To construct, operate and maintain:

1. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 9,870 square feet of a Palustrine Emergent Wetland (PEM) (Rome, PA Quadrangle, Latitude: 41° 49' 17", Longitude: -76° 18' 14");

2. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 4,657 square feet of a Palustrine Emergent Wetland (PEM) (Rome, PA Quadrangle, Latitude: 41° 49' 24", Longitude: -76° 18' 05");

3. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting

2,045 square feet of a Palustrine Emergent Wetland (PEM) (Rome, PA Quadrangle, Latitude: 41° 49' 18", Longitude: -76° 18' 00");

4. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 31,670 square feet of a Palustrine Forested Wetland (PFO) (Rome, PA Quadrangle, Latitude: 41° 49' 16", Longitude: -76° 17' 56");

The project will result in 16,572 square feet (0.38 acre) of temporary PEM wetland impacts and 31,670 (0.73 acre) of conversion impacts to a PFO wetland all for the purpose of installing a natural gas pipelines and a water line with associated access roadways for Marcellus shale development in Orwell and Herrick Township, Bradford County. The permittee will provide 0.75 acre of enhancement mitigation to a PEM wetland along Benet Creek in Stevens Township, Bradford County (Le Raysville, PA Quadrangle 41°45'06"N 76°10'30"W).

**E5929-038: Ultra Resources, Inc.**, P. O. Box 1768, Suite 295, Pinedale, WY 82941, Shippen and Delmar Townships, **Tioga County**, ACOE Baltimore District. To construct, operate, and maintain:

1) A permanent access road using two 36 inch diameter HDPE culverts and a 20 inch diameter natural gas gathering line impacting 99 linear feet of an unnamed tributary to Steele Run Hollow (HQ-CWF) (Tiadaghton, PA Quadrangle 41°43'58"N, 77°28'34"W);

2) A permanent access road using two 15 inch diameter HDPE culverts and a 20 inch diameter natural gas gathering line impacting 43 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) and 13 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41°44'23"N, 77°28'06"W);

3) A permanent access road using two 15 inch diameter HDPE culverts and a 20 inch diameter natural gas gathering line impacting 30 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) and 55 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41°44'23"N, 77°28'06"W);

4) A permanent access road using two 15 inch diameter HDPE culverts impacting 21 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'21"N, 77°27'59"W);

5) A 20 inch diameter natural gas gathering line impacting 9 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'22"N, 77°27'59"W);

6) A 20 inch diameter natural gas gathering line impacting 9 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'23"N, 77°27'54"W);

7) A 20 inch diameter natural gas gathering line impacting 52 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'23"N, 77°27'54"W);

8) A 20 inch diameter natural gas gathering line impacting 28 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'23"N, 77°27'53"W);

9) A 20 inch diameter natural gas gathering line impacting 140 linear feet of Pine Creek (EV) (Tiadaghton, PA Quadrangle 41°44'26"N, 77°27'47"W);

10) A 20 inch diameter natural gas gathering line impacting 202 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Tiadaghton, PA Quadrangle 41°44'29"N, 77°27'44"W);

11) A 20 inch diameter natural gas gathering line impacting 586 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41°44'37"N, 77°27'40"W);

12) A 20 inch diameter natural gas gathering line impacting 74 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'36"N, 77°27'41"W);

13) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 73 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'41"N, 77°27'39"W);

14) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 50 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'54"N, 77°27'33"W);

15) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 52 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'55"N, 77°27'25"W);

16) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 56 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'55"N, 77°27'22"W);

17) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 51 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'55"N, 77°27'12"W);

18) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 65 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'56"N, 77°28'54"W);

19) A temporary access road using timber mats and a 20 inch diameter natural gas gathering line impacting 3,113 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Tiadaghton, PA Quadrangle 41°44'56"N, 77°26'42"W);

20) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 58 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'56"N, 77°26'57"W);

21) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 54 linear feet of Herrington Hollow (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'55"N, 77°26'26"W);

22) A temporary access road using timber mats and a 20 inch diameter natural gas gathering line impacting 6,570 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Asaph, PA Quadrangle 41°45'02"N, 77°25'42"W);

23) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 53 linear feet of an unnamed tributary to March Creek (CWF) and 56,244 square feet of an excep-

tional value palustrine emergent (EV-PEM) wetland (Asaph, PA Quadrangle 41°45'02"N, 77°25'41"W);

24) A 20 inch diameter natural gas gathering line impacting 8 linear feet of Kinney Hollow (CWF) and 412 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Asaph, PA Quadrangle 41°45'21"N, 77°25'14"W);

25) A temporary access road using timber mats and a 20 inch diameter natural gas gathering line impacting 11,834 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Asaph, PA Quadrangle 41°45'24"N, 77°25'11"W);

26) A 20 inch diameter natural gas gathering line impacting 16 linear feet of an unnamed tributary to Marsh Creek (CWF) and 224 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Asaph, PA Quadrangle 41°45'26"N, 77°25'04"W);

27) A 20 inch diameter natural gas gathering line impacting 69 linear feet of Marsh Creek (CWF) (Asaph, PA Quadrangle 41°45'26"N, 77°24'59"W);

28) A 20 inch diameter natural gas gathering line impacting 259 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Asaph, PA Quadrangle 41°45'26"N, 77°24'58"W);

29) A 20 inch diameter natural gas gathering line impacting 6 linear feet of an unnamed tributary to Marsh Creek (CWF) (Asaph, PA Quadrangle 41°45'26"N, 77°24'54"W);

30) A 20 inch diameter natural gas gathering line impacting 19 linear feet of an unnamed tributary to Marsh Creek (CWF) (Asaph, PA Quadrangle 41°45'26"N, 77°24'50"W);

31) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 176 linear feet of an unnamed tributary to Marsh Creek (CWF) (Asaph, PA Quadrangle 41°45'25"N, 77°25'34"W);

32) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 76 linear feet of Gray Hollow (CWF) (Asaph, PA Quadrangle 41°45'19"N, 77°24'16"W);

33) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 53 linear feet of an unnamed tributary to Dantz Run (CWF) (Asaph, PA Quadrangle 41°45'16"N, 77°23'06"W);

34) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 51 linear feet of Dantz Run (CWF) (Asaph, PA Quadrangle 41°45'14"N, 77°22'58"W);

35) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 107 linear feet of an unnamed tributary to Dantz Run (CWF) (Asaph, PA Quadrangle 41°45'14"N, 77°22'57"W).

The project will result in 1,504 linear feet of temporary stream impacts, 85 linear feet of permanent stream impacts, 76,400 square feet (1.75 acres) of temporary wetland impacts, and 3,113 square feet (0.07 acre) of permanent wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Shippen and Delmar Townships, Tioga County.

**E5829-049. Angelina Gathering Company, LLC;**  
2350 Sam Houston Parkway E., Suite 125; Houston, TX

77032; Franklin and New Milford Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 9,406 square feet (0.22 acre) of a PEM wetland (Franklin Forks, PA Quadrangle; N 41° 53' 11" Lat., W -75° 45' 32" Long.),

2) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 14,087 square feet (0.32 acre) of a PEM wetland (Franklin Forks, PA Quadrangle; N 41° 52' 44" Lat., W -75° 45' 23" Long.),

3) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 1,869 square feet (0.04 acre) of a PEM wetland (Franklin Forks, PA Quadrangle; N 41° 52' 42" Lat., W -75° 44' 58" Long.),

4) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 20 square feet (0.01 acre) of a PEM wetland (Franklin Forks, PA Quadrangle; N 41° 52' 42" Lat., W -75° 45' 55" Long.),

5) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 87 square feet (0.01 acre) of a PEM wetland (Franklin Forks, PA Quadrangle; N 41° 52' 40" Lat., W -75° 44' 45" Long.),

6) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 15,367 square feet (0.35 acre) of a PSS wetland (Franklin Forks, PA Quadrangle; N 41° 52' 40" Lat., W -75° 44' 43" Long.),

7) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 3,528 square feet (0.08 acre) of a PFO wetland (Franklin Forks, PA Quadrangle; N 41° 52' 40" Lat., W -75° 44' 44" Long.),

8) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 502 square feet (0.01 acre) of a PEM wetland (Franklin Forks, PA Quadrangle; N 41° 52' 37" Lat., W -75° 44' 37" Long.),

9) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 7,336 square feet (0.17 acre) of a PEM wetland (Franklin Forks, PA Quadrangle; N 41° 52' 35" Lat., W -75° 44' 37" Long.),

10) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 836 square feet (0.02 acre) of a PSS wetland (Harford, PA Quadrangle; N 41° 52' 06" Lat., W -75° 44' 07" Long.),

11) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 701 square feet (0.02 acre) of a PEM wetland (Harford, PA Quadrangle; N 41° 51' 38" Lat., W -75° 43' 40" Long.),

12) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 161 square feet (0.01 acre) of a PEM wetland (Harford, PA Quadrangle; N 41° 51' 39" Lat., W -75° 43' 30" Long.),

13) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 92 square feet (0.01 acre) of a PEM wetland (Harford, PA Quadrangle; N 41° 51' 39" Lat., W -75° 43' 29" Long.),

14) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 12,958 square feet (0.30 acre) of a PEM wetland (Harford, PA Quadrangle; N 41° 51' 40" Lat., W -75° 43' 26" Long.),

15) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 5,449 square feet (0.13 acre) of a PSS wetland (Harford, PA Quadrangle; N 41° 51' 40" Lat., W -75° 43' 21" Long.),

16) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 178 square feet (0.01 acre) of a PFO wetland (Harford, PA Quadrangle; N 41° 51' 40" Lat., W -75° 43' 20" Long.),

17) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 155 square feet (0.01 acre) of a PEM wetland (Harford, PA Quadrangle; N 41° 51' 41" Lat., W -75° 43' 15" Long.),

18) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 87 lineal feet of an unnamed tributary to Beaver Creek (HQ-CWF, MF) (Franklin Forks, PA Quadrangle; N 41° 53' 12" Lat., W -75° 45' 34" Long.),

19) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 73 lineal feet of an unnamed tributary to Beaver Creek (HQ-CWF, MF) (Franklin Forks, PA Quadrangle; N 41° 53' 12" Lat., W -75° 45' 33" Long.),

20) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 86 lineal feet of Beaver Creek (HQ-CWF, MF) (Franklin Forks, PA Quadrangle; N 41° 53' 05" Lat., W -75° 45' 31" Long.),

21) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 5 lineal feet of an unnamed tributary to Meylert Creek (HQ-CWF, MF) (Harford, PA Quadrangle; N 41° 52' 07" Lat., W -75° 44' 07" Long.),

22) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 75 lineal feet of an unnamed tributary to Meylert Creek (HQ-CWF, MF) (Harford, PA Quadrangle; N 41° 51' 39" Lat., W -75° 43' 33" Long.),

23) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 1 lineal foot of an unnamed tributary to Meylert Creek (HQ-CWF, MF) (Harford, PA Quadrangle; N 41° 51' 39" Lat., W -75° 43' 29" Long.),

24) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 1 lineal foot of an unnamed tributary to Meylert Creek (HQ-CWF, MF) (Harford, PA Quadrangle; N 41° 51' 39" Lat., W -75° 43' 29" Long.),

25) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 73 lineal feet of Meylert Creek (HQ-CWF, MF) (Harford, PA Quadrangle; N 41° 51' 41" Lat., W -75° 43' 21" Long.),



26) a 12-inch and 16-inch diameter natural gas pipeline, a 16-inch diameter waterline, and timber mat crossing impacting 75 lineal feet of an unnamed tributary to Meylert Creek (HQ-CWF, MF) (Harford, PA Quadrangle; N 41° 51' 42" Lat., W -75° 43' 15" Long.).

The project consists of constructing approximately 4.8 miles of 12" and 16" natural gas gathering line, and a 16" waterline from the Northwest 1 well site to the CDP-1 site; located in New Milford Township, Susquehanna County. The project will result in 443 lineal feet of stream channel impact, 1.08 acres of temporary wetland impact, and 0.58 acre of wetland conversion impacts, all for the purpose of conveying Marcellus Shale natural gas to market.

**E4029-001 Amendment. Williams Field Services Company, LLC.**, 2800 Post Oak Blvd, Houston, TX 77056; Dallas and Franklin Townships, **Luzerne County**, ACOE Baltimore District.

To operate and maintain:

1. a 24 inch diameter natural gas gathering pipeline and timber bridge crossing impacting 6 lineal feet of an unnamed tributary to Trout Brook (CWF-MF, NRT) (Kingston, PA Quadrangle: Latitude 41° 20' 44"; Longitude -75° 56' 26"),

2. a 24 inch diameter natural gas gathering pipeline and timber mat crossings impacting 104 square feet (0.01 acre) of a PFO wetland (Kingston, PA Quadrangle: Latitude 41° 21' 18"; Longitude -75° 56' 08"),

3. a 24 inch diameter natural gas gathering pipeline and timber mat crossings impacting 5,010 square feet (0.12 acre) of a PFO wetland (Kingston, PA Quadrangle: Latitude 41° 21' 18"; Longitude -75° 56' 09"),

4. a 24 inch diameter natural gas gathering pipeline and timber mat crossings impacting 823 square feet (0.02 acre) of a PFO wetland (Kingston, PA Quadrangle: Latitude 41° 21' 36"; Longitude -75° 56' 05"),

5. a 24 inch diameter natural gas gathering pipeline and timber mat crossings impacting 2,134 square feet (0.05 acre) of a PFO wetland (Center Moreland, PA Quadrangle: Latitude 41° 23' 22"; Longitude -75° 55' 24"),

6. a 24 inch diameter natural gas gathering pipeline and timber mat crossings impacting 2,426 square feet (0.06 acre) of a PEM wetland (Center Moreland, PA Quadrangle: Latitude 41° 23' 42"; Longitude -75° 55' 15"),

7. a 24 inch diameter natural gas gathering pipeline and timber mat crossings impacting 4,643 square feet (0.11 acre) of a PFO wetland (Center Moreland, PA Quadrangle: Latitude 41° 24' 09"; Longitude -75° 54' 59").

This permit was previously approved by the Department, and published on August 20, 2011, as an action. The project consists of the operation and maintenance of a 24 inch natural gas gathering pipeline from a point (Latitude 41° 42' 47", Longitude 75° 55' 05") North of Springville, PA in the county of Susquehanna to a point (Latitude 41° 20' 43", Longitude 75° 56' 30") Northeast of Dallas, PA in the County of Luzerne where it joins the Transco Pipeline. The Luzerne County section will result in 6 lineal feet of stream impacts, 2,426 sq. ft. (0.06 acre) of temporary wetlands impacts, and 12,714 sq. ft. (0.29 acre) of wetland conversion impacts. This permit is associated with permits E5829-002 and E6629-001, all for the purpose of conveying Marcellus Shale natural gas from northern gas fields to market. These impacts are in addition to those previously authorized by the Department.

**E6629-001 Amendment. Williams Field Services Company, LLC.**, 2800 Post Oak Blvd, Houston, TX 77056; Eaton, Lemon, Nicholson, Northmoreland, and Tunkhannock Townships, **Wyoming County**, ACOE Baltimore District.

To operate and maintain: (cont. from Luzerne County)

1. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,923 square feet (0.04 acre) of a PFO wetland (Center Moreland, PA Quadrangle: Latitude 41° 24' 38"; Longitude -75° 55' 12"),

2. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 33,325 square feet (0.77 acre) of a PEM wetland (Center Moreland, PA Quadrangle: Latitude 41° 24' 54"; Longitude -75° 55' 23"),

3. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 6,521 square feet (0.15 acre) of a PEM wetland (Center Moreland, PA Quadrangle: Latitude 41° 25' 39"; Longitude -75° 55' 31"),

4. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 4,795 square feet (0.11 acre) of a PEM wetland (Center Moreland, PA Quadrangle: Latitude 41° 25' 44"; Longitude -75° 55' 45"),

5. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 7,227 square feet (0.17 acre) of a PEM wetland (Center Moreland, PA Quadrangle: Latitude 41° 27' 22"; Longitude -75° 55' 41"),

6. a 24 inch diameter natural gas gathering pipeline and timber bridge crossing impacting 154 lineal feet of an unnamed tributary to Martin Creek (CWF-MF) (Center Moreland, PA Quadrangle: Latitude 41° 27' 26"; Longitude -75° 55' 42"),

7. a 24 inch diameter natural gas gathering pipeline and timber bridge crossing impacting 81 lineal feet of an unnamed tributary to Martin Creek (CWF-MF) (Center Moreland, PA Quadrangle: Latitude 41° 27' 27"; Longitude -75° 55' 42"),

8. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 5,743 square feet (0.13 acre) of a PEM wetland (Center Moreland, PA Quadrangle: Latitude 41° 27' 33"; Longitude -75° 55' 26"),

9. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 2,527 square feet (0.06 acre) of a PSS wetland (Center Moreland, PA Quadrangle: Latitude 41° 29' 06"; Longitude -75° 55' 14"),

10. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,390 square feet (0.03 acre) of a PEM wetland (Center Moreland, PA Quadrangle: Latitude 41° 29' 43"; Longitude -75° 55' 34"),

11. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 6,066 square feet (0.14 acre) of a PSS wetland (Tunkhannock, PA Quadrangle: Latitude 41° 31' 08"; Longitude -75° 53' 58"),

12. a 24 inch diameter natural gas gathering pipeline crossing impacting 125 lineal feet of Billings Mill Brook (CWF-MF, NRT) (Tunkhannock, PA Quadrangle: Latitude 41° 33' 22"; Longitude -75° 54' 58"),

13. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 5,588 square feet (0.13 acre) of a PSS wetland (Tunkhannock, PA Quadrangle: Latitude 41° 33' 32"; Longitude -75° 54' 51"),

14. a 24 inch diameter natural gas gathering pipeline and timber bridge crossing impacting 311 lineal feet of an unnamed tributary to Billings Mill Brook (CWF-MF,

NRT) (Tunkhannock, PA Quadrangle: Latitude 41° 33' 52"; Longitude -75° 54' 42"), 14.

15. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 7,715 square feet (0.18 acre) of a PFO wetland (Tunkhannock, PA Quadrangle: Latitude 41° 33' 52"; Longitude -75° 54' 42"),

16. a 24 inch diameter natural gas gathering pipeline and timber bridge crossing impacting 49 lineal feet of an unnamed tributary to Billings Mill Brook (CWF-MF, NRT) (Tunkhannock, PA Quadrangle: Latitude 41° 33' 53"; Longitude -75° 54' 41"),

17. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 994 square feet (0.02 acre) of a PEM wetland (Tunkhannock, PA Quadrangle: Latitude 41° 36' 49"; Longitude -75° 53' 03").

This permit was previously approved by the Department, and published on August 20, 2011, as an action. The project consists of the operation and maintenance of a 24 inch natural gas gathering pipeline from a point (Latitude 41° 42' 47", Longitude 75° 55' 05") North of Springville, PA in the county of Susquehanna to a point (Latitude 41° 20' 43", Longitude 75° 56' 30") Northeast of Dallas, PA in the county of Luzerne where it joins the Transco Pipeline. The Wyoming County section will result in 720 lineal feet of stream impacts, 59,995 sq. ft. (1.38 acres) of temporary wetlands impacts, and 23,819 sq. ft. (0.55 acre) of wetland conversion impacts. This permit is associated with permit amendments E4029-001 and E5829-002, all for the purpose of conveying Marcellus Shale natural gas from northern gas fields to market. These impacts are in addition to those previously authorized by the Department.

**E5829-002 Amendment. Williams Field Services Company, LLC.**, 2800 Post Oak Blvd, Houston, TX 77056; Springville Township, **Susquehanna County**, ACOE Baltimore District.

To operate and maintain: (cont. from Wyoming County)

1. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 676 square feet (0.02 acre) of a PEM wetland (Springville, PA Quadrangle: Latitude 41° 38' 47"; Longitude -75° 52' 47"),

2. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 623 square feet (0.01 acre) of a PEM wetland (Springville, PA Quadrangle: Latitude 41° 38' 48"; Longitude -75° 52' 49"),

3. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 70 lineal feet of an unnamed tributary to Monroe Creek (CWF-MF) (Hop Bottom, PA Quadrangle: Latitude 41° 39' 04"; Longitude -75° 52' 28"),

4. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 5,523 square feet (0.13 acre) of a PEM wetland (Hop Bottom, PA Quadrangle: Latitude 41° 39' 32"; Longitude -75° 52' 22"),

5. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 130 lineal feet of an unnamed tributary to Monroe Creek (CWF-MF) (Hop Bottom, PA Quadrangle: Latitude 41° 39' 33"; Longitude -75° 52' 23"),

6. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,509 square feet (0.03 acre) of a PEM wetland (Springville, PA Quadrangle: Latitude 41° 41' 49"; Longitude -75° 52' 45"),

7. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 3,425 square feet

(0.08 acre) of a PSS wetland (Springville, PA Quadrangle: Latitude 41° 41' 58"; Longitude -75° 53' 01"),

8. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 3,555 square feet (0.08 acre) of a PSS wetland (Springville, PA Quadrangle: Latitude 41° 41' 58"; Longitude -75° 53' 03"),

9. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,497 square feet (0.03 acre) of a PEM wetland (Springville, PA Quadrangle: Latitude 41° 41' 59"; Longitude -75° 53' 09"),

10. a 24 inch diameter natural gas gathering pipeline and timber mat crossing impacting 2,311 square feet (0.05 acre) of a PEM wetland (Springville, PA Quadrangle: Latitude 41° 42' 28"; Longitude -75° 54' 04").

This permit was previously approved by the Department, and published on August 20, 2011, as an action. The project consists of the operation and maintenance of a 24 inch natural gas gathering pipeline from a point (Latitude 41° 42' 47", Longitude 75° 55' 05") North of Springville, PA in the county of Susquehanna to a point (Latitude 41° 20' 43", Longitude 75° 56' 30") Northeast of Dallas, PA in the county of Luzerne where it joins the Transco Pipeline. The Susquehanna County section will result in 200 feet of temporary stream impacts, 12,169 sq. ft. (0.28 acre) of temporary wetlands impacts, and 6,980 sq. ft. (0.16 acre) of wetland conversion impacts. This permit is associated with permit amendments for E4029-001 and E6629-001, all for the purpose of conveying Marcellus Shale natural gas from northern gas fields to market. These impacts are in addition to those previously authorized by the Department.

**E4129-067: Anadarko Marcellus Midstream, L.L.C.**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cogan House Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 6-inch natural gas pipelines, two 6-inch waterlines, one 12-inch waterline, one electric/fiber optic line, and a timber mat bridge impacting 2,425 square feet of palustrine emergent (PEM) wetland (White Pine PA Quadrangle 41°26'54"N, 77°10'14"W);

2) two 6-inch natural gas pipelines, two 6-inch waterlines, one 12-inch waterline, one electric/fiber optic line, and a timber mat bridge impacting 62 linear feet of an unnamed tributary to Wolf Run (EV, MF) and 5,282 square feet of adjacent palustrine emergent (PEM) wetland (White Pine PA Quadrangle 41°26'41"N, 77°10'17"W);

3) two 6-inch natural gas pipelines, two 6-inch waterlines, one 12-inch waterline, one electric/fiber optic line, and a timber mat bridge impacting 7,549 square feet of palustrine forested (PFO) wetland (White Pine PA Quadrangle 41°26'39"N, 77°10'01"W);

4) two 6-inch natural gas pipelines, two 6-inch waterlines, one 12-inch waterline, one electric/fiber optic line, and a timber mat bridge impacting 146 linear feet of an unnamed tributary to Larrys Creek (HQ-CWF, MF) (White Pine PA Quadrangle 41°26'42"N, 77°09'14"W);

5) two 6-inch natural gas pipelines, two 6-inch waterlines, one 12-inch waterline, one electric/fiber optic line, and a timber mat bridge impacting 62 linear feet of an unnamed tributary to Larrys Creek (HQ-CWF, MF) (White Pine PA Quadrangle 41°26'42"N, 77°09'08"W);

6) two 6-inch natural gas pipelines, two 6-inch waterlines, one 12-inch waterline, one electric/fiber optic line,

and a timber mat bridge impacting 81 linear feet of an unnamed tributary to Larrys Creek (HQ-CWF, MF) and 467 square feet of adjacent palustrine emergent (PEM) wetland (White Pine PA Quadrangle 41°26'41"N, 77°08'35"W);

7) two 6-inch natural gas pipelines, two 6-inch waterlines, one 12-inch waterline, one electric/fiber optic line, and a timber mat bridge impacting 83 linear feet of an unnamed tributary to Larrys Creek (HQ-CWF, MF) and 2,458 square feet of adjacent palustrine emergent (PEM) wetland (White Pine PA Quadrangle 41°26'36"N, 77°08'27"W);

8) two 6-inch natural gas pipelines, two 6-inch waterlines, one 12-inch waterline, one electric/fiber optic line,

and a timber mat bridge impacting 67 linear feet of an unnamed tributary to Larrys Creek (HQ-CWF, MF) (White Pine PA Quadrangle 41°26'07"N, 77°08'24"W);

9) two 6-inch natural gas pipelines, two 6-inch waterlines, one 12-inch waterline, and one electric/fiber optic line impacting 111 linear feet of unnamed tributaries to Larrys Creek (HQ-CWF, MF) and 4,139 square feet of palustrine forested (PFO) wetland (White Pine PA Quadrangle 41°25'42"N, 77°08'41"W).

The project will result in a total of 0.51 acre of wetland impacts and 612 feet of stream impacts all for the purpose of installing a natural gas gathering line, water pipeline, and associated access roadways for Marcellus well development.

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## ACTIONS

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### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

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#### I. NPDES Renewal Permit Actions

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*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.*



<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0043311 (Sewage)	Camp Towanda RR # 1 Honesdale, PA 18431	Wayne County Lebanon Township	Unnamed Tributary of Big Brook High Quality—Cold Water Fishes (1-B)	Y
PA0060976 (Sewage)	Moyers Grove Campground 309 Moyers Grove Road Wapwallopen, PA 18660-2053	Luzerne County Hollenback Township	Balliet Run High Quality—Cold Water Fishes (5-B)	Y
PA0062332 (Sewage)	Eaton Hills Development STP Grandview Drive, Eaton Township	Wyoming County Eaton Township	Susquehanna River (4-G)	Y
PA0060461 (Sewage)	Laurel Lake Township Municipal Authority Laurel Lake WWTP PO Box 54 Brackney, PA 18812	Susquehanna County Silver Lake Township	Laurel Lake Creek Cold Water Fishes (4-E)	Y
PA0061328 (Sewage)	Plum Creek Municipal Authority 686 Berne Drive Auburn, PA 17922	Schuylkill County South Manheim Township	Plum Creek Cold Water Fishes (03A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0024147 (Sew)	Cumberland Township Authority 1370 Fairfield Road Gettysburg, PA 17325-7267	Adams County / Cumberland Township	Willoughby Run / 13-D	N
PA0024139 (Sew)	Cumberland Township Authority 1370 Fairfield Road Gettysburg, PA 17325-7267	Adams County / Cumberland Township	Rock Creek / 13-D	N
PA0083470 (Sew)	Paradise Township Lancaster County 2 Township Drive, PO Box 40 Paradise, PA 17562-0040	Lancaster County / Paradise Township	Pequea Creek / 7-K	Y
PA0248029 (Sew)	Hustontown Joint Sewer Authority PO Box 606 Hustontown, PA 17229	Fulton County / Dublin Township	UNT Lamberson Branch / 12-C	Y
PA0247103 (Sew)	Northeastern York County Sewer Authority 200 Main Street, PO Box 516 Mount Wolf, PA 17347-0516	York County / East Manchester Township	Susquehanna River / 7-H	Y
PA0029955 (Sew)	Southern Huntingdon School District—Trough Creek Elementary School 10339 Pogue Road Three Springs, PA 17264	Huntingdon County / Todd Township	UNT Great Trough Creek / 11-D	Y
PA0029939 (Sew)	Southern Huntingdon School District—High/Middle School 10339 Pogue Road Three Springs, PA 17260	Huntingdon County / Cromwell Township	Three Springs Creek / 12-C	Y
PA0029947 (Sew)	Southern Huntingdon School District—Spring Farms Elementary School 10339 Pogue Road Three Springs, PA 17260	Huntingdon County / Cromwell Township	UNT to Spring Creek / 12-C	Y
PA0021695 (Sew)	Orbisonia & Rockhill Borough Joint Municipal Authority PO Box 346 Orbisonia, PA 17243	Huntingdon County / Cromwell Township	Blacklog Creek / 12-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0091243 Sewage	Heritage Reservation STP Farmington, PA 15437	Fayette County Wharton Township	UNT to Little Sandy Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0035513 (Sewage)	PA DOT Rest Area E I-80 Eastbound, Mercer, PA 16137	Mercer County Shenango Township	Unnamed Tributary to the Shenango River (20-A)	Y
PA0102326 (Sewage)	Mercer State Correction Institute 801 Butler Pike Box 6747 Mercer, PA 16137	Mercer County Findley Township	Neshannock Creek (20-A)	Y

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

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**NPDES Permit No. PA0065137**, Industrial Waste, SIC Code 4952, Blythe Township **Schuylkill County**, P. O. Box 91 Cumbola, PA, 19730

This proposed facility is located in Blythe Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Industrial Waste. The discharge will be 0.026 MGD of treated leachate from a construction and demolition landfill.

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

**NPDES Permit No. PA0081221, Amendment #1**, Sewage, **Mr. Brad Shover, Shover Investment Group, LLC**, (Deer Chase MHP), 225 Pine Hill Road, Landisburg, PA 17040.

This proposed facility is located in Miller Township, **Perry County**.

Description of Proposed Action/Activity: Authorization to discharge to Bailey Run in Watershed 12-C.

**NPDES Permit No. PA0247685**, CAFO, **Rohrer Dairy Farms, LLC**, 124 Charlestown Road, Washington Boro, PA 17582.

This proposed facility is located in Manor Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization for a 2,236.5 AEU consisting of 1,160 dairy cows and 1180 heifers/calves. The CAFO is situated near Stamans Run in Watershed 7-J, classified for WWF. A release or discharge to waters of the Commonwealth under normal operation conditions is not expected. Normal Operation conditions are defined as conditions below a 25-year, 24-hour storm event.

**NPDES Permit No. PA0247600**, CAFO, **David Martin Farm**, 420 Nottingham Road, Nottingham, PA 19362.

This proposed facility is located in Little Britain Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization for a 698.7 AEU consisting of 4,400 swine, 18,000 pullets, and 155 heifers. The CAFO is situated near Little Conowingo Creek and UNT to Little Conowingo Creek in watershed 7-K, classified for HQ CWF. A release or discharge to waters of the Commonwealth under normal operation conditions is not expected. Normal Operation conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

**WQM Permit No. 1505412**, Sewage, **Renewal, London Britain Township**, 81 Good Hope Road, P. O. Box 215, Kemblesville, PA 19347-0215.

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

Description of Action/Activity: Permit renewal for continued operation of a sewage treatment plant with a design capacity of 5400 gpd to serve a 16-unit subdivision.

**WQM Permit No. 1504402**, Sewage, **Renewal, Camphill Village—Kimberton Hills, Inc.**, P. O. Box 1045, Kimberton, PA 19442.

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

Description of Action/Activity: Permit renewal for continued operation of a primary septic tank, a 4500 gpd Bio Microbics, Microfast aerobic tank, a constructed wetland system with a sand filter and a dosing tank followed by an infiltration gallery for subsurface disposal.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**WQM Permit No. 5411402**, Sewerage, **Little Washington Wastewater Company**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010-3489.

This proposed facility is located in North Union Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Management Permit for construction of a sewer extension in the proposed Algonquin Valley section of the Eagle Rock development. The sewer extension consists of low pressure sewers with individual grinder pumps and the sewage will be conveyed to Little Washington Wastewater Company's existing treatment plant via connection to the Tomhicken Creek Interceptor.

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

**WQM Permit No. 5083402, Transfer #4**, Sewerage, **Mr. Brad Shover, Shover Inv Group, LLC**, (Deer Chase MHP), 225 Pine Hill Road, Landisburg, PA 17040.

This proposed facility is located in Miller Township, **Perry County**.

Description of Proposed Action/Activity: Transfer of Permit.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions**

**V. NPDES Waiver Stormwater Discharges from MS4 Actions**

**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024512007	Robert K. Latzanich P. O. Box 759 Mount Pocono, PA 18344	Monroe	Coolbaugh Twp.	Tank Creek, HQ-CWF, MF; Red Run, HQ-CWF, MF
PAI024511011	J.A. Snyder Entities, Inc. 7400 Route 611 Suite 8 Stroudsburg, Pa 18360	Monroe	Pocono Twp.	Unnamed Tributary to Cranberry Creek, HQ-CWF,MF
PAI024810011	Water's Edge at Wind Gap, LLC 2437 Southmoore Drive Bath, Pa 18014	Northampton	Wind Gap Borough	Little Bushkill Creek, HQ-CWF, MF
PAI025411002	Eagle Rock Resort Co. 1031 Valley of Lakes Hazleton, PA 18201	Schuylkill	North Union Twp.	Sugarloaf Creek, CWF, MF, EV Wetlands; Tomhicken Creek, CWF, MF, EV Wetlands
PAI025410003	First Quality Nonwovens, Inc. 500 Oak Ridge Road Hazle Township, PA 18202	Schuylkill	East Union Twp.	Tomhicken Creek, CWF, MF
PAI025411002(1)	Eagle Rock Resort Co. 1031 Valley of Lakes Hazleton, PA 18201	Schuylkill	North Union Twp.	Sugarloaf Creek, CWF, MF, EV Wetlands; Tomhicken Creek, CWF, MF, EV Wetlands

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI034409001R	PA Electric Company 2800 Pottsville Pike, PO Box 16001 Reading, PA 19612-6001	Mifflin	Oliver Township	UNT to Musser Run (HQ-CWF)
PAI033112004	Bruce Cox Gemstone Estates 1618 Ridge Road Warriors Mark, PA 16877	Huntingdon	Warriors Mark Township	UNT to Warriors Mark Run (HQ-CWF)



*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056312001	North Strabane Township Municipal Authority 1929B Route 519 South Canonsburg, PA	Washington	North Strabane Township	UNT to Little Chartiers Creek (HQ-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:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Buckingham Township Bucks County	PAG0200 0912085-R	Villages at Buckingham (Arbor Point) 250 Gibraltar Road Horsham, PA 19044	Neshaminy Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks	PAG0200 0912040	GPNJ Associates 2700 Kelly Road, Suite 300 Warrington, PA 18976	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warrington Township Bucks County	PAG0200 0912022	Pete's Express 611, LP 500 West Lancaster Avenue Stafford, PA 19087	Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warrington Township Bucks County	PAG0200 0912063	Warrington Township 852 Easton Road Warrington, PA 18976	Mill Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
New Hope Borough Bucks County	PAG0200 0912013	Scannapieco Development Corporation 400 South River Road New Hope, PA 18938	Rabbit Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Southampton Township Bucks County	PAG0200 0912087	County Builders, Inc. 76 Griffiths Miles Circle Warminster, PA 18974	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warminster Township Bucks County	PAG0200 0912088	County Builders, Inc. 76 Griffiths Miles Circle Warminster, PA 18974	Unnamed Tributary to Pennypack Creek/Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warminster Township Bucks County	PAG0200 0912012	MJE Builders, Inc. 920 South Broad Street Lansdale, PA 19446	North Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG0200 4612098	Edge Hill 1595 Paoli Pike West Chester, PA 19380	Unnamed Tributary to Schuylkill River TSF, WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4612039	Indoor Outdoor Recreation Facility P O Box 1005 Oaks, PA 19456  1 E. Wynnewood Road, Suite 110 Wynnewood, PA 19096	Possum Hollow Run Schuylkill WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Hanover Township Montgomery County	PAG0200 4606154R	Rosenberry Ridge 2526 N. Broad Street Colmar, PA 18915	Tributary to Swamp Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Conshohocken Borough Montgomery County	PAG0200 4612027	Conshohocken Rowing Center 1 West First Avenue, Suite 200 Conshohocken, PA 19428	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAG0200 4612091	Proposed Burger King Rebuild 1780 Swede Road Blue Bell, PA 19422	Crow Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAG0200 4608124R	325-327 East Dekalb 441 E. Hector Street, Suite 300 Conshohocken, PA 19428	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Plymouth Township Montgomery County	PAG0200 4612060	The Proving Grounds 600 Old Elm Street, Suite 100 Conshohocken, PA 19428	Plymouth Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4612079	560 Lewis Lane 104 Parsons Lane Ambler, PA 19002	Unnamed Tributary to Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0200 511232	University of Pennsylvania Health Systems Penn Presbyterian Medical Center 3800 Powelton Avenue Philadelphia, PA 19104	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Brunswick Twp., Schuylkill County	PAG02005412005(1)	Fanelli Group Properties LLC 1 Field of Dreams Drive Pottsville, PA 17901	Unnamed tributary to Pine Creek, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
Pittston Twp., Luzerne County	PAG02004006030R	Mericle 500 Sathers, LLC Mericle 600 Sathers, LLC Mericle 700 Sathers, LLC Robert Mericle 100 Baltimore Dr. Wilkes-Barre, PA 18702	UNT to Mill Creek, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Foster Twp., Luzerne County	PAG02004011004R	PA Historical and Museum Commission Andrea Lowery 400 North Street Room N 118 Harrisburg, Pa 17120	Black Creek, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Bonneauville Borough Adams County	PAG02000110019R	John Krichten 415 Cedar Run Road New Oxford, PA 17350	Chicken Run— Tributary to Rock Creek/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Mount Pleasant Township Adams County	PAG02000197998R	Thomas B. Gebhart 200 Wheatland Drive Gettysburg, PA 17325	Rock Creek/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Mount Joy Township Adams County	PAG02000106006(1)	Donald D. Hostetter and Shai Ivgi 4855 Hanover Road Hanover, PA 17331	Littles Run/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Hamilton Township Adams County	PAG02000197992R	John Krichten DJ Homes, LLC 415 Cedar Run Road New Oxford, PA 17350	Pine Run/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Straban Township Adams County	PAG02000110020R	Assoc. Pastor Marvin Stanley Freedom Valley Worship Center 3185 York Road Gettysburg, PA 17325	Swift Run/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Middlesex Township Cumberland County	PAG02002107046	Francis McNaughton 4400 Deer Path Road Harrisburg, PA 17110	Conodoguinet Creek/WWF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Antrim Township Franklin County	PAG02002812027	David Wolfe Trinity Lutheran Church 1186 Jason Drive Greencastle, PA 17225	UNT Conococheague Creek/WWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
St. Thomas Township Franklin County	PAG02002812029	William Ellis Land Vest Chambersburg, LLC (Family Dollar) 2106 Kanawha Blvd. E., Ste. 108 Charleston, WV 25311	Back Creek/TSF, MF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Bethel Township Lebanon County	PAG02003810030R	Dale Weiler 333 Union Road Lebanon, PA 17046	Deep Run/WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
North Annville Township Lebanon County	PAG02003812026	David Kaufman 800 West Hershey Park Drive Hershey, PA 17033	Quittapahilla Creek/TSF, MF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Manchester Township York County	PAG02006707065R	Rev. Robert M. Gillelan Jr. (Vicar General) The Diocese of Harrisburg 4800 Union Deposit Road Harrisburg, PA 17111	Little Conewago Creek/TSF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

*Facility Location:  
Municipality &  
County*York Township  
York County*Permit No.*

PAG02006700060

*Applicant Name &  
Address*William DeFelice  
Wellspan Properties, Inc.  
2500 South George Street  
York, PA 17403*Receiving  
Water / Use*UNT Codorus  
Creek/WWF*Contact Office &  
Phone No.*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*Wysox Township  
Bradford County*Permit No.*

PAG02000812038

*Applicant Name &  
Address*Robert Reeves  
28463 Route 220  
Milan PA 18831*Receiving  
Water / Use*

Laning Creek WWF

*Contact Office &  
Phone No.*Bradford County  
Conservation  
District  
Stoll Natural  
Resource Center  
200 Lake Rd Ste E  
Towanda PA 18848  
(570) 265-5539 X  
120Town of Bloomsburg  
Columbia County

PAG02001912010

Town of Bloomsburg  
William Lowthert  
301 E Second St  
Bloomsburg PA 17815Fishing Creek  
WWFColumbia County  
Conservation  
District  
702 Sawmill Rd Ste  
204  
Bloomsburg PA  
17815  
(570) 784-1310Lawrence & Pike  
Townships  
Clearfield County

PAG02001712018

Jeff Williams  
Clearfield Municipal Auth  
107 E Market St  
Clearfield PA 16830Montgomery Creek  
CWF  
Wolf Run CWF  
Stinky Run CWFClearfield County  
Conservation  
District  
511 Spruce St Ste 6  
Clearfield PA 16830  
(814) 765-2629E Buffalo Twp  
Union Cnty

PAG02006008007R

Henry Baylor Jr  
E Buffalo Twp Bldg  
589 Fairground Rd  
Lewisburg PA 17837Limestone Run  
WWFUnion County  
Conservation  
District  
Union County  
Government Center  
155 N 15th St  
Lewisburg PA 17837  
(570) 524-3860*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335**Facility Location:  
Municipality &  
County*Monroe and Clarion  
Townships  
Clarion County*Permit No.*

PAG020012006

*Applicant Name &  
Address*WRC Senior Services  
985 Rt 28  
Brookville PA 15825*Receiving  
Water / Use*Trout Run, Trib.  
Clarion River CWF*Contact Office &  
Phone No.*Clarion County  
Conservation  
District  
814-297-7813*General Permit Type—PAG-03**Facility Location:  
Municipality &  
County*Springfield  
Township  
Montgomery County*Permit No.*

PAR800171

*Applicant Name &  
Address*First Student Inc.  
50 Oreland Mill Road  
Oreland, PA 19075*Receiving  
Water / Use*

Sandy Run 3-F

*Contact Office &  
Phone No.*Southeast Region  
Clean Water  
Program  
484.250.5970

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Hatfield Township Montgomery County	PAR110034	Fluid Energy Proc & Equip Co. 4300 Old Bethlehem Pike Telford, PA 18969	West Branch Neshaminy Creek-2F	Southeast Region Clean Water Program 484.250.5970
Lykens Township Dauphin County	PAR803623	Michael Foods, Inc. 68 Spain Road Klingerstown, PA 17941	UNT to Pine Creek / CWF, MF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Annville Township Lebanon County	PAR203619	Bluescope North America, Inc. 400 N Weaver Street Annville, PA 17003	UNT to Quittapahilla Creek / TSF, MF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Wrightsville Township York County	PAR203549	Donsco Inc. PO Box 2001 Wrightsville, PA 17368	Susquehanna River / WWF, MF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Neville Township Allegheny County	PAR206149	Gottlieb, Inc. 5603 Grand Avenue Pittsburgh, PA 15225	Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Taylor Township Lawrence County	PAR708327	Lindy Paving Inc. 2340 2nd Avenue Pittsburgh, PA 15219	Beaver River 20-B	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-5*

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
East Mead Township Crawford County	PAG058389	Heath Oil, Inc. (Heath Oil Incident (Mullet And Mattis Properties)) PO Box 1128 Oil City, PA 16301	Unnamed Tributary to Little Sugar Creek	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942



*General Permit Type—PAG 07**Facility Location:  
Municipality &  
County*

	<i>Permit No.</i>
1212 Chelsea Road Perryman, MD 21130	PAG08-9909

*Applicant Name &  
Address*

Harford County DPW  
PO Box 6 1212 Chelsea Road  
Perryman, MD 21130

*Receiving  
Water / Use*

N/A

*Contact Office &  
Phone No.*

BNPNSM  
717-787-8184

*General Permit Type—PAG-8**Facility Location:  
Municipality &  
County*

	<i>Permit No.</i>
Derry Township Dauphin County	PAG083518

*Applicant Name &  
Address*

Derry Township Muni Auth  
670 Clear Water Road  
Hershey, PA 17033-2453

*Site Name &  
Location*

Derry Twp  
Clearwater Rd  
WWTP  
670 Clear Water  
Road  
Hershey, PA  
17033-2453

*Contact Office &  
Phone No.*

DEP—SCRO  
909 Elmerton  
Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

*General Permit Type—PAG-10**Facility Location:  
Municipality &  
County*

	<i>Permit No.</i>
Blair County Logan Township	PAG103531

*Applicant Name &  
Address*

Gulf Oil Limited Partnership  
5125 Simpson Ferry Road  
Mechanicsburg, PA 17055

*Receiving  
Water / Use*

Burgoon Run / TSF

*Contact Office &  
Phone No.*

DEP—SCRO-  
Clean Water  
Program  
909 Elmerton  
Avenue  
Harrisburg, PA  
17110  
717-705-4707

*General Permit Type—PAG-12**Facility Location:  
Municipality &  
County*

	<i>Permit No.</i>
Tulpehocken Township Berks County	PAG123629

*Applicant Name &  
Address*

King Farms, LLC  
3382B West Newport Road  
Ronks, PA 17572

*Receiving  
Water / Use*

Mill Creek / CWF

*Contact Office &  
Phone No.*

DEP—SCRO  
909 Elmerton  
Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

	<i>Permit No.</i>
Manheim Township Lancaster County	PAG123662

Harvest Lane Farm  
910 Jake Landis Road  
Lititz, PA 17543

UNT to Conestoga  
River / WWF

DEP—SCRO  
909 Elmerton  
Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

	<i>Permit No.</i>
Mount Joy Township Lancaster County	PAG123604

Scott Gochenaur Egg Farm  
3057 Harvest Road  
Elizabethtown, PA 17022

UNT to Little  
Chickies Creek /  
TSF

DEP—SCRO  
909 Elmerton  
Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

	<i>Permit No.</i>
Peach Bottom Township York County	PAG123740

Belview Valley Farms, LLC  
458 Gemmill Road  
Delta, PA 17314

UNT to Neill Run /  
TSF

DEP—SCRO  
909 Elmerton  
Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

*General Permit Type—PAG-13*

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

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Plains Township  
Luzerne County

PAG132227

Plains Township  
Luzerne County  
126 North Main Street  
Plains, PA 18705

Mill Creek and  
Susquehanna  
River—5-B

DEP Northeast  
Regional Office  
Clean Water  
Program  
2 Public Square,  
Wilkes-Barre, PA  
18701-1915  
570.826.2511

Exeter Borough  
Luzerne County

PAG132243

Exeter Borough  
Luzerne County  
1101 Wyoming Avenue  
Exeter, PA 18643

Hicks Creek—5-B

DEP Northeast  
Regional Office  
Clean Water  
Program  
2 Public Square,  
Wilkes-Barre, PA  
18701-1915  
570.826.2511

**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**

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

**Permit No. 0912536, Minor Amendment.** Public Water Supply.

Applicant	<b>Durham Village Homeowners Association</b> P. O. Box 33 Buckingham, PA 18912
Township	Buckingham
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Tarson, LLC 150 Love Road Reading, PA 19607
Permit to Construct Issued	January 15, 2013

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

**Permit No. 3412505 MA, Minor Amendment,** Public Water Supply.

Applicant	<b>Juniata Haven MHP</b>
Municipality	Milford Township
County	<b>Juniata</b>
Responsible Official	Richard Horning, Owner PO Box 35 Mifflintown, PA 17059
Type of Facility	Installation of two (2) chlorine contact tanks. Demonstration of 4-Log Treatment of Viruses for GWR.
Consulting Engineer	Larry E. Cox, P.E. Cox Engineering 175 Matamoros Road Halifax, PA 17032
Permit to Construct Issued:	1/11/2013

**Permit No. 0612506,** Public Water Supply.

Applicant	<b>Hamburg Municipal Authority</b>
Municipality	Windor Township

County **Berks**  
 Responsible Official Stephen Smith, Chairman  
 61 North 3rd Street  
 Hamburg, PA 19526  
 Type of Facility Permit for to new ground water  
 sources, Well Nos. 6 & 7.  
 Consulting Engineer Karen C. Pollock, P.E.  
 Systems Design Engineering  
 1032 James Drive  
 Lessport, PA 19533  
 Permit to Construct 1/22/2013  
 Issued:

**Permit No. 0512510 MA, Minor Amendment, Public**  
 Water Supply.

Applicant **Brush Creek Estates**  
 Municipality East Providence Township  
 County **Bedford**  
 Responsible Official Brad Shover, Member  
 225 Pine Hill Road  
 Landisburg, PA 17042  
 Type of Facility Installation of four (4) 120 gallon  
 chlorine contact tanks.  
 Demonstration of 4-Log  
 Treatment of Viruses for GWR.  
 Consulting Engineer Eric S Lundy, P.E.  
 Nittany Engineering &  
 Associates, LLC  
 2836 Earlstown Road  
 Centre Hall, PA 16828-9162  
 Permit to Construct 1/11/2013  
 Issued:

**Permit No. 0512511 MA, Minor Amendment, Public**  
 Water Supply.

Applicant **Coaldale-Six Mile Run Water**  
**Corporation**  
 Municipality Coaldale Borough  
 County **Bedford**  
 Responsible Official Vivian Foster, Director of Board,  
 Secretary Treasurer  
 PO Box 152  
 Six Mile Run, PA 16679  
 Type of Facility Replacement and relocation of  
 filter effluent lines.  
 Consulting Engineer Andrew R. Glitzer, P.E.  
 CET Engineering  
 Services—GHD  
 321 Washington Street  
 Huntingdon, PA 16652  
 Permit to Construct 1/10/2013  
 Issued:

**Permit No. 0612528 MA, Minor Amendment, Public**  
 Water Supply.

Applicant **Berkleigh Heights, Inc.**  
 Municipality Richmond Township  
 County **Berks**  
 Responsible Official Julia Keller-Geringer, Treasurer  
 1329 Richmond Road  
 Fleetwood, PA 19522

Type of Facility Installation of one (1) 120 gallon  
 contact tank. Demonstration of  
 4-Log Treatment of Viruses for  
 GWR.  
 Consulting Engineer Bruce W Haigh, P.E.  
 Whittemore and Haigh  
 Engineering, Inc.  
 200 Bethlehem Drive  
 Morgantown, PA 19543  
 Permit to Construct 1/22/2013  
 Issued:

**Operations Permit** issued to: **Insite Development**  
**LLC—Eagle View MHP**, 7010055, Berwick Township,  
**Adams County** on 1/22/2013 for the operation of facil-  
 ities approved under Construction Permit No. 0106512.

**Operations Permit** issued to: **GSP Management**  
**Company—Shady Back Acres MHP**, 7220016, East  
 Hanover Township, **Dauphin County** on 1/22/2013 for  
 the operation of facilities approved under Construction  
 Permit No. 2212503 MA.

**Operations Permit** issued to: **Jack & Jill Preschool,**  
**Inc.**, 7380422, North Cornwall Township, **Lebanon**  
**County** on 1/22/2013 for the operation of facilities ap-  
 proved under Construction Permit No. 3812513 MA.

**Operations Permit** issued to: **Insite Development,**  
**LLC—Eagle View MHP**, 7010055, Berwick Township,  
**Adams County** on 1/22/2013 for the operation of facil-  
 ities submitted under Application No. 0111527 MA.

**Operations Permit** issued to: **Breezewood Mobile**  
**Home Park**, 4050005, East Providence Township,  
**Bedford County** on 1/11/2013 for the operation of facil-  
 ities submitted under Application No. 0512514 MA.

**Operations Permit** issued to: **Valley View MHP-**  
**Wernersville**, 3060073, Lower Heidelberg Township,  
**Berks County** on 1/11/2013 for the operation of facilities  
 submitted under Application No. 0612518 MA.

**Operations Permit** issued to: **LeMaKeDe Mobile**  
**Home Park**, 3060034, Perry Township, **Berks County**  
 on 1/11/2013 for the operation of facilities submitted  
 under Application No. 0612517 MA.

**Operations Permit** issued to: **Panorama Mobile**  
**Home Park**, 7010028, Oxford Township, **Adams County**  
 on 1/22/2013 for the operation of facilities submitted  
 under Application No. 0112513 MA.

**Operations Permit** issued to: **Lenwood Heights**  
**Water Association**, 7280054, Montgomery Township,  
**Franklin County** on 1/22/2013 for the operation of  
 facilities submitted under Application No. 2812510 MA.

*Northcentral Region: Safe Drinking Water Program*  
 Manager, 208 West Third Street, Suite 101, Williamsport,  
 PA 17701-6448

**Permit No. Minor Amendment—Operation** Public  
 Water Supply.

Applicant **Longview Mobile Home Park**  
 [Township or Borough] Gregg Township  
 County **Centre**  
 Responsible Official Mrs. Leotta Long  
 Longview Mobile Home Park  
 143 West Street  
 Spring Mills, PA 16875  
 Type of Facility Public Water Supply



Consulting Engineer N/A  
 Permit Issued January 22, 2013  
 Description of Action 4-log inactivation of viruses at Entry Point 100 (Well Nos. 1 and 2).

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

**Permit No. 1012503** Public Water Supply

Applicant **Pennsylvania American Water Company**  
 Township or Borough City of Butler  
 County **Butler**  
 Type of Facility Public Water Supply  
 Consulting Engineer Scott E. Hilty, P.E.  
 Pennsylvania American Water Company  
 300 Galley Road  
 McMurray, PA 15317  
 Permit to Construct Issued January 25, 2013

**Permit No. 2012506** Public Water Supply

Applicant **Robert L. Braymer d/b/a Country Acres Mobile Home Park**  
 Township or Borough East Mead Township  
 County **Crawford**  
 Type of Facility Public Water Supply  
 Consulting Engineer Steven R. Halmi, P.E.  
 Deiss & Halmi Engineering, Inc.  
 105 Meadville Street  
 Edinboro, PA 16412  
 Permit to Construct Issued January 29, 2013

## 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*

**Rohm & Haas Bristol Plant Tank 30A**, Bristol Township, **Bucks County**. P. Brandt Butler, URS Corporation, 335 Commerce Drive Suite 300, Fort Washington, PA 19034 on behalf of Robert Casselberry, Dow Chemical Company, 3100 State Road, Croydon, PA 19021 has submitted a Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with other organics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Cummins Power System**, Bristol Township, **Bucks County**. Shawn S. Fiore, Harley & Aldrich, Inc., 5755 Granger Road, Cleveland, OH 44131, Richard W. Volpi, Harley & Aldrich, Inc., 5755 Ganger Road, Cleveland, OH 44131, Jay Tee White, Cummins Power System, LLC 2727 Ford Road, Bristol, PA 19007 on behalf of Lynn Coy, CRM Associates, 241 Goldenrod Drive, Lansdale, PA 19446 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PAH, and chlorinate solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Merion Price Property**, Ridley Township, **Delaware County**. Kenneth Hurwitz, Merton Price Company, 207 Yorktown Place, Berwyn, PA 19312 on behalf of Michael Christie, Penn E&R, Inc. 2755 Bergey Road, Hatfield, PA 19440 has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons including mtbe. The report is intended to document remediation of the site to meet the Site Specific Standards.

**Far Away Farms Country Corner**, Wallace Township, **Chester County**. Alexander Ulmer, P.G., Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106 on behalf of George Ley, Far Away Farms Country Corner, LLP, 130 Davereux Road, Glenmore, PA 19343 has submitted a Final Report concerning remediation of site soil contaminated with naphthalene and ethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**421 Line Street Site**, Lansdale Borough, **Montgomery County**. Lawrence W. Bily, RT Environmental Services Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Christopher Canavan, Blecker Acquisitions, L.O. 404 Sumneytown Pike, North Wales PA 19454

has submitted a Final Report concerning remediation of site soil contaminated with pah. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**FBF Incorporated**, Upper Southampton Township, **Bucks County**. Philip Getty, Boucher & James, Inc. 1456 Ferry Road, Building 500, Doylestown PA 18901 on behalf of Joe Medvic, FBF Incorporated, 1145 Industrial Boulevard, Southampton, PA 18966 has submitted a Final Report concerning remediation of site groundwater contaminated with PCE and TCE. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Galbraith Don Motoring**, Easttown Township, **Chester County**. Michael S. Welsh, Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335, Staci Cottone, J&J Spill Service and Supplies, P. O. Box 370, Blue Bell, PA 19422 on behalf of Don Galbraith, Don Galbraith Motoring, Inc., 149 Old Lancaster Road, Devon, PA 19333 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.

**Texaco 100247**, City of Philadelphia, **Philadelphia County**. Jeffery T. Bauer, P.G., Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914, Robert Holland, Bottom Food Northeast LLC, P. O. Box 1330, Salisbury, NC 28145 on behalf of Albert Huoch, Penn GMT Corporation, 1900 East Sedgley Avenue, PA 19124 has submitted a Final Report concerning remediation of site soil contaminated with used motor oil. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Pine Court Apartments**, City of Philadelphia, **Philadelphia County**. Michael Greenzang, Pine Court Apartments, LLC, 2015 Locust Street, Philadelphia, PA 19103 on behalf of Tom Brady, PT Consultants, Inc. 629 Creek Road, Bellmawr, NJ 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.

**3101 West Girard Avenue Lot 2**, City of Philadelphia, **Philadelphia County**. Lawrence McKnight, P.E., Westrum BT3, L.P., 370 Commerce Drive, Fort Washington, PA 19034, Angelo Waters P.E., Urban Engineers Inc. 530 Walnut Street, 14th Floor, Philadelphia, PA 19106 on behalf of John Mershon, Westrum BT3, L.P., 370 Commerce Drive, Fort Washington, PA 19034 has submitted a Final Report concerning remediation of site soil contaminated with PCB. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Gorman Residence**, Kennett Square Township, **Chester County**. Charles Metzger, ECC, Inc. 135F Gaither Drive, Mount Laurel, NJ 08054, Kristen Baiocco, Americal Petroleum Home Heat, Inc. 1704 Chichester Avenue, Boothwyn, PA 19061 on behalf of James Gorman, 522 McFarlan Road, Kennett Square, PA has submitted a Final Report concerning remediation of site groundwater and soil contaminated with no 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**AMRA investment LP**, West Whiteland Township, **Chester County**. Michael W. Welsh, Welsh Environmental, Inc. 131 Clearview Drive, Downingtown, PA 19335 on behalf of Ann Fisher, AMRA Investment, LP, 110 Summit Drive, Exton, PA 19341 has submitted a Final Report concerning remediation of site soil and groundwater

contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standard.

*Southwest Region: Environmental Cleanup & Brown-field Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Former Pittsburgh Flatroll / 31st Street**, 77 31st Street, City of Pittsburgh **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Industrial Business Brokers, Inc., 102 Lakeland Drive, Mars, PA 16046 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with VOSs, SVOCs, PCBs, metals and cyanide.

**Leonard Mumau #2 OG Well**, Nashville Road, Grant Township, **Indiana County**. Hull and Associates, Inc., 300 Business Center Drive, Suite 320, Pittsburgh, PA 15205 on behalf of XTO Energy—Appalachia Division, 395 Airport Road, Indiana, PA 15701 has submitted a Notice of Intent to Remediate site soil contaminated with metals and BTEX from an inadvertent site spill of produced water.

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

**The Retreat at State College**, State College, **Centre County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801 on behalf of The Retreat at State College, 455 EPPS Bridge Parkway, Athens, GA 30606 has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Cumene, Ethylbenzene, Methyl Tert-butyl ether, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Herbert Hewlett Property**, Town of Bloomsburg, **Columbia County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, Pa 18403 on behalf of Joan & Dawn Bressler, 721 Oak Street, Bloomsburg, Pa 17815 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.

## 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:

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

**The Retreat at State College, State College, Centre County.** Converse Consultants, 2738 West College Avenue, State College, Pa 16801 on behalf of The Retreat at State College, 455 EPPS Bridge Parkway, Athens, GA 30606 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Cumene, Ethylbenzene, Methyl Tert-butyl Ether, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 16, 2013.

**Spencer Trucking, Inc., Point Township, Northumberland County.** Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Spencer Trucking, Inc., State Route 147 near Lahr's Road, Northumberland, PA 17857 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 18, 2013.

**Herbert Hewlett Property, Town of Bloomsburg, Columbia County.** Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA on behalf of Joan & Dawn Bressler, 721 Oak Street, Bloomsburg, Pa 17815 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Ethylbenzene,

Cumene, MTBE, Naphthalene, Toluene, 1,2,4-TMB, 1,3,5-TMB. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 17, 2013.

#### REGISTRATION FOR GENERAL PERMIT—MUNICIPAL WASTE

**Registration(s) 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701*

**General Permit Registration No. WMGR123NC023. Ground/Water Treatment & Technology, Inc., P. O. Box 1174, Danville, NJ 07834.** Registration to operate under General Permit No. WMGR123 for a treatment facility located in Show Shoe, **Centre County**, for reuse of gas well frac water and production water. The registration was approved by NorthCentral Regional Office on January 24, 2013.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS

**Registration for General Permit issued under the Solid Waste Management Act; and Residual Waste Regulations for a General Permit To Operate Residual Waste Processing Facilities (25 Pa. Code § 287.611 relating to authorization for general permit).**

*South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGR109-SC006. Unlimited Green America, Inc., 100 Leader Heights Road, York, PA 17403-5191.** The Department of Environmental Protection has approved a registration under General Permit WMGR109 to Unlimited Green America, Inc. for the processing and beneficial use of used restaurant oil, yellow grease, grease trap waste, oil and animal fats from food processing or rendering plants, waste from ethanol production, soy bean soap stock, float grease (from wastewater treatment plants), and off-specification vegetable oil for use as a biofuel or biodiesel. This Registration is for their location at 1200 Maiden Creek Road, Fleetwood, PA 19522-8685 in Maiden Creek Township, **Berks County**. The permit for this facility was issued on January 23, 2013.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.



## 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.**

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

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

**58-001-GP5: Susquehanna Gathering Company, LLC** (1299 Oliver Road, New Milford, PA 18834) on January 8, 2013, to construct and operate twelve (12) IC Engines, one (1) generator, one (1) dehydrator, and two (2) condensate tanks at a Natural Gas Compressor Station site in Jackson Township, **Susquehanna County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**GP1-28-03010: Ventura Foods, LLC** (1501 Orchard Drive, Chambersburg, PA 17201) on January 24, 2013, for continued operation of Boiler No. 4 under GP1 at their food condiment manufacturing facility in Chambersburg Borough, **Franklin County**. The GP1 authorization was renewed.

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

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

**GP5-33-176B: Exco Resources (PA), LLC—Pine Creek Compressor Station** (Maple Road, Route 322, Brookville, PA 15825) on January 17, 2013, for operation of a 630 bhp compressor engine (Caterpillar G3508 LE, Serial No. WPN00242) and a 4,200 gallon process storage tank (BAQ-GPA/GP-5) in Pine Creek Township, **Jefferson County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**46-0275: Titan International, Inc.** (1533 West High Street, Pottstown, PA 19466) on January 14, 2013, for installation of two (2) batch reactor tanks and related metal recovery equipment, including a fume scrubber, at a new facility in West Pottsgrove Township, **Montgomery County**. The hydrochloric fume scrubber reduces Hazardous Air Pollutant (HAP) emissions from the reactor tanks to less than 0.075 ton per year. Facility-wide potential to emit for all criteria pollutants is below major facility thresholds for the Philadelphia Consolidated Metropolitan Statistical Area. The plant is therefore a Natural Minor Facility. The plan approval will include monitoring, testing, recordkeeping and reporting requirements

designed to keep the facility operating within all applicable air quality requirements.

**46-0277: Lite-Tech, Inc.** (975 Madison Avenue, Norristown, PA 19403) on January 18, 2013, for their manufacturing facility for lightweight x-ray protection aprons in Lower Providence Township, **Montgomery County**. The facility comprises weighing and blending, plastics compounding and sheet extrusion equipment and associated dust collectors. This is a minor facility. Emissions from the facility are estimated as 0.11 ton/year particulate matter (PM/PM<sub>10</sub>/PM<sub>2.5</sub>), 0.0012 ton/year lead and 0.025 ton/year hazardous air pollutants (HAP). The dust collectors will achieve less than 0.02 grain/dry stand cubic foot particulate (PM/PM<sub>10</sub>/PM<sub>2.5</sub>). This will be considered to meet Best Available Technology (BAT). The permittee shall monitor and keep records and meet work practice standards to minimize emissions and keep the facility operating within all applicable emission standards.

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

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

**48-399-071: Piralal Critical Care, Inc.** (3950 Sheldon Circle, Bethlehem, PA 18017) on November 30, 2012, for construction and operation of air cleaning devices (thermal oxidizer) at the facility in Hanover Township, **Northampton County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**06-05128A: Reading Truck Body, LLC** (P. O. Box 650, Reading, PA 19607-0650) on January 25, 2013, to replace an existing paint booth with a new paint booth which will be used to apply touch-up topcoats to metal parts in the City of Reading, **Berks County**. Additionally, the plan approval will remove individual source volatile organic compound (VOC) emission caps, and will revise the surface coating VOC content limit for Source 111 (Chassis Pool Booth) to 6.67 lb VOC/gallon applied solids.

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

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

**41-00084A: Moxie Patriot, LLC** (612 Center Street South, Suite 200, Vienna, VA 22180) on January 31, 2013 for a natural gas-fired combined-cycle power plant to produce approximately 944 MW or less of electricity located in Clinton Township, **Lycoming County**. The project consists of two identical 1 x 1 powerblocks, and each block includes a combustion gas turbine and a steam turbine. Each combined-cycle process will also include a heat recovery steam generator and supplemental duct burners. Additionally, one diesel-fired emergency generator, one diesel-fired fire water pump, two diesel fuel storage tanks, two lube oil storage tanks, one aqueous ammonia storage tank and ancillary electrical equipment were proposed to be constructed and operated. Each combined-cycle process will be rated at 472 MW or less under Plan Approval 41-00084A at the Moxie Patriot Generation Plant.

**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*

**23-0105: Hanson Aggregates PA, LLC.** (7660 Imperial Way, Allentown, PA 18195) on January 22, 2013, for operation of a fabric filter baghouse in Thornbury Township, **Delaware County**.

**15-0002G: QG, LLC.** (4581 Lower Valley Road, Atglen, PA 19310) on January 22, 2013, for operation of a new enclosed 10-unit rotogravure publication printing press and an associated solvent recovery system in West Sadsbury Township, **Chester County**.

**46-0162B: Hammond Lead Products, Inc.** (10 South Grosstown Road, Pottstown, PA 19464) on January 22, 2013, for operation of three (3) new Barton processes in West Pottsgrove Township, **Montgomery County**.

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

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

**14-00002H: Graymont (PA), Inc.** (965 East College Avenue, State College PA 16823) on January 28, 2013, to operate the semi-wet scrubber at the Pleasant Gap plant in Spring Township, **Centre County** pursuant to the plan approval an additional 180 days from December 21, 2012 to June 19, 2013. The plan approval has been extended.

**57-00003A: Sullivan County School District** (777 South Street, Laporte, PA 19626) on January 27, 2013, to extend the authorization to operate a biomass-fired boiler at their facility in Laporte Borough, **Sullivan County** on a temporary basis to July 26, 2013. The plan approval has been extended.

**Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.**

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

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

**24-00133: North American Hoganas—Saint Marys** (111 Hoganas Way, Hollsopple, PA 15935) on January 25, 2013, for revocation of their State Only Operating Permit for the operation of their powder metal facility in the City of Saint Marys, **Elk County**. This operating permit was revoked because the facility replaced their control device that exhausted to the outdoor atmosphere with a newer more efficient control that does not vent to the outdoor atmosphere and the permit is no longer required.

**33-00148: Brockway Mould, Inc.—Brockport** (51 Prochem Tech Drive, PO Box 214, Brockway, PA 15824) on January 11, 2013, for revocation of their State Only Operating Permit for operation of their facility in Snyder Township, **Jefferson County**. This operating permit was revoked because the facility was closed.

**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*

**41-00013: JW Aluminum Co.** (2475 Trenton Avenue, Williamsport, PA 17701) on January 18, 2013, issued a renewal of the Title V operating permit for their facility in Williamsport, **Lycoming County**. The facility's sources include nineteen (19) storage tanks, fourteen (14) natural gas-fired heaters and boilers, eight (8) coil coating lines, eight (8) natural gas-fired process heaters and ovens, four (4) cold rolling mills, three (3) annealing ovens, two (2) parts washers, one (1) vegetable/animal fat application process, quality control laboratory operations, one (1) natural gas-fired emergency generator, and a coating solutions storage area which have the potential to emit major quantities of volatile organic compound (VOC) emissions. The facility has the potential to emit carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), sulfur oxide (SO<sub>x</sub>), volatile hazardous air pollutants (VHAPs) and particulate matter (PM/PM<sub>10</sub>) emissions below the major emission thresholds. The Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**26-00535: Duke Energy Fayette II, LLC** (P. O. Box 511, Masontown, PA 15461) on January 2, 2013, to issue a Title V Operating Permit to Duke Energy Fayette II, LLC to authorize the operation of a natural gas fired power plant, known as the Fayette Energy Center, in German Township, **Fayette County**.

In accordance with 25 Pa. Code § 127.431, the Department of Environmental Protection (DEP) is providing notice that on January 2, 2013 DEP has issued a Title V Operating Permit to Duke Energy Fayette II, LLC to authorize the operation of a natural gas fired power plant, known as the Fayette Energy Center, located in German Township, Fayette County.

The facility contains air contamination sources consisting of two 1,745 MMBTU/hour combustion gas turbines (CGT), operating in combined cycle with a 589 MMBTU/hour duct burner and heat recovery steam generator following each CGT, one 30.6 Btu/hour auxiliary boiler, one 265-bhp, diesel firewater pump engine, one 489-bhp, diesel emergency generator engine, and cooling towers. The nominal electrical generation capacity of each CGT system is 310 MW. The turbines are equipped with dry, low NO<sub>x</sub> combustors. Turbine exhaust gases are treated with selective catalytic reduction (SCR) for NO<sub>x</sub> control, and an oxidation catalyst for VOC and CO control. This facility has the potential to emit the following type and quantity of pollutants: 313 tons per year of PM<sub>10</sub>, 296 tons per year of NO<sub>x</sub>, 581 tons per year of CO, 90 tons per year of VOC, 128 tons per year of SO<sub>2</sub>, 9.6 tons per year of formaldehyde, 166 tons per year of ammonia, and 2,282,000 tons of CO<sub>2</sub>e greenhouse gases. No equipment or emission changes are being approved by this action.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitor-



ing, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 96, 97, 98 and PA Code Title 25, Article III, Chapters 121 through 145.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**13-00015: Arfan, Inc. Crematory** (525 Delaware Avenue, Palmerton, PA 18071-1910) on January 29, 2013, to operate human crematory facility in Palmerton Borough, **Carbon County**. The primary sources consist of a crematory incinerator. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions.

This is a renewal State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**67-05062: Gerard Daniel Worldwide** (34 Barnhart Drive, Hanover, PA 17331-9586) on January 22, 2013, for their steel wire cloth manufacturing facility in Hanover Borough, **York County**. The State-only permit was renewed.

**38-03045: Valspar Corp., Inc.** (3050 Hanford Drive, North Lebanon Industrial Park, Lebanon, PA 17046) on January 17, 2013, for their latex paint manufacturing facility in North Lebanon Township, **Lebanon County**. The State-only permit was renewed.

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

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

**04-00222: J.P. Austin Associates, Inc.** (1060 24th St. Ext., Beaver Falls, PA, 15010-3668) located in the City of Beaver Falls, **Beaver County**. The permit is for the operation of two natural gas-fired, exfoliation furnaces rated at 1.08 mmbtu/hr and 1.32 mmbtu/hr for expanding raw vermiculite, various hoppers, screw conveyors and bucket elevators for moving the material through the plant, cyclonic material separators and plant haul roads and surfaces. The permit includes monitoring, recordkeeping, reporting, testing, and work practice requirements designed to keep the facility operating in compliance with all applicable air quality requirements.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**43-00314: VEC Technology, Inc.** (639 Keystone Road, Greenville, PA 16125) on January 29, 2013, for a renewal of Title V Permit to operate a boat manufacturing facility

in Greenville Borough, **Mercer County**. The facility's major emitting sources include, 1) Closed mold gel coat, 2) Closed mold, 3) Open mold gel coat, 4) Open mold, and 5) Adhesive, solvents, and miscellaneous processes. The facility has emission -limit of HAP and VOC combined that shall not exceed 40 TPY. The facility is a major facility due to its potential to emit of single HAP more than 10 TPY and combined HAP more than 25 TPY. The facility is subject to 40 CFR Part 63, Subpart WWWW and 40 CFR Part 63 Subpart VVVV.

**43-00354: Terralinks, Inc.** (478 Beaver Road, West Pittsburgh, PA 16160) on January 22, 2013, issued a new State Only Operating Permit for the sand processing facility in Jackson Township, **Mercer County**. The primary sources at the facility are a fluidized bed dryer and loading and unloading of trucks. Particulate matter emissions from the dryer are controlled by a cyclone and a baghouse. The facility is a Natural Minor. Potential emissions are as follows: PM 19 tpy; NO<sub>x</sub> 1 tpy; SO<sub>x</sub> less than 1 tpy; CO 1 tpy; VOC less than 1 tpy; and HAPs less than 1 tpy. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**38-03014: Pennsy Supply, Inc.** (PO Box 3331, 1001 Paxton Street, Harrisburg, PA 17105-3331) on January 22, 2013, for the nonmetallic mineral crushing and screening operations at the Millard Stone Plant in North Londonderry Township, **Lebanon County**. The State-only permit was administratively amended to incorporate the requirements of Plan Approval No. 38-03014C.

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

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

**53-00001: Tennessee Gas Pipeline Co., LLC** (1001 Louisiana Street, Houston, TX 77002) issued a revised air quality operating permit on January 23, 2013 for their facility located in Hebron Township, **Potter County**. Title V Operating Permit 53-00001 has been revised to incorporate the change in the name of the company and the responsible official of the facility in accordance with the provisions of 25 Pa. Code § 127.450. The Title V operating permit contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable regulatory requirements.

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

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

**32-00013: Indiana Regional Medical Center** (835 Hospital Rd., Indiana, PA, 15701-0788) located in White Township, **Indiana County**. The permittee has submitted an application for administrative amendment of its operating permit to revise the responsible official and permit contact information.



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

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

**AMS 07164: Honeywell International—Frankford Plant** (Margaret & Bermuda St. Philadelphia, PA 19137) on January 23, 2013, to modify Reasonably Available Control Technology (RACT) plan approval requirements for two 260 MMBTU/hr boilers that burn phenol waste, natural gas, or No. 6 oil, in the City of Philadelphia, **Philadelphia County**. A requirement to burn at least 51% phenol waste on an annual BTU heat input basis is being modified to at least 51% phenol waste or natural gas on an annual heat input basis. A requirement is being modified to allow burning fuel oil during testing between May 1 and September 30 each year (previously only allowed during gas emergencies) and to prohibit fuel oil burning during normal operation all year (previously only prohibited from May 1 to September 30). Both modifications will result in lower emissions.

**S12-040A: St. Joseph's Hospital** (1601 West Girard Ave, Philadelphia, PA 19130) on January 23, 2013, modified to incorporate a change of Testing for the Emergency Generator is limited to 120 minutes per month and engine tuning is limited to 6 hours on the Emergency Generator. The Emergency Generator is limited to 12 hours per year for preventative maintenance and equipment malfunctions during testing. The Synthetic Minor operating permit was originally issued on January 8, 2013.

**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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

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

**14-00017: Supelco, Inc.** (595 North Harrison Road, Bellefonte, PA 16823-0048) on January 25, 2013, to terminate the operating permit for a chromatographic equipment manufacturing facility in Spring Township, **Centre County**.

**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*

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

**17110106 and NPDES No. PA0257672. Black Cat Coal, LLC** (107 W. First Ave., Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine located in Brady Township, **Clearfield County** affecting 89.0 acres. Receiving streams: Unnamed Tributaries to East Branch Mahoning Creek classified for High Quality Cold Water Fishes and Stump Creek classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 31, 2011. Permit issued: January 18, 2013.

**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*

**03134001. J & J Snyder, Inc.** (361 Salem Road, Mayport, PA 16240). Blasting activity permit for the reclamation project at the Snyder 2 GFCC, located in Redbank Township, **Armstrong County**. The blasting activity end date is August 1, 2013. Blasting activity permit issued: January 23, 2013.

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

**36134101. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Abraham King manure pit in Leacock Township, **Lancaster County** with an expiration date of June 30, 2013. Permit issued: January 22, 2013.

**38134104. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Palmyra Pump Station in North Londonderry Township, **Lebanon County** with an expiration date of January 16, 2014. Permit issued: January 22, 2013.

**52134101. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for cabin expansion in Palmyra Township, **Pike County** with an expiration date of January 11, 2014. Permit issued: January 22, 2013.

**58134102. Maurer & Scott Sales, Inc.**, (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Young Walker Dual HDPE Pipeline in Oakland and Jackson Townships, **Susquehanna County** with an expiration date of June 30, 2013. Permit issued: January 23, 2013.

**36134001. Contracting Drilling & Blasting**, (P. O. Box 51468, Jacksonville Beach, FL 32240), demolition blasting at the Holtwood Power Plant Expansion Project in Martic Township, **Lancaster County** with an expiration date of December 31, 2013. Permit issued: January 24, 2013.

**66134103. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for pipeline from McConnel to Macialek in Washington Township,

**Wyoming County** with an expiration date of May 31, 2013. Permit issued: January 25, 2013.

**66134104. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for BGI Pemecalle Gathering Line in Windham Township, **Wyoming County** with an expiration date of June 30, 2013. Permit issued: January 25, 2013.

### 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*

**E46-1083. Township of Cheltenham** 8230 Old York Road, Cheltenham, PA, Cheltenham Township, **Montgomery County**, ACOE Philadelphia District

To perform the below water obstruction and encroachment activities associated with streambank stabilization and improvement in Tookany Creek (WWF, MF) within the limits of the Ralph Morgan Park:

- 1) To construct and maintain approximately 1,146 linear feet of log crib-face vegetative streambank stabilization structures along the stream.
- 2) To remove a nonfunctional abutment and drainage structure that obstructs the stream channel.
- 3) To maintain the existing rip-rap along the stream the stream

The project commences at the intersection of Glenside and Greenwood Avenues and runs approximately 1,146 feet southwest terminating approximately 90 feet south of the SEPTA Parking Lot. The project is located in Cheltenham Township, Montgomery County (German-town, PA USGS Quadrangle N: 17.00 inches; W: 1.90 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

**E23-498. Eastern University**, 1300 Eagle Road, St. Davids, PA 19087, Radnor Township, **Delaware County**, ACOE Philadelphia District.

To construct and maintain an approximately 32-foot long, 12-foot span, and 6-foot high bottomless culvert and a 38-foot long, 28-foot wide, 7.5-foot rise box culvert across Gulf Creek and its tributary associated with extension of the internal Loop Road through the Eastern University campus.

The site is located inside the campus at 1300 Eagle Road (Norristown, PA USGS Quadrangle N: 4.5 inches; West 7.5 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)].

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.*

**E06-682: Berks County, Berks County Service Center**, 633 Court Street, 16th Floor, Reading, Pennsylvania 19601, in Greenwich and Richmond Townships, **Berks County**, ACOE Philadelphia District

To: 1) remove the existing structure and construct and maintain a 22.0-foot wide single span box beam bridge with cast in place concrete abutments and wing walls having a normal span of 76.5 feet across and over Sacony Creek (TSF, MF), 2) reconstruct and maintain 107.0-linear feet of Sacony Road in the floodway of Sacony Creek (TSF, MF), 3) reconstruct and maintain 130-linear feet of Christman Road in the floodway and floodplain of Sacony Creek (TSF, MF), 4) place and maintain fill in 0.01 acre of exceptional value palustrine emergent wetland and temporarily impact and restore 0.01 acre of exceptional value palustrine emergent wetland, and 5) construct, maintain, and remove a 145.0-linear foot long by 28.0-foot wide temporary causeway in and along Sacony Creek (TSF, MF) for the purpose of improving transportation safety and roadway standards. The project is located on Christman Road at the intersection of Sacony Road (Kutztown, PA Quadrangle; Latitude: 40°32'14.1", Longitude: -75°50'18.5") in Greenwich and Richmond Townships, Berks County. The amount of



wetland impact is considered a de minimus impact of 0.01 acre and wetland creation is not required.

**E22-586: Dan Sheffey, Southside Community Partners**, 690 Woodthrush Way, Hummelstown, Pennsylvania 17057, in Derry Township, **Dauphin County**, ACOE Baltimore District

To: 1) construct and maintain a 60.0-linear foot long, 67.0-inch by 96.0-inch corrugated steel pipe arch; 2) install and maintain dual 15.0-foot long, 48.0-inch diameter corrugated metal pipe extensions; 3) relocate and maintain 511.0 linear feet of an unnamed tributary to Swatara Creek, impacting 0.02 acre of PEM wetland; 4) extend and maintain an 18.0-inch diameter reinforced concrete stormwater outfall with riprap outlet protection; 5) construct and maintain a 12.0-inch diameter smooth-lined plastic pipe stormwater outfall with riprap outlet protection; 6) construct and maintain a 15.0-inch diameter corrugated plastic pipe stormwater outfall with riprap outlet protection; 7) construct and maintain a stormwater outfall swale with riprap protection; 8) construct and maintain a stormwater outfall swale with riprap protection all in and along an unnamed tributary to Swatara Creek (WWF); and 9) place and maintain 922.0 cubic yards of fill in the floodway of an unnamed tributary to Swatara Creek (WWF), all for the purpose of constructing a proposed Sheetz gas station. The project is located at 777 Middletown Road (Latitude: 40°14'35.9", Longitude: -76°42'24.1") in Derry Township, Dauphin County. Wetland impacts are de minimus and replacement is not required.

**E67-898: York Township**, 190 Oak Road, Dallastown, Pennsylvania 17313, in York Township, **York County**, ACOE Baltimore District

To: 1) relocate and maintain 600.0 feet of Mill Creek; 2) install and maintain six double-throated cross rock vanes, three cross rock vanes, eight J-hook vanes, and one riffle grade control structure all in Mill Creek (WWF, MF); and 3) restore and maintain a 0.78 acre wetland along the floodway of Mill Creek (WWF, MF), all for the purpose of improving fish habitat and stabilizing the stream. The project site runs parallel to Camp Betty Washington Road and is located at the southeast corner of the intersection of Camp Betty Washington Road and Chestnut Hill Road (York, PA Quadrangle; Latitude: 39°56'40", Longitude: -76°39'39") in York Township, York County.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E14-549. Donald B. Houtz**, 25 TLD Circle, Port Matilda, PA 16870-8748, 428 Irish Hollow Road, in Spring Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 40°53'26"; W: -77°45'59").

To construct and maintain: 1) a 60-foot long by 60-inch HDPE culvert with a mitered to the slope inlet and a 12-foot by 20-foot R-5 riprap apron, 2) water and sewer lines across an ephemeral channel called Gap Run to access a land locked residential property. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-638. Keystone Clearwater Solutions, LLC**, PO Box 797, Hersey, PA 17033-0797, Lycoming Creek -2 Intake Modifications, in Lewis Township, **Lycoming County**, ACOE Baltimore District (Bodines, PA Quadrangle N: 41°26'14.4"; W: -76°59'41").

To place and maintain a second mobile water withdrawal station consisting of a 13.5-inch diameter by

36-inch intake strainer, 6-inch diameter pump suction line, pump station on a trailer and digital flow meter on the right side of Lycoming Creek in order to increase the existing surface water withdrawal rate and not increase the withdrawal velocity any higher than 0.5 feet per second at the site located 3,636 feet southwest of the intersection of SR 14 and Brannaka Drive. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E30-241. Equitrans, LP**, 455 Racetrack Road, Washington, PA 15301, Washington Township, **Greene County**; ACOE Pittsburgh District

Applicant has been given consent to: remove the existing foot bridge and to construct and maintain a bridge having a clear span of 28 feet and an underclearance of 2.25 feet across Bates Fork (HQ-WWF) located just downstream of Pettit Run to provide access to the Ingram Meter Station in Washington Township, Greene County (Waynesburg, PA Quadrangle N: 12.31 inches; W: 17.27 inches; Latitude: 39° 56' 34"; Longitude: 80° 14' 53"). This permit also authorizes a temporary stream crossing and wetland crossing.

**E63-641. City of Monongahela**, 449 West Main Street, Monongahela, PA 15063, City of Monongahela, **Washington County**; ACOE Pittsburgh District

Applicant has been given consent to: construct, operate and maintain an L-shaped boat dock with a total length of approximately 288.4 feet and a width of 8.4 feet (area of 2422.56 square feet), which will be constructed on the Monongahela River (WWF), along with a riverside Handicap Access Path of 6' width and approximately 400 LF long (2,400 sq. ft.). In addition, to operate and maintain an existing roadway/stage/bulkhead (a.k.a. the aquatorium) and boat ramp (a.k.a. the 2nd Street ramp), in the Monongahela River. The project is located at the end of Second Street, approximately 300 feet from the intersection with SR-88 (USGS Monongahela, PA Quadrangle; N: 14.4 inches, W: 6.9 inches; Latitude: 40° 12' 20"; Longitude: 79° 56' 00") in the City of Monongahela, Washington County.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, 16335.*

**E10-480, VA Butler Partners Company, LLC**, 5301 Grant Avenue, Suite 100, Cleveland, OH 44125 in Butler Township, **Butler County**, Pittsburgh District.

To permanently fill 0.77 acre of wetland (0.516 acre PEM, 0.067 acre PSS, 0.187 acre PFO) and 35 feet of a tributary to Little Connoquenessing Creek for the construction of an outpatient care facility and associated access roads and parking lots adjacent to the existing Butler VA hospital. Project includes the construction of 0.72 acre of replacement wetland onsite and a \$15,000 payment into the PA Wetland Replacement Fund. (Butler, PA Quadrangle N: 40°, 52', 03"; W: 79°, 56', 50.4")

**E37-190, First Choice Federal Credit Union**, 2209 West State Street, New Castle, PA 16101 in Neshannock Township, **Lawrence County**, Pittsburgh District.

Giving its consent to permanently fill 0.13 acre of PEM wetlands for the construction of an office building, associated parking areas, and a storm water management facility on a 1.3 acre undeveloped site at the intersection of SR 0018 and Orchard Way. The Permittee will mitigate for the wetland impacts by constructing 0.15 acre of



replacement wetlands on-site. (New Castle North, PA Quadrangle N: 41°, 02', 20"; W: -80°, 21', 25")

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

**E5829-041. Susquehanna Gathering Company 1, LLC;** PO Box 839, New Milford, PA 18834; New Milford Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12 inch diameter natural gas steel gathering line, a 16 inch diameter waterline, and a temporary timber bridge crossing impacting 55 lineal feet of an unnamed tributary to Gibson Creek (CWF, MF) (Harford, PA Quadrangle; N 41° 50' 54" Lat., W -75° 40' 35" Long.),

2) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 4,032 square feet (0.09 acre) of PEM wetland (Harford, PA Quadrangle; N 41° 50' 54" Lat., W -75° 40' 35" Long.),

3) a 12 inch diameter natural gas steel gathering line, a 16 inch diameter waterline, and a temporary timber bridge crossing impacting 54 lineal feet of an unnamed tributary to Gibson Creek (CWF, MF) (Harford, PA Quadrangle; N 41° 50' 51" Lat., W -75° 40' 41" Long.),

4) a 12 inch diameter natural gas steel gathering line, a 16 inch diameter waterline, and a temporary timber bridge crossing impacting 51 lineal feet of an unnamed tributary to Gibson Creek (CWF, MF) (Harford, PA Quadrangle; N 41° 50' 43" Lat., W -75° 40' 49" Long.),

5) a 16 inch diameter waterline and a temporary timber mat crossing impacting 1,602 square feet (0.04 acre) of PEM wetland (Harford, PA Quadrangle; N 41° 50' 54" Lat., W -75° 40' 35" Long.).

The project consists of connecting 3 well sites to an approved pipeline utilizing approximately 1.82 miles of natural gas gathering line and waterline in New Milford Township, Susquehanna County. The project will result in the impact of 160 lineal feet (372 square feet) of unnamed tributaries to Gibson Creek and 0.13 acre (5,634 square feet) of wetlands impacts, all for the purpose of conveying Marcellus Shale natural gas to the Bluestone pipeline.

**E5829-042: Williams Field Services Company, LLC,** 1605 Coraopolis Heights Road, Moon Township, PA 15108, Gibson and Harford Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 12-inch diameter natural gas gathering pipeline and timber mat crossing impacting 436 square feet (0.01 acre) of a PSS wetland (Harford SE, PA Quadrangle; Lat. 41° 45' 41", Long. -75° 39' 52");

2. a 12-inch diameter natural gas gathering pipeline and timber mat bridge crossing impacting 84 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford SE, PA Quadrangle; Lat. 41° 45' 41", Long. -75° 40' 14");

3. a 12-inch diameter natural gas gathering pipeline and timber mat bridge crossing impacting 46 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford SE, PA Quadrangle; Lat. 41° 45' 41", Long. -75° 39' 52");

4. a 12-inch diameter natural gas gathering pipeline and timber mat bridge crossing impacting 77 lineal feet of

an unnamed tributary to Butler Creek (CWF-MF) (Harford SE, PA Quadrangle; Lat. 41° 45' 41", Long. -75° 39' 52");

5. a 12-inch diameter natural gas gathering pipeline and timber mat bridge crossing impacting 77 lineal feet of Butler Creek (CWF-MF) (Harford SE, PA Quadrangle; Lat. 41° 45' 40", Long. -75° 39' 50");

6. a 12-inch diameter natural gas gathering pipeline and timber mat crossing impacting 7,405 square feet (0.17 acre) of a PEM wetland (Harford SE, PA Quadrangle; Lat. 41° 45' 35", Long. -75° 39' 06").

The Payne well connect natural gas gathering pipeline project will convey natural gas, for approximately 2.59 miles, from the Payne well site to the Williams—Columbia Pipeline. The project will result in 284 lineal feet of temporary stream impacts and a total of 0.18 acre (7,841 square feet) of wetland impacts all for the purpose of transporting Marcellus Shale natural gas to market.

#### WATER QUALITY CERTIFICATION

*Northeast Region: Clean Water Program Manager; 2 Public Square, Wilkes-Barre, PA 18701-0790.*

#### Notice of Final Action on Request for Certification Under Section 401 of the Federal Water Pollution Control Act

The Certification Request initiated by PPL Bell Bend, LLC, 38 Bomboy Lane, Suite 2, Berwick, PA 18603. Bell Bend Nuclear Power Plant on North Branch Susquehanna River in Salem Township, Luzerne County, ACOE Baltimore District (Berwick, PA U.S.G.S. 71/2 Minute Quadrangle North: 16 inches; West: 5.75 inches).

Date of Initial *Pennsylvania Bulletin* Notice: Volume 42, No. 37, on September 15, 2012.

Final Action on Request: Pennsylvania Department of Environmental Protection Certification under § 401 of the Federal Clean Water Act

In the matter of:

Bell Bend Nuclear Power Plant

U.S. Army Corps of Engineers, Project No.

NAB-OP-RPA-2008-01401-P13

Nuclear Regulatory Commission, Docket No. 52-039 Luzerne County, Pennsylvania

Project Description: The PPL Bell Bend, LLC requested a Section 401 State Water Quality Certification for the construction and operation of a new nuclear power plant (Bell Bend Nuclear Power Plant) at the site adjacent to the existing Susquehanna Steam Electric Station in Salem Township, Luzerne County. The project boundary consists of approximately 2,055 acres; approximately 687 acres would be altered to support construction and operation of the proposed facility. The purpose of the Bell Bend Nuclear Power Plant is to generate 1,600 MWe (megawatts) of nuclear base load power to the northeast portion of the Pennsylvania, New Jersey, and Maryland Regional Transmission Organization grid. The proposed nuclear power plant project entails activities that will affect the Waters of the Commonwealth including the North Branch of the Susquehanna River, Walker Run, unnamed tributaries and wetlands. The project is proposed to involve encroachments to wetlands and waterways; water withdrawal and consumptive water use; a thermal discharge; impingement/entrainment associated with intake structure; discharges of chemical additives and/or biocides; and the discharge of storm water from construction activities.

The Pennsylvania Department of Environmental Protection ("PADEP") hereby certifies that there is reasonable assurance that the proposed Bell Bend Nuclear

Power Plant (“Project”), owned and operated by PPL Bell Bend, LLC, will comply with Section § 401 of the federal Clean Water Act (33 USCA § 1341), Pennsylvania’s Clean Streams Law (35 P. S. §§ 691.1—691.1001) and Pennsylvania’s regulations (Title 25 Pa. Code Chapters 91, 92, 93, 95, 96, 102 and 105) provided that the Project is constructed, operated and monitored in a manner consistent with the conditions contained herein.

This Certification is subject to the following conditions pursuant to Section 401(d) of the Clean Water Act:

1.

a. PPL Bell Bend, LLC shall obtain and comply with a National Pollutant Discharge Elimination System (NPDES) Industrial Wastewater Permit from the PADEP authorizing regulated activities associated with the Project. The PADEP uses the process described in Title 25 Pa. Code Chapter 92a to issue the NPDES permit to meet the requirements of the federal Clean Water Act (33 U.S.C.A. §§ 1251—1387) and Pennsylvania’s Clean Streams Law (35 P. S. §§ 691.1—691.1001).

i. Chemical additives will be evaluated in the review of the NPDES permit application for the Project. Use of chemical additives will be limited to the maximum safe usage rate for the chemical based on toxicity levels that will not be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life.

ii. The Chesapeake Bay Tributary Strategy nutrient monitoring and load limits will be evaluated in the review of the NPDES application for the Project. Use of chemical additives that are measurable in effluent discharge and contain nitrogen or phosphorus could require nutrient monitoring or load limits in the permit.

iii. The Final Susquehanna Rivers Metals Total Maximum Daily Load (TMDL), dated February 19, 2009 addresses three primary metals: total iron, total aluminum, and total manganese, which are associated with abandoned mine drainage in the watershed. The inclusion of monitoring requirements and/or permit limits for these TMDL metals in the NPDES permit will be determined during the review of the NPDES permit application for the Project.

iv. Heated wastewater discharges for the proposed facility will be evaluated in the review of the NPDES permit application for the Project. The inclusion of monitoring requirements and/or thermal effluent limitations limits will be determined during the review of the NPDES permit application for the Project.

b. PPL Bell Bend, LLC shall obtain and comply with a Water Quality Management Permit for construction and operation of industrial wastewater treatment facilities associated with the Project from PADEP in accordance with the requirements of Section 308 of Pennsylvania’s Clean Streams Law, 35 P. S. § 691.308.

c. PPL Bell Bend, LLC shall obtain and comply with a National Pollutant Discharge Elimination System (NPDES) Individual Permit for Stormwater Discharges Associated with Construction Activities at the Project.

d. PPL Bell Bend LLC shall obtain and comply with the terms and conditions of a Water Obstruction and Encroachment Permit for the construction, operation and maintenance of all water obstructions and encroachments associated with the project in accordance with Section 6 of the Pennsylvania Dams Safety and Encroachments Act, 32 P. S. § 693.6.

e. The location, design, construction and capacity of the cooling water intake structure shall reflect the best technology available for minimizing adverse environmen-

tal impact in accordance with Section 316(b) of the federal Clean Water Act (33 U.S.C.A. § 1326). The proposed cooling water intake structure is subject to requirements in the Phase I Rule for New Facilities (40 CFR 122.21(r)(1)(i), 40 CFR 125.80—125.89) and 25 Pa. Code Chapter 92a.34. The proposed cooling water intake structure shall employ closed-cycle recirculating cooling and dual flow traveling screens and shall maintain a maximum through-screen velocity of 0.5 feet per second to minimize adverse environmental impacts due to impingement mortality and entrainment. Modified fine mesh screens and a fish return shall be evaluated and submitted as part of the NPDES permit application to determine the technical feasibility and site-specific effectiveness of further entrainment reduction at the cooling water intake structure.

f. PPL Bell Bend, LLC elected to conduct special project-specific aquatic studies, as provided for under Susquehanna River Basin Commission’s Policy 2012-01 Low Flow Protection Policy Related to Withdrawal Approvals, to support alternate passby flow requirements. PPL Bell Bend, LLC shall obtain and comply with all conditions of a docket approval issued by the Susquehanna River Basin Commission pursuant to its Project Review Regulations, codified at 18 Code of Federal Regulations (CFR) Parts 806—808, including, but not limited to, those related to passby flow requirements and consumptive use mitigation.

2. The PADEP retains the right to require additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by PPL Bell Bend, LLC.

3. Operation—PPL Bell Bend, LLC shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed by it to achieve compliance with the terms and conditions of this Certification and all required permits thereunder. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls and appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by PPL Bell Bend, LLC.

4. Inspection—The Project, including all relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the PADEP to determine compliance with this Certification, all permits required thereunder and Pennsylvania’s Water Quality Standards. A copy of this Certification shall be available for inspection by the PADEP during such inspections of the Project.

5. Transfer of Project—If PPL Bell Bend, LLC intends to transfer any legal or equitable interest in the Project which is affected by this Certification, it shall serve a copy of this Certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Regional Office of the PADEP of such intent. Notice to the PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of Certification responsibility, coverage, and liability between them.

6. Correspondence—All correspondence with and submittals to the PADEP concerning this Certification shall be addressed to:

Department of Environmental Protection  
 Northeast Regional Office  
 Clean Water Program Manager  
 2 Public Square  
 Wilkes-Barre, PA 18701

7. Reservation of Rights—The PADEP may suspend or revoke this Certification if it determines that PPL Bell Bend, LLC has not complied with the terms and conditions of this Certification. The PADEP may require additional measures to achieve compliance with applicable law. PPL Bell Bend LLC reserves the right to challenge any action which the Department may take to require those measures.

8. Other Laws—Nothing in this Certification shall be construed to preclude the institution of any legal action or relieve PPL Bell Bend, LLC from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

9. Severability—The provisions of this Certification are severable and should any provision of this Certification be declared invalid or unenforceable, the remainder of the Certification shall not be affected thereby.

Issued this 23rd day of January, 2013. This Certification expires forty years from the date of issuance of the associated Nuclear Regulatory Commission License.

#### 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 # ESCGP-1 5912803  
 Applicant Name Dominion Transmission  
 Contact Person Mr. John Love  
 Address 445 West Main Street  
 City, State, Zip Clarksburg, WV 26301-2843  
 County Tioga  
 Township(s) Clymer  
 Receiving Stream(s) and Classification(s) East Beech

Woods Run/TSF,MF UNT to Beechwood Lake/TSF,MF  
 UNT to West Beech Woods Run/TSF,MF UNT to Mill  
 Creek/TSF,MF Baker Branch/EV

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX13-015-0002  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford and Wyoming Counties  
 Township(s) Wilmot and Windham Townships  
 Receiving Stream(s) and Classification(s) UNT to Sugar  
 Run Creek, Sugar Creek (CWF);  
 Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX13-115-0005  
 Applicant Name Cabot Oil & Gas Corporation  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna County  
 Township(s) Bridgewater Township  
 Receiving Stream(s) and Classification(s) UNT to Pettis  
 Creek (WWF), UNT to Meshoppen Creek (CWF)

ESCGP-1 # ESX13-015-0003  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Wilmot Township  
 Receiving Stream(s) and Classification(s) UNT to Bow-  
 man Creek (CWF), UNT to North Branch Mehoopany  
 Creek (EV);  
 Secondary: South Branch Towanda Creek, Mehoopany  
 Creek

ESCGP-1 # ESX12-015-0219  
 Applicant Name Angelina Gathering Company, LLC  
 Contact Person Danny Spaulding  
 Address 2350 N. Sam Houston Pkwy E., Suite 125  
 City, State, Zip Houston, TX 77032  
 County Bradford County  
 Township(s) Stevens Township  
 Receiving Stream(s) and Classification(s) UNTs to Cold  
 Creek (WWF/MF)

ESCGP-1 # ESX12-115-0217  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Julie Nicholas  
 Address 1212 South Abington Road  
 City, State, Zip Clarks Summit, PA 18411  
 County Susquehanna County  
 Township(s) Dimock Township  
 Receiving Stream(s) and Classification(s) Tribs 29390,  
 29389 to Meshoppen Creek, and Meshoppen Creek (All  
 CWF/MF);  
 Secondary: Meshoppen Creek (CWF/MF)

ESCGP-1 # ESX12-105-0003  
 Applicant Name Seneca Resources Corporation  
 Contact Person Doug Kepler  
 Address 51 Zents Blvd  
 City, State, Zip Brookville, PA 15825  
 County Potter County  
 Township(s) Pike, Ulysses and Hector Townships  
 Receiving Stream(s) and Classification(s) Jones Run,  
 UNTs to Genesee Forks (All HQ-CWF/MF);  
 Secondary: Pine Creek (HQ-CWF/MF)



## ESCGP-1 # ESX13-015-0004

Applicant Name EOG Resources, Inc.  
 Contact Person Jon Jorgenson  
 Address 2039 South Sixth Street  
 City, State, Zip Indiana, PA 15701  
 County Bradford County  
 Township(s) Smithfield Township  
 Receiving Stream(s) and Classification(s) Tomjack Creek  
 Watershed;  
 Secondary: Sugar Creek

## ESCGP-1 # ESX12-131-0033

Applicant Name UGI Energy Services, Inc.  
 Contact Person Jeff England  
 Address 1 Meridian Blvd, Suite 2C01  
 City, State, Zip Wyomissing, PA 19610  
 County Wyoming County  
 Township(s) Washington Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Susquehanna River, Little Mehoopany Creek, Lower  
 Susquehanna River;  
 Secondary: Susquehanna River (WWF/MF)

*Northwest Region: Oil and Gas Program Manager, 230  
 Chestnut St., Meadville, PA 16335*

## ESCGP-1 #ESX12-019-0170—Lassinger Flowline

Applicant Mountain Gathering LLC  
 Contact Mr. Dewey Chalos  
 Address 810 Houston Street  
 City Fort Worth State TX Zip Code 76102  
 County Butler Township(s) Butler(s)  
 Receiving Stream(s) and Classification(s) Butcher Run

## ESCGP-1 #ESX12-121-0022—Nickelville Pipeline Project

Applicant Laurel Mountain Midstream Operating LLC  
 Contact Jayme Stotka  
 Address 1605 Coraopolis Heights Road  
 City Moon Township State PA Zip Code 15108  
 County Venango Township(s) Richland and Rockland(s)  
 Receiving Stream(s) and Classification(s) Pine Run and  
 Bear Run

## ESCGP-1 #ESX13-031-0001—Scotch Pipeline

Applicant EXCO Resources PA LLC  
 Contact Gregg Stewart  
 Address 3000 Ericsson Drive, Suite 200  
 City Warrendale State PA Zip Code 15086  
 County Clarion Township(s) Redbank(s)  
 Receiving Stream(s) and Classification(s) Miller Run  
 (CWF), Redbank Creek (TSF) & Pine Creek (CWF)

**OIL AND GAS MANAGEMENT**

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

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 which 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.

*Northwest Region District Oil and Gas Operations,  
 Program Manager, 230 Chestnut St., Meadville, PA 16335*

Well Permit #: 015-22316-00-00  
 Well Farm Name Brink Bra 3H  
 Applicant Name: Chesapeake Appalachia, LLC.  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street, Athens, PA 18810  
 County: Bradford  
 Municipality Herrick Township:

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Rome, UNT to Billings Creek.

Well Permit #: 015-22323-00-00  
 Well Farm Name Forbes Bra 4H  
 Applicant Name: Chesapeake Appalachia, LLC.  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street, Athens, PA 18810  
 County: Bradford  
 Municipality Asylum Township:

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Monroeton, Ellis Creek

Well Permit #: 015-21876-00-00  
 Well Farm Name Burns Bra 2H  
 Applicant Name: Chesapeake Appalachia, LLC.  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street, Athens, PA 18810  
 County: Bradford  
 Municipality Ulster Township:

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Sayre, Susquehanna River

Well Permit #: 015-22452-00-00  
 Well Farm Name Goll Bra 4H  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street, Athens, PA 18810  
 County: Bradford  
 Municipality Ulster Township:

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Sayre, Unnamed Tributary to Cash Creek.

Well Permit #: 015-22506-00-00  
 Well Farm Name Gemm Bra 6H  
 Applicant Name: Chesapeake Appalachia, LLC.  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street, Athens, PA 18810  
 County: Bradford  
 Municipality Litchfield Township:

Name of Stream, Spring, Body of Water as identified on

the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Litchfield, Unnamed Tributary of Satterlee Creek

Well Permit #: 015-22512-00-00  
 Well Farm Name Kennedy 2H  
 Applicant Name: EOG Resources, Inc.  
 Contact Person: Matt Tharp  
 Address: 400 Southpointe Blvd, Suite 300, Canonsburg, PA 15317  
 County: Bradford  
 Municipality Smithfield Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle

map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: East Troy, Unnamed Tributary to Tomjack Creek.

Well Permit #: 131-20246-00-00  
 Well Farm Name T. Brown Unit 4H  
 Applicant Name: Chief Oil & Gas LLC.  
 Contact Person: Jennifer A. Curry  
 Address: 6051 Wallace Road, Ext., Suite 300, Wexford, PA 15090  
 County: Wyoming  
 Municipality Lemon Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Springville

**SPECIAL NOTICES**

**Notice of Planning Grant Awards Under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101**

The Department of Environmental Protection (DEP) hereby announces the following grants to counties pursuant to the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, Section 901 and Section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mr. Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, PO Box 8472, Harrisburg, PA 17105-8472.

**Act 101, Section 901 Planning Grant**

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Northwest	Butler	Butler Co.	Plan revision/update	\$59,269.00
Northwest	Clarion	Clarion Co.	Plan revision/update	\$42,736.00
North Central	Centre	Centre Co.	Plan revision/update	\$75,000.00

**Categorical Exclusion**

*Northcentral Regional Office, Safe Drinking Water Program Manager, Suite 101, 208 West Third Street, Williamsport, PA 17701-6448.*

**The Municipal Authority of The City of Sunbury, Location: 462 South 4th Street, Sunbury, PA 17801.**

Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Authority proposes to replace the mechanical equipment within the two "hydrotreater" settling units, along with enclosing and weatherizing the units with a cover. The project also includes replacement of a sludge line from the settling units to the sludge lagoon. The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

[Pa.B. Doc. No. 13-238. Filed for public inspection February 8, 2013, 9:00 a.m.]

**Bid Opportunity**

**OSM 17(7162)101.1, Abandoned Mine Reclamation Project, Stewart Cemetery, Bradford Township, Clearfield County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading 172,000 cubic yards; subsurface drain header 402 linear feet; subsurface drain laterals 528 linear feet; and seeding 23 acres. This bid issues on February 8, 2013, and bids will be opened on March 7, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has

been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 13-239. Filed for public inspection February 8, 2013, 9:00 a.m.]

### Bid Opportunity

**OSM 56(5035)101.1, Abandoned Mine Reclamation Project, Two Mile Run, Jenner and Quemahoning Townships, Somerset County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading 72,300 cubic yards; 18" diameter smooth interior corrugated polyethylene pipe 36 linear feet; and seeding 9 acres. This bid issues on February 8, 2013, and bids will be opened on March 7, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 13-240. Filed for public inspection February 8, 2013, 9:00 a.m.]

### Interstate Pollution Transport Reduction; Final 2013 Ozone Season Nitrogen Oxide Emission Limits for Nonelectric Generating Units

The Department of Environmental Protection (Department) is providing notice of the final Nonelectric Generating Unit (non-EGU) 2013 Ozone Season Nitrogen Oxide (NO<sub>x</sub>) emission limitations established in accordance with 25 Pa. Code § 145.8(d) (relating to transition to CAIR NO<sub>x</sub> trading programs).

Notice of a 15-day public comment period on the proposed limits was published at 42 Pa.B. 7866 (December 29, 2012). The public comment period offered the public an opportunity to review the information and data as a way to ensure the information was correct. One comment was received. No changes to the emission limitations were made based on comments received.

The commentator requested that the Department explain why the "non-EGU Ozone Season" is "only" May to September, and requested that the Department expand the ozone season to April to October.

The comment is beyond the scope of the proposed action, which is to establish non-EGU 2013 ozone season NO<sub>x</sub> emission limitations in accordance with 25 Pa. Code § 145.8(d). The ozone season for this action is identified in 25 Pa. Code § 145.2 (relating to definitions), which defines "control period" as "The period beginning May 1 of a year and ending on September 30 of the same year, inclusive." The NO<sub>x</sub> budget for non-EGUs in 25 Pa. Code § 145.8(d) is the NO<sub>x</sub> Trading Program budget for non-EGUs in 25 Pa. Code § 145.40(a)(2) (relating to State Trading Program budget), which established the control period budgets in the NO<sub>x</sub> Budget Trading Program. Hence, the Department is required to use, and has consistently used, May through September. The extended ozone season proposed by the commentator is more stringent than the regulatory requirement.

Based on the emissions reported to the United States Environmental Protection Agency (EPA) for April through October 2012, extending the ozone season would not

result in any additional emission reductions since the facilities participating in the non-EGU program did not exceed the current 3,438 tons NO<sub>x</sub> emission cap during that time frame.

In this notice, the NO<sub>x</sub> emissions cap provides 181 tons of NO<sub>x</sub> emissions for non-EGUs and the other units that need to address their emissions through accounting adjustments, including units that previously participated in the NO<sub>x</sub> Budget Trading Program; emissions from these units were below the 25-ton exemption threshold. Adjustments were also made for the permanent retirement of NO<sub>x</sub> allowances due to generation of emission reduction credits. The Department will also use a portion of the 181 tons of the budgeted NO<sub>x</sub> emissions, if necessary, to address mistakes or miscalculations. This year, the Department is using 121 tons of the 181 tons of NO<sub>x</sub> for account adjustments, leaving 60 tons available for any additional adjustments at the end of the control period.

The Department made accounting adjustments for the following facilities:

*Retired Units:* Naval Surface Warfare Division Unit 98; Shenango Units Nos. 6 and 9 (the generation of emission offsets for small non-NO<sub>x</sub> Budget Trading Program units resulted in a permanent NO<sub>x</sub> accounting adjustment of 45 tons).

*Exempt Units:* Each of the following units has a 25-ton NO<sub>x</sub> permit limit: Armagh Compressor Station (Unit 31301); Enriken Compressor Station (Unit 31601); and the Naval Surface Warfare Division (Unit 100). The Naval Surface Warfare Division (Unit 99) has a 1-ton NO<sub>x</sub> permit limit. All of these 25-ton exempt status units account for a total adjustment of 76 tons of NO<sub>x</sub> emissions.

Units subject to the requirements in 25 Pa. Code § 145.8 are required to meet the monitoring and reporting requirements of the EPA's Clean Air Interstate Rule, found in 40 CFR Part 96, Subpart HHHH (relating to monitoring and reporting) and maintain general accounts and account representatives under 40 CFR Part 96, Subparts BBBB and FFFF (relating to CAIR designated representative for CAIR NO<sub>x</sub> ozone season sources; and CAIR NO<sub>x</sub> ozone season allowance tracking system). Table 1: Final Non-EGU 2013 Ozone Season NO<sub>x</sub> Emission Limits, as follows, lists the following: the Facility Name, ORIS Code, the Unit ID for each non-EGU unit, the operating year, the NO<sub>x</sub> rate, NO<sub>x</sub> mass in tons, the heat input for the 2012 Ozone Season, the calculated 2013 rate and the 2013 Ozone Season Limit.

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



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

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

Questions concerning this notice should be directed to Randy Bordner at (717) 772-3921. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

MICHAEL L. KRANCER,  
Secretary

**Table 1: Final Non-EGU 2013 Ozone Season NO<sub>x</sub> Emission Limits**

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>No<sub>x</sub> Rate lb/MMBtu</i>	<i>2012 No<sub>x</sub> Mass tons</i>	<i>Heat Input MMBtu</i>	<i>County</i>	<i>2013 Rate</i>	<i>2013 OS Limit</i>
Armagh Compressor Station	880071	31301	0	-	25-ton exemption (limit 25 tons)	Indiana	0.29	0
Bernville Station	880049	32001	0	-	-	Berks	0.29	0
Domtar Paper Company, LLC	54638	40	0.376	119.81	640,508.70	Elk	0.29	93
Domtar Paper Company, LLC	54638	41	0.376	123.47	665,571.00	Elk	0.29	97
Entriiken Compressor Station	880072	31601	0	-	25-ton exemption (limit 25 tons)	Huntingdon	0.29	0
FPL Energy MH50	50074	1	0.254	0.33	3,079.63	Delaware	0.29	0
FPL Energy Marcus Hook, LP	55801	AB01	0	-	-	Delaware	0.29	0
FPL Energy Marcus Hook, LP	55801	AB02	0.019	2.97	308,616.23	Delaware	0.29	45
FPL Energy Marcus Hook, LP	55801	AB03	0.021	6.09	586,103.83	Delaware	0.29	85
FPL Energy Marcus Hook, LP	55801	AB04	0.023	4.27	375,968.31	Delaware	0.29	55
Honeywell Resins & Chemicals, LLC	880007	52	0.068	29.64	867,582.06	Philadelphia	0.29	126
Kimberly-Clark Tissue Company	50410	34	0	-	-	Delaware	0.29	0
Kimberly-Clark Tissue Company	50410	35	0.044	55.95	2,649,793.85	Delaware	0.29	386
Martins Creek	3148	aux 4				Northampton	0.29	0
Merck & Company—West Point	52149	39	0.08	23.86	600,301.83	Montgomery	0.29	87
Merck & Company—West Point	52149	40	0.023	11.18	982,129.24	Montgomery	0.29	143

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>No<sub>x</sub> Rate lb/MMBtu</i>	<i>2012 No<sub>x</sub> Mass tons</i>	<i>Heat Input MMBtu</i>	<i>County</i>	<i>2013 Rate</i>	<i>2013 OS Limit</i>
Naval Surface Warfare Division	880009	98			Retired			0
Naval Surface Warfare Division	880009	99			25-ton exemption (limit 1 ton)			0
Naval Surface Warfare Division	880009	1000			25-ton exemption (limit 25 tons)			0
P H Glatfelter Company	50397	34	0.492	272.07	1,103,487.10	York	0.29	161
P H Glatfelter Company	50397	35	0.446	163.89	673,133.90	York	0.29	98
P H Glatfelter Company	50397	36	0.105	89.51	1,685,148.50	York	0.29	245
Philadelphia Refinery	52106	150137	0.034	17.15	996,012.43	Philadelphia	0.29	145
Philadelphia Refinery	52106	150138	0	-	-	Philadelphia	0.29	0
Philadelphia Refinery	52106	150139	0.034	16.26	943,848.40	Philadelphia	0.29	137
Philadelphia Refinery	52106	150140	0.033	13.55	817,854.38	Philadelphia	0.29	119
Procter & Gamble Paper Products	50463	328001	0.149	145.33	1,961,560.93	Wyoming	0.29	286
Shenango Incorporated	54532	6			Retired			0
Shenango Incorporated	54532	9			Retired			0
Shermans Dale Station	880050	31801	0.7	0.11	318.00	Perry	0.29	0
Trainer Refinery	880025	33	0	-	-	Delaware	0.29	0
Trainer Refinery	880025	34	0.006	0.11	38,461.86	Delaware	0.29	6
Trainer Refinery	880025	35	0.005	0.89	408,334.74	Delaware	0.29	59
US Steel (Clairton Coke)	50729	CLBLR1	0.226	202.21	1,689,209.04	Allegheny	0.29	246
US Steel (Clairton Coke)	50729	CLBLR2	0.196	34.15	311,723.53	Allegheny	0.29	45
US Steel (Edgar Thomson)	50732	ETBLR1	0.022	14.75	1,391,743.43	Allegheny	0.29	203
US Steel (Edgar Thomson)	50732	ETBLR2	0.019	16.43	1,734,044.00	Allegheny	0.29	252
US Steel (Edgar Thomson)	50732	ETBLR3	0.024	19.77	1,673,698.20	Allegheny	0.29	244
Veolia Energy Philadelphia—Edison Sta	880006	1	0.64	4.37	26,168.70	Philadelphia	0.29	4

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>No<sub>x</sub> Rate lb/MMBtu</i>	<i>2012 No<sub>x</sub> Mass tons</i>	<i>Heat Input MMBtu</i>	<i>County</i>	<i>2013 Rate</i>	<i>2013 OS Limit</i>
Veolia Energy Philadelphia—Edison Sta	880006	2	0.778	4.98	11,527.90	Philadelphia	0.29	2
Veolia Energy Philadelphia—Edison Sta	880006	3	0.86	0.07	434.90	Philadelphia	0.29	0
Veolia Energy Philadelphia—Edison Sta	880006	4	0.861	0.03	184.00	Philadelphia	0.29	0
Veolia Energy Philadelphia—Schuylkill	50607	RSB1	1.26	4.23	6,718.83	Philadelphia	0.29	1
Veolia Energy Philadelphia—Schuylkill	50607	RSB2	0	-	-	Philadelphia	0.29	0
United Refining	880099	4	0.08	17.56	467252.3		0.29	68
			<b>Total</b>	<b>1,414.97</b>	<b>23,620,519.74</b>			<b>3,438</b>

[Pa.B. Doc. No. 13-241. Filed for public inspection February 8, 2013, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Exempt Machinery and Equipment Steel Products

The following is a list of exempt machinery and equipment steel products authorized under section 4(b) of the Steel Products Procurement Act (73 P.S. § 1884(b)). There is a 30-day comment period beginning on the date of this publication during which the public may submit comments in writing to the Deputy Secretary for Public Works, Department of General Services, 18th and Herr Streets, Harrisburg, PA 17125. Comments may also be submitted by e-mail at ra-steel@pa.gov.

SHERI PHILLIPS,  
Secretary

(*Editor's Note:* For a statement of policy relating to this notice, see 43 Pa.B. 877 (February 9, 2013).)

#### *Exempt Machinery and Equipment Steel Products*

Air Conditioning Units  
Air Duct Housing w/Sample Tubes  
Air Handling Units  
Anchor Bolt  
Audio RA Station  
Annunciator Panel  
Audio RA Station  
AV Rack Kit  
Back Box  
Battery Cabinet  
Blank Filler Plate for Fiber  
Blank Metal Door  
Blank Plate for Outer Door  
Bottom Dead Front Panel  
Bridge for Cameras  
Butterfly Valves  
Cabinet  
Cardcage  
CCTV Power Supply  
Ceiling Flange

Central Control Unit  
Centrifugal pumps  
Channel Video  
Circulating Pump  
Closers  
Color Monitor  
Conduit Fittings  
Control Module Plate  
Control Panel  
Control Valve  
Data Converter Unit  
Digital Record  
Door Protection  
Door Trim/Handles  
Drinking Fountain  
Drop-In Anchors  
Dry Tape Transformer  
Dual Interface Module  
Duct Detector w/Relay  
Duct Housing  
Ductless Split System  
DVR Rack  
Electric Traction Elevators  
Electric Water Cooler  
Elevator Controller  
Elevator Hoistway  
Encl. for Annunciator  
Enclosure  
Exit Devices  
Exp Cage  
Fender Washer  
Fire Alarm NAC Extender  
Fire Alarm Peripherals  
Fixed Door Station  
Flat Washer  
Flexible Drops  
Frames  
Full Blank Plate  
Galvanized Carriage Bolts  
Garage Door Tracking  
Generator  
Hand Dryer



Hanger Mounting Plates  
 Hangermates  
 Hangers Supports  
 Hex Nut  
 Horn/Strobe  
 Inner & Outer Door  
 Inner Door Blank Plate  
 Interface Module  
 Lag Bolts  
 Large Remote Cab  
 Lock Cylinders  
 Locknuts  
 Locksets  
 Low Temp. Detection Thermostats  
 Lubrication Unit  
 Machine Screws  
 Main Control Board  
 Metal Lockers  
 Manual Pull Station  
 Med. Enclosure  
 Middle Dead Front  
 Mini-Interface Module  
 Monitor Mount  
 Monitor Wall Brk  
 Mounting Plate  
 Network Fiber Switch  
 Overhead Door  
 Overhead Stops  
 Patient Wandering Alarm  
 Pipe Clamps  
 Pivots  
 Power Supply  
 Pull Station Box  
 RA Annunciator Pnl  
 Rack Mount Card Cage  
 Rack Mount Kit  
 Radiant Panels  
 Reader Interface  
 Relay Module  
 Remote Chiller  
 Round head machine screw  
 Sampling Tube  
 Security Panel  
 Security Unit  
 Security/CCTV Camera Housing  
 Self Turn Screw  
 Shower/eye washers  
 Signal Extender Module  
 Single Blank  
 Smoke Detector Wire  
 Speaker  
 Speaker/Strobe  
 Split HVAC System  
 Split Ring Hangers  
 Split Rings  
 Split System Air Conditioning  
 SSD-C Remote Display w/Control  
 SSD-C-REM Rem Display  
 Stainless Flat Bars  
 Stainless Steel Cable  
 Strobe  
 Submersible pump  
 Sump Pump  
 Surface Box  
 Surface Mount Speaker  
 Surface Station Box  
 Surge Arrester  
 Surge Protector  
 T8 Light Troffer  
 Tamper Proof Screws & Nuts

Threaded Rod Hanger  
 Tie Wire Anchor  
 Toggle Wing  
 Transformer  
 Turbine pumps  
 Uninterruptible Power Supply  
 VRV Fan Coils/Cond. Units  
 Wall Mtd. Fountain  
 Water Coolers  
 Water Heater  
 Weatherproof Back Box  
 Wing Toggle

[Pa.B. Doc. No. 13-242. Filed for public inspection February 8, 2013, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Bucks County Access Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bucks County Access Center, LLC has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-5.1.2.3 (relating to sterile storage).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Acting Secretary*

[Pa.B. Doc. No. 13-243. Filed for public inspection February 8, 2013, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

ManorCare Health Services—Bethel Park  
60 Highland Road  
Bethel Park, PA 15102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.7 (relating to basement or cellar):

Marian Manor Corporation  
2695 Winchester Drive  
Pittsburgh, PA 15220

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Acting Secretary*

[Pa.B. Doc. No. 13-244. Filed for public inspection February 8, 2013, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Realty Transfer Tax; Revised 2011 Common Level Ratio; Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board (STEB) in 2011. These factors are the mathematical reciprocal of the actual common level ratios. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2012, to June 30, 2013, except as indicated as follows. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102).

<i>County</i>	<i>Revised Common Level Ratio Factor</i>
Allegheny (1)	1.00
Lebanon (1)	1.00
Philadelphia (2)	3.27

(1) Adjusted by the Department of Revenue to reflect an assessment base change effective January 1, 2013.

(2) Adjusted by the Department of Revenue based on updated common level ratio published by STEB at 43

Pa.B. 122 (January 5, 2013); effective for documents accepted from July 1, 2012 to June 30, 2013.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 13-245. Filed for public inspection February 8, 2013, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Additions to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) has approved the addition of four stream sections to its list of Class A Wild Trout Streams as set forth at 42 Pa.B. 7152 (November 17, 2012). Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource and to conserve that resource and the angling that it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections for wild trout with no stocking.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 13-246. Filed for public inspection February 8, 2013, 9:00 a.m.]

### Classification of Wild Trout Streams; Additions to the List

The Fish and Boat Commission (Commission) has approved the addition of 17 new waters to its list of wild trout streams as published at 42 Pa.B. 7151 (November 17, 2012). Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission's Fisheries Management Division maintains the complete list of wild trout streams, and it is available on the Commission's web site at [http://www.fish.state.pa.us/trout\\_repro.htm](http://www.fish.state.pa.us/trout_repro.htm).

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 13-247. Filed for public inspection February 8, 2013, 9:00 a.m.]

### Designation of Waters Subject to Special Fishing Regulations; Correction

By notice published at 42 Pa.B. 6737 (October 20, 2012), the Fish and Boat Commission (Commission) designated or redesignated certain streams, stream sections and lakes as waters subject to 58 Pa. Code Chapter 65

(relating to special fishing regulations), effective January 1, 2013. Included in those designations were the designations of two waters under 58 Pa. Code § 65.19 (relating to approved trout waters open to year-round fishing), namely, the Youghiogheny River in Fayette/Somerset County and the Shenango River in Mercer County. The description of these designations was in error. They should have read as follows:

<i>County</i>	<i>Water</i>
Fayette/Somerset	Youghiogheny River from the Reservoir downstream to the confluence with the Casselman River
Mercer	Shenango River from the outlet of the dam downstream to Buckeye Drive Bridge (SR 3025), a distance of 1.5 miles

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 13-248. Filed for public inspection February 8, 2013, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meeting Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meeting by teleconference: Thursday, February 14, 2013—Council meeting at 10 a.m.

The teleconference 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 René Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,  
*Executive Director*

[Pa.B. Doc. No. 13-249. Filed for public inspection February 8, 2013, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Annuity Companies Qualified to Fund Periodic Payment Judgments

Under section 509(b)(6) of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.509(b)(6)), the Insurance Commissioner hereby lists insurers designated by the Insurance Department as qualified to participate in the funding of periodic payment judgments:

<i>NAIC #</i>	<i>Insurer Qualified to Issue Annuity Contracts Under MCARE Act</i>
60186	Allstate Life Insurance Company
60488	American General Life Insurance Company
93432	C.M. Life Insurance Company
70025	Genworth Life Insurance Company

<i>NAIC #</i>	<i>Insurer Qualified to Issue Annuity Contracts Under MCARE Act</i>
88072	Hartford Life Insurance Company
65838	John Hancock Life Insurance Company (USA)
65935	Massachusetts Mutual Life Insurance Company
87726	Metlife Insurance Company of Connecticut
65978	Metropolitan Life Insurance Company
70416	MML Bay State Life Insurance Company
66281	Monumental Life Insurance Company
66915	New York Life Insurance Company
67466	Pacific Life Insurance Company
61271	Principal Life Insurance Company
68241	The Prudential Insurance Company of America

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-250. Filed for public inspection February 8, 2013, 9:00 a.m.]

### Notice to Medical Malpractice Insurance Carriers; Pennsylvania Medical Malpractice Data Call (Act 13 of 2002 Data Call)

Each year, the Insurance Department (Department) conducts routine data calls to companies licensed or approved to write medical malpractice insurance in this Commonwealth. Data calls are used to monitor the medical malpractice insurance marketplace and to collect data for statutory reports.

This year, the Department is requesting additional information as required by the Insurance Commissioner under section 711(d)(3) of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.711(d)(3)). This data will be used to study the availability of additional basic coverage capacity in the Pennsylvania Medical Malpractice marketplace.

Each insurer providing medical professional liability insurance in this Commonwealth is required to file the data no later than April 1, 2013.

To take advantage of e-commerce efficiencies, the Department is conducting the data call using Internet capabilities. The cover letter, exhibits and templates were made available on the Department's web site ([www.insurance.pa.gov](http://www.insurance.pa.gov)) on February 1, 2013. An e-mail announcing the data call was also sent on February 1, 2013, to all medical malpractice insurers with positive direct premiums written for 2011.

Consistent with other data calls, the Department will consider the data submitted as proprietary and handle it accordingly.

Insurers having positive direct premiums written for 2011 must submit data in response to this data call. The Department has identified these insurers in Exhibit 2 of the data call. Data for more than one insurer may not be combined into a single submission.



Questions regarding this data call should be directed to Jim Di Santo, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 783-2118, jadisant@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-251. Filed for public inspection February 8, 2013, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Act 13 of 2012—Unconventional Gas Well Impact Fee; Producer Fees for Calendar Year 2012

Average Annual Price of Natural Gas for  
Calendar Year (CY) 2012: \$2.78

Consumer Price Index (CPI), Urban Consumers,  
PA, NJ, DE and MD: 1.8%

#### *Number of Spud Wells in 2011 and 2012*

Wells spud prior to December 31, 2011: 4,920

Wells spud in CY 2012<sup>(1)</sup>: 1,357

2012 spud wells is less than 2011 spud wells—CPI  
adjustment is not applicable.<sup>(2)</sup>

#### *Fee Schedule for Unconventional Well Fees for CY 2012*

	<i>Horizontal</i>	<i>Vertical</i>
1st year spud wells in 2012 fee <sup>(3)</sup>	\$45,000	\$9,000
2nd year spud wells in 2012 fee <sup>(3)</sup>	\$35,000	\$7,000

<sup>(1)</sup> Source: [www.depreportingservices.state.pa.us](http://www.depreportingservices.state.pa.us)

<sup>(2)</sup> Section 2302(c) of the act of February 14, 2012 (P.L.  
87, No. 13)

<sup>(3)</sup> Section 2302(b)(1)(ii) and (2)(ii) of Act 13

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-252. Filed for public inspection February 8, 2013, 9:00 a.m.]

### Electronic Signatures on Initial and Recommended Decisions; Doc. No. M-2013-2344553

By this Secretarial Letter, the Pennsylvania Public Utility Commission (Commission) announces that effective February 1, 2013, the Commission will begin issuing initial decisions (IDs) and recommended decisions (RDs) of the Office of Administrative Law Judge with electronic signatures. Rather than IDs and RDs containing manually written signatures of the Administrative Law Judges (ALJ) and Special Agents (SA), they will display the “/s/” on the signature line above the ALJ’s or SA’s typewritten name.

Besides enhancing internal efficiencies, this change will enable the Commission to publish signed IDs and RDs to the web site and to eServe the IDs and RDs through the eFiling system on parties who accept eService. By receiving IDs and RDs through eService, parties will have the

opportunity to review them immediately upon issuance, which can be very valuable given the time periods for filing exceptions.

When parties establish an eFiling account, they are permitted to change the default setting and decline eService. Parties who opted out of eService and now wish to revise that setting to accept eService may do so by logging into their account, choosing “Modify Account” and checking the box next to “I wish to be included in eService.” Parties who may have misplaced their user name or password may contact the Commission’s help desk at [ra-PUCHelpDesk@pa.gov](mailto:ra-PUCHelpDesk@pa.gov) or (717) 787-8227.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-253. Filed for public inspection February 8, 2013, 9:00 a.m.]

### PPL Electric Utilities Corporation; Northeast- Pocono Reliability Project; Prehearing Confer- ence

**A-2012-2340872.** For approval of the siting and construction of transmission lines associated with the Northeast-Pocono Reliability Project in portions of Luzerne, Lackawanna, Monroe and Wayne Counties.

**P-2012-2340871.** For a finding that a building to shelter control equipment at the North Pocono 230-69 kV substation in Covington Township, Lackawanna County, is reasonably necessary for the convenience or welfare of the public.

**P-2012-2341105.** For a finding that a building to shelter control equipment at the West Pocono 230-69 kV Substation in Buck Township, Luzerne County, is reasonably necessary for the convenience or welfare of the public.

**A-2012-2341107.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) (relating to additional powers of certain public utility corporations) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of John C. Justice and Linda S. Justice in Salem Township, Wayne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2012-2341114.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Three Griffins Enterprises, Inc. in Salem Township, Wayne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2012-2341115.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Margaret G. Arthur and Barbara A. Saurman, Trustees of the Residuary Trust of James C. Arthur in Sterling

Township, Wayne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2012-2341118.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Anthony J. Lupas, Jr. and Lillian Lupas, John Lupas and Judy Lupas, Grace Lupas, Eugene A. Bartoli and Robert J. Frankelli in Bear Creek Township, Luzerne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2012-2341120.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Ronald G. Sidovar and Gloria J. Sidovar in Salem Township, Luzerne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2012-2341123.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of FR First Avenue Property Holding, LP in Covington Township, Lackawanna County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341208.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of transcontinental Gas Pipe Line Corporation in Buck Township, Luzerne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341209.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of William Petrouleas and Joanna Petrouleas in Clifton Township, Lackawanna County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341211.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Peter Palermo and Francine Palermo in Salem Town-

ship, Wayne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341213.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Christopher Maros and Melinda Maros in Sterling Township, Wayne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341214.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Dianne L. Doss in Paupack Township, Wayne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341215.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Donald Januszewski in Salem Township, Wayne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341216.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of International Consolidated Investment Company in Clifton Township, Lackawanna County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341220.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Bradley D. Hummel in Salem Township, Wayne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341221.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Michael Palermo and Joanne Palermo in Salem Township, Wayne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341232.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Roberta Searfoss, a/k/a Judy Searfoss, Executrix of the Estate of Euylla Hughes, a/k/a Eylla Hughes in Buck Township, Luzerne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341233.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of John F. and Veronica Iskra in Bear Creek Township, Luzerne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341234.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Michael A. Mitch and Sue K. Mitch in Paupack Township, Wayne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341236.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Clifton Acres, Inc. in Clifton Township, Lackawanna County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341237.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Dietrich Hunting Club in Lehigh Township, Lackawanna County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2012-2341238.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Art Borrower Propco 2010-5 LLC in Covington Township, Lackawanna County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341239.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and

determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of NLMS, Inc. in Clifton Township, Lackawanna County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341241.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of US Industrial Reit II in Covington Township, Lackawanna County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341249.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Ronald Solt in Plains Township, Luzerne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341250.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Merel J. and Arlene J. Swingle in Salem Township, Wayne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341253.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Edward R. Schultz in Covington Township, Lackawanna County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341262.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Donald W. Henderson and Louis Bellucci in Paupack Township, Wayne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341263.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Fr E2 Property Holding LP in Covington Township,



Lackawanna County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341267.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Sylvester J. Coccia in Clifton Township, Lackawanna County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341271.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Lawrence Duda in Salem Township, Wayne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341272.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Mark M. Mack, J. Dean. Mack and Heather K. Mack in Bear Creek Township, Luzerne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2341277.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Blue Ridge Real Estate in Buck Township, Luzerne County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2344353.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of James L. and Michaelene J. Butler in Tobyhanna Township, Monroe County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2344604.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Susan Butler Reigeluth Living Trust in Tobyhanna Township, Monroe County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2344605.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Blueberry Mountain Realty, LLC in Tobyhanna Township, Monroe County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2344612.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Grumble Knot, LLC in Tobyhanna Township, Monroe County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

**A-2013-2344616.** Application of PPL Electric Utilities Corporation under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of Pennsylvania Glacial Till, LLC in Tobyhanna Township, Monroe County, for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation, convenience or safety of the public.

*C-2012-2305047. Chris and Melinda Maros,  
C-2012-227 6713. Joe and Vanessa Caparo*

v.

*PPL Electric Utilities Corporation*

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on Administrative Law Judge David A. Salapa and the applicant, on or before February 27, 2013. The documents filed in support of the applications and petitions are available for inspection and copying at the Office of the Secretary 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* David B. MacGregor, Post & Schell, PC, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808

Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18106

Christopher T. Wright, John H. Isom, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

**Updated Notice; Prehearing Conference**

This notice is to update the previous notice at 43 Pa.B. 397 (January 19, 2013) to include additional docket numbers as well as change of addresses for some of the parties. The additions/changes are as follows: A-2013-

2344353; A-2013-2344604; A-2013-2344605; A-2013-2344612; A-2013-23344616; C-2012-2305047; and C-2012-2276713.

An initial prehearing conference on the previously-captioned case will be held as follows:

**Date:** Wednesday, March 6, 2013  
**Time:** 10 a.m.  
**Location:** Hearing Room 3  
 Plaza Level  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120  
**Presiding:** Administrative Law Judge David A. Salapa  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 (717) 787-1399  
 Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Commission to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-254. Filed for public inspection February 8, 2013, 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 February 25, 2013. 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-2012-2300845. (Corrected) Yourway Transport, Inc.** (6681 Snowdrift Road, Allentown, Lehigh County, PA 18106)—persons upon call or demand, in the Counties of Lehigh and Northampton.

**A-2012-2309909. Deanne Lynn Cherry, t/a Cherry's Services** (4980 Veterans Way, Elliptsburg, PA 17024) for

the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Perry, to points in Pennsylvania, and return.

**A-2012-2329064. Kirwan Heights Volunteer Fireman's Association, t/a Kirwan Heights Fire Department** (1200 Washington Pike, Bridgeville, PA 15017) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal conviction or physical disability are unable to be transported by other means to and from doctor's offices, hospitals or other designated medical facilities, between points in the Counties of Allegheny, Beaver and Washington.

**A-2012-2329509. David Hydo, t/a Bedford Transportation Co II** (3691 Business 220 #26, Bedford, Bedford County, PA 15522)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in call or demand service, from points in the County of Bedford, to points in Pennsylvania, and return.

**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-2012-2338273. Royal Transportation Group, LLC** (383 Kane Boulevard, Pittsburgh, Allegheny County, PA 15219)—a limited liability company of the Commonwealth of Pennsylvania—amendment—persons in group and party service, in vehicles with a seating capacity of 11 to 15 passengers, including the driver, from points in the Counties of Allegheny and Washington, to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority and excluding service between points in Allegheny County: *So as to Permit* the transportation of persons in group and party service, in vehicles with a seating capacity of 11 to 15 passengers, including the driver, between points in Allegheny County. (*Attorney:* David M. O'Boyle, 1450 Two Chatham Center, 112 Washington Place, Pittsburgh, PA 15219)

**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-2012-2331152. Millennium Limousine Group, Inc.** (490 Lancaster Avenue, P. O. Box 2389, Malvern, PA 19355)—in group and party service, in vehicles seating between 11 and 15 passengers, including the driver, from points in the Counties of Chester, Delaware and Montgomery, to points in Pennsylvania, and return; excluding that service which is under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-255. Filed for public inspection February 8, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2344582. Verizon North, LLC and Transbeam, Inc.** Joint petition of Verizon North, LLC and Transbeam, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Transbeam, Inc., by its counsel, filed on January 16, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of Verizon North, LLC and Transbeam, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-256. Filed for public inspection February 8, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2344581. Verizon Pennsylvania, LLC and Transbeam, Inc.** Joint petition of Verizon Pennsylvania, LLC and Transbeam, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Transbeam, Inc., by its counsel, filed on January 16, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of Verizon Pennsylvania, LLC and Transbeam, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-257. Filed for public inspection February 8, 2013, 9:00 a.m.]

### Wastewater Service

**A-2013-2344624. Pennsylvania American Water Company.** Pennsylvania American Water Company—Wastewater for approval of: 1) the transfer, by sale, of substantially all of Franklin Township Municipal Sewer

Authority properties and rights related to its wastewater system to Pennsylvania American Water Company; and 2) the rights of Pennsylvania American Water Company to begin to offer, render, furnish or supply wastewater service to the public in portions of Franklin Township, Adams County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 25, 2013. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-258. Filed for public inspection February 8, 2013, 9:00 a.m.]

### Water Service

**A-2013-2344621. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval of: 1) the transfer, by sale, of the water works property and rights of the Mahoning Township Municipal Authority to Pennsylvania American Water Company; and 2) the right of Pennsylvania American Water Company to begin to offer, render, furnish or supply water service to the public in portions of Mahoning Township, Armstrong County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 25, 2013. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-259. Filed for public inspection February 8, 2013, 9:00 a.m.]



# PHILADELPHIA REGIONAL PORT AUTHORITY

## Request for Proposals

The Philadelphia Regional Port Authority will accept sealed Request for Proposals for Project No. 13-004.P, Design/Build of the Environmental Mitigation for Southport, until 2 p.m. on Thursday, March 7, 2013. Information can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-260. Filed for public inspection February 8, 2013, 9:00 a.m.]

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