

PENNSYLVANIA BULLETIN

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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 481, December 2014

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND THE 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.

Source Notes give the history of regulations. 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/cfdocs/legis/CH/Public/pcde_index.cfm.

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

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from 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. A fiscal note provides 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 5 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 5 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

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THE COURTS

Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. V]

Proposed Amendment of Pa.R.E. 501 and Proposed New Pa.R.E. 502

The Committee on Rules of Evidence is soliciting comments concerning a proposed recommendation to the Supreme Court of Pennsylvania to amend Pennsylvania Rule of Evidence 501 and to adopt new Pennsylvania Rule of Evidence 502, as more fully discussed in the accompanying Publication Report.

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

Daniel A. Durst, Chief Counsel
Supreme Court of Pennsylvania
Committee on Rules of Evidence
Pennsylvania Judicial Center
601 Commonwealth Ave., Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635
Fax: (717) 231-9536
Email: evidencerules@pacourts.us

no later than February 13, 2015.

*By the Committee on
Rules of Evidence*

SAMUEL G. ENCARNACION, Esq.,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE V. PRIVILEGES

Rule 501. Privileges.

Privileges [as they now exist or may be modified by law shall be] not codified in these rules shall remain unaffected by the adoption of these rules.

Comment

Pa.R.E. 501 is similar to F.R.E. 501 in that [**this rule does**] these rules do not modify existing law with regard to a claim of privilege, except as provided by Pa.R.E. 502.

* * * * *

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

Rule 502. Attorney-Client Privilege; Exceptions; Waiver.

(a) *Definitions Applicable to This Rule.*

(1) "Attorney" means a person authorized, or reasonably believed by the client to be authorized, to engage in the practice of law in any State or country.

(2) "Representative of the attorney" means a person engaged, or reasonably believed by the client to be engaged, by the attorney to assist the attorney in rendering professional legal services.

(3) "Client" means a person, public agency, corporation, association, or other organization or entity, either public

or private for whom an attorney renders professional legal services, or that consults an attorney with a view to obtaining professional legal services.

(4) "Representative of the client" means one:

(A) having recognized authority to:

i. obtain professional legal services on behalf of the client; or

ii. act on legal advice rendered on behalf of the client; or

(B) who makes or receives a confidential communication for the purpose of effectuating legal representation for the client while acting in the scope of employment for the client.

(5) "Confidential communication" means a communication made to obtain or effectuate professional legal services for the client and that a client would reasonably intend to be disclosed only to persons engaged in obtaining, providing, or effectuating those services.

(b) *Privilege.* A client has a privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication or other information that would disclose a confidential communication:

(1) between the client or a representative of the client and the client's attorney or a representative of the attorney;

(2) between the attorney and a representative of the attorney;

(3) between representatives of the client or between the client and a representative of the client; or

(4) by the client or a representative of the client or the client's attorney or a representative of the attorney to an attorney or a representative of an attorney representing another party in a pending action and concerning a matter of common interest therein.

(5) Reserved.

(c) *Who May Claim the Privilege.* The privilege under this rule may be claimed by the client, the client's guardian or conservator, the personal representative of a deceased client, or the successor, trustee, or similar representative of a corporation, association, or other organization whether or not in existence. The person who was the attorney or the representative of the attorney at the time of the communication may claim the privilege but only on behalf of the client.

(d) *Exceptions.* There is no privilege under this rule:

(1) if the services or advice of the attorney were sought or obtained to enable or aid anyone to commit or plan to commit what the client knew or reasonably should have known was a crime or fraud;

(2) as to a communication relevant to an issue between parties who claim through the same deceased client, regardless of whether the claims are by testate or intestate succession or by transaction inter vivos;

(3) as to a communication relevant to an issue of breach of duty by an attorney to the client or by the client to the attorney;

(4) as to a communication necessary for an attorney to defend in a legal proceeding an accusation that the attorney assisted the client in criminal or fraudulent conduct;

(5) as to a communication relevant to an issue concerning an attested document to which the attorney is an attesting witness; or

(6) as to a communication relevant to a matter of common interest between or among two or more clients if the communication was made by or to any of them by or to an attorney retained or consulted in common, when offered in an action between or among any of the clients.

(7) Reserved.

(e) *Waiver*

(1) *Intentional Disclosure*. The privilege is waived if the client intentionally discloses or consents to the disclosure of the subject matter of the confidential communication. The waiver extends to undisclosed confidential communications concerning the same subject matter if the communications ought in fairness to be considered together.

(2) *Inadvertent Disclosure*. The privilege is not waived if the disclosure of the confidential communication is inadvertent and the client and attorney took reasonable steps to prevent disclosure and to rectify the inadvertent disclosure.

(3) *Failure to Assert Privilege*. The privilege is waived if the client or attorney fails to object to the disclosure of the confidential communication in a legal proceeding.

Comment

Pa.R.E. 502 differs from F.R.E. 502 in that the federal attorney-client privilege is governed by the common law as interpreted by the United States' courts. The Attorney-Client Privilege in Pennsylvania is governed by 42 Pa.C.S. §§ 5916 and 5928, as interpreted by the Pennsylvania courts. The application of the privilege may also be governed by other statutes. See, e.g., 65 P.S. § 67.102 (express exclusion for privileged documents in Right To Know Law).

Pa.R.E. 502 consolidates these statutes and interpretations in a form consistent with the Pennsylvania Rules of Evidence. This codification is intended to assist the attorney and client in predicting with some degree of certainty whether particular discussions will be protected because an uncertain privilege is little better than no privilege at all. *Levy v. Senate of Pennsylvania*, 65 A.3d 361, 371 (Pa. 2013) (quoting *Upjohn Co. v. United States*, 449 U.S. 383, 393 (1981)).

The guiding principle in the drafting of this Rule was to preserve the Pennsylvania law with regard to the attorney-client privilege. The structure and language of the Rule is based on Uniform Rules of Evidence 502 (2005) and 510 (2005) and F.R.E. 502.

This Rule is not intended to modify the work-product doctrine. Codification of the work-product doctrine can be found in the rules of procedure. See, e.g., Pa.R.Crim.P. 573(G) (work product in criminal proceedings); *Commonwealth v. Kennedy*, 876 A.2d 939, 946 (Pa. 2005) (in the context of pre-trial discovery in criminal matters, the substance of work product doctrine contained in Pa.R.Crim.P. 573(G)); see also *Gillard v. AIG Insurance Co.*, 15 A.3d 44, 59 n. 16 (Pa. 2011) (attorney-client privilege and work-product doctrine are not coterminous).

Pa.R.E. 502(a)(1) is consistent with prior Pennsylvania law. See e.g., *Triffin v. Desalvo*, 643 A.2d 118 (Pa. Super. 1994) (a person's reasonable belief that layperson was an attorney sufficient to provide privilege); *Joyner v. SEPTA*, 736 A.2d 35 (Pa. Cmwlth. 1999) (holding that person failed to establish reasonableness of belief that he was

communicating with his attorney sufficient to raise privilege when voicemail was inadvertently left with opposing attorney).

Pa.R.E. 502(a)(2) is consistent with prior Pennsylvania law. See *Commonwealth v. Hutchinson*, 434 A.2d 740, 744 (Pa. Super. 1981) (investigator is agent of attorney for purposes of privilege); *Commonwealth v. Mrozek*, 657 A.2d 997, 999-1000 (Pa. Super. 1995) (attorney's secretary was agent of attorney for purposes of privilege).

Pa.R.E. 502(a)(3) is consistent with prior Pennsylvania law. See *Gillard v. AIG Ins. Co.*, 15 A.3d 44 (Pa. 2011) (client was an insurance corporation); *Maleski v. Corporate Life Insurance Co.*, 641 A.2d 1, 3 (Pa. Cmwlth. 1994) (privilege attaches to communications made by corporate as well as individual clients); *Commonwealth v. Mrozek*, 657 A.2d 997, 998-99 (Pa. Super. 1995) (client for purposes of privilege include a person seeking legal services); *Heavens v. Pennsylvania Department of Environmental Protection*, 65 A.3d 1069, 1076 (Pa. Cmwlth. 2013) (privilege extends to agency setting where attorneys are working in their professional capacity); *In re Thirty-Third Statewide Investigating Grand Jury*, 86 A.3d 204, 224 (Pa. 2014) (discussing the commonality of the citizenry and a Commonwealth agency as "client" in the context of a criminal investigation by the Office of Attorney General).

Pa.R.E. 502(a)(4) is consistent with prior Pennsylvania law. See *National Railroad Passenger Corp. v. Fowler*, 788 A.2d 1053, 1064-1065 (Pa. Cmwlth. 2001) (discussing agents or employees of client authorized to act on behalf of client); see also, e.g., 20 Pa.C.S. § 5521(a) (duty of guardian of person); § 5602(a)(20) (power of attorney to pursue litigation). Recognition of authority under this definition based solely on a familial, intimate, or other relationship with the client has yet to be addressed by statute or common law.

Pa.R.E. 502(a)(5) is consistent with prior Pennsylvania law. See *Trib Total Media, Inc. v. Highlands School Dist.*, 3 A.3d 695, 701 (Pa. Cmwlth. 2010) (requiring that communications be intended to be confidential); *Gillard v. AIG Insurance Co.*, 15 A.3d 44, 59 (Pa. 2011) (confidential communications for the purpose of obtaining or providing professional legal advice); see also *Okum v. Unemployment Compensation Review Board*, 465 A.2d 1324, 1325 (Pa. Cmwlth. 1983) (discussion of administrative matters between administrative head of agency's legal division and deputy general counsel not confidential communications).

Pa.R.E. 502(b) is consistent with Pennsylvania law. See 42 Pa.C.S. §§ 5916, 5928 ("[C]ounsel shall not be competent or permitted to testify to confidential communications made to him by his client, nor shall the client be compelled to disclose the same unless in either case this privilege is waived upon the trial by the client."); *Levy v. Senate of Pennsylvania*, 65 A.3d 361, 372 (Pa. 2013) ("[A]ttorney-client privilege may apply in cases where divulging the client's identity would disclose either the legal advice given or the confidential communications provided.").

Pa.R.E. 502(b)(1) is consistent with prior Pennsylvania law. See *Gillard v. AIG Insurance Co.*, 15 A.3d 44, 59 (Pa. 2011) ("[P]rivilege operates in a two-way fashion to protect confidential client-to-attorney or attorney to client communications made for the purpose of obtaining or providing professional legal advice."); *Commonwealth v. Hutchinson*, 434 A.2d 740, 744 (Pa. Super. 1981) (privilege attaches to statements made to an attorney or his

agents); *National Railroad Passenger Corp. v. Fowler*, 788 A.2d 1053, 1064-1065 (Pa. Cmwlth. 2001) (privilege extends to authorized agents or employees of client).

Pa.R.E. 502(b)(2) is consistent with prior Pennsylvania law. See *Commonwealth v. Noll*, 662 A.2d 1123, 1126 (Pa. Super. 1995) (privilege allows disclosure to an agent assisting attorney in giving legal advice to client; communications between attorney and retained expert subject to privilege); *Commonwealth v. DuPont*, 730 A.2d 970 (Pa. Super. 1999) (conversation between attorney and consultant requires confidential communications made in connection with providing legal service to be privileged). See also 221 Pa. Code § 103 (inadmissibility of confidential communication made to or by appointed interpreter).

When a representative of an attorney is intended to be called by the client as a witness and the witness's opinion is based on facts or data received from confidential communications, then those communications are no longer intended to remain confidential. Discovery of the witness's testimony is then limited by procedural rule(s) and work product protection. See, e.g., Pa.R.C.P. No. 4003.5(a)(4) (discovery of communications between attorney and expert witness not permitted).

Pa.R.E. 502(b)(3) is consistent with prior Pennsylvania law. See *Custom Designs & Manufacturing Co. v. Sherwin-Williams Co.*, 39 A.3d 372, 379 (Pa. Super. 2012) (communications between corporate counsel and employees subject to attorney-client privilege when the purpose is to secure either an opinion of law, legal services, or assistance in a legal matter).

Pa.R.E. 502(b)(4) is consistent with prior Pennsylvania law. When clients have shared interests, such as joint plaintiffs or defendants, it may be desirable for them to share information protected by the attorney-client privilege. Without this provision, the sharing of the information might be treated as a waiver of the privilege. See *In re Condemnation by City of Philadelphia*, 981 A.2d 391, 396-98 (Pa. Cmwlth. 2009) (examining "joint defense" or "common interest" as an extension of privilege); *McCormick on Evidence* § 91.1 (7th ed. 2013) ("When two or more persons, each having an interest in some problem, or situation, jointly consult an attorney, their confidential communications with the attorney, though known to each other, will of course be privileged in a controversy of either or both of the clients with the outside world, that is, with parties claiming adversely to both or either of those within the original charmed circle.").

Uniform Rule of Evidence 502(b)(5), which extended privilege "among lawyers and their representatives representing the same client," was not adopted. This precept was considered self-evident, for example, when a client obtains new counsel, and it is likely subsumed by the work-product doctrine.

Pa.R.E. 502(c) is consistent with prior Pennsylvania law. See *Law Office of Douglas T. Harris v. Philadelphia Waterfront Partners*, 957 A.2d 1223, 1230 (Pa. Super. 2008) ("At common law, it was generally recognized that the attorney-client privilege belongs to the client, not the attorney. Yet, also implicit in the common law is the irrefutable notion that an attorney acts as his client's authorized agent.") (citations omitted).

It is generally accepted that the privilege will survive the death of the client and may be claimed by the client's successors. See *Cohen v. Jenkintown Cab Co.*, 357 A.2d 689, 693 (Pa. Super. 1976); *McCormick on Evidence* § 94

(7th ed. 2013). Concerning corporations or other entities the privilege may be claimed by the directors or officers; this authority passes with the succession of management. See *Maleskie by Chronister v. Corporate Life Insurance Co.*, 641 A.2d 1, 3 (Pa. Cmwlth. 1994).

Pa.R.E. 502(d)(1) is consistent with prior Pennsylvania law. See *In re Investigating Grand Jury of Philadelphia County No. 88-00-3503*, 593 A.2d 402, 406 (Pa. 1991) ("The privilege does not protect communications made for the purpose or in the course of the commission of proposed crime or fraud."); *Nadler v. Warner Company*, 184 A. 3, 5 (Pa. 1936) (when advice of attorney is sought in aid of a crime or fraud, the communications are not "confidential").

Pa.R.E. 502(d)(2) is consistent with prior Pennsylvania law. "The accepted theory is that the protection afforded by the privilege will in general survive the death of the client." *McCormick on Evidence* § 94 (7th ed. 2013); see also *Commonwealth v. Hutchinson*, 434 A.2d 740, 744 (Pa. Super. 1981) (privilege survives termination of attorney-client relationship). A testamentary exception to the attorney-client privilege may be found within the holding of *Boyd v. Kilmer*, 132 A. 709, 711 (Pa. 1926) where two heirs challenged the propriety of decedent's conveyance of property to a third party prior to his death. In *Boyd*, the Court held that the decedent's attorney could disclose prior confidential communications with the decedent-client in support of the deed conveyed by the client. This approach is also consistent with federal case law. See *Glover v. Patten*, 165 U.S. 394, 406-408 (1897) (recognizing testamentary exception).

Pa.R.E. 502(d)(3) is consistent with prior Pennsylvania law. See *Commonwealth v. Chmiel*, 738 A.2d 406, 414 (Pa. 1999) ("[A] party who attacks the competence of his or her counsel cannot rely on the attorney-client privilege to prevent counsel from responding to such attack."); 42 Pa.C.S. § 9545(d)(3) ("When a claim for relief is based on an allegation of ineffective assistance of counsel as a ground for relief, any privilege concerning counsel's representation as to that issue shall be automatically terminated.").

Pa.R.E. 502(d)(4) is consistent with prior Pennsylvania law. In *Commonwealth v. Maguigan*, 511 A.2d 1327 (Pa. 1986), an attorney was found in civil contempt for refusing to disclose the whereabouts of an absconded client. The attorney contended that such disclosure was prohibited by the attorney-client privilege. The Court held that privilege did not exist when it aided and abetted defendant's criminal activity and would cause the attorney to be an accessory to defendant's continuing criminal conduct. This rule is also consistent with Rule of Professional Conduct 1.6(4), 42 Pa.C.S.

Pa.R.E. 502(d)(5) is self-evident where the attorney voluntarily acts as an attesting witness affirming the document to be true or genuine. In this role, the attorney holds himself out to third parties as having personal knowledge as to the truthfulness or genuineness of the document. See also Pa.R.E. 602 (witness must have personal knowledge of the matter). An attestation under such circumstances lacks any intention of remaining confidential and, therefore, is excepted from the attorney-client privilege. See also *Weiheler v. Werley*, 221 A.2d 133 (Pa. 1966) (discussing ethics of attorney acting as witness for client); Pennsylvania Rule of Professional Conduct 3.7 (same).

Pa.R.E. 502(d)(6) is consistent with prior Pennsylvania law. See *Tracy v. Tracy*, 105 A.2d 122, 125 (Pa. 1954) (privilege does not apply between parties if attorney represented both in relation to a common business interest; privilege does apply against a common adversary of the parties); *Doll v. Loesel*, 136 A. 796, 798 (Pa. 1927) (same).

Uniform Rule of Evidence 502(d)(7) has not been adopted. In Pennsylvania, confidential communications between a public officer or agency and its attorneys have been recognized as privileged without such an exception. See, e.g., *Ario v. Deloitte & Touche, LLP*, 934 A.2d 1290, 1294 (Pa. Cmwlth. 2007) (confidential communications between insurance commissioner and general counsel subject to attorney-client privilege). Non-confidential communications may be the subject of other forms of privilege. See *Van Hine v. Department of State*, 856 A.2d 204, 208 (Pa. Cmwlth. 2004) (discussing “deliberative process privilege”).

Pa.R.E. 502(e)(1) is adapted from Uniform Rule of Evidence 510 and F.R.E. 502(a). This rule is intended to prevent the attorney-client privilege from being used as both “a sword and a shield,” whereby a party attempts to use the privilege as a weapon by selectively disclosing favorable confidential communications to gain a tactical advantage while raising privilege to prevent access to damaging confidential communications. It is consistent with prior Pennsylvania law to the effect intentional waiver of the privilege may be treated as a waiver of other confidential communications on the same subject matter. See *Nationwide Mutual Insurance Co. v. Fleming*, 924 A.2d 1259 (Pa. Super. 2007), *aff’d by equally divided court*, 992 A.2d 65 (Pa. 2010). This extension is also consistent with Pa.R.E. 106, which states:

If a party introduces all or part of a writing or recorded statement, an adverse party may require the introduction, at that time, of any part—or any other writing or recorded statement—that in fairness ought to be considered at the same time.

Pa.R.E. 502(e)(2) is adapted from F.R.E. 502(b) and it is consistent with prior Pennsylvania law. In *Carbis Walker, LLP v. Hill, Barth and King, LLC*, 930 A.2d 573 (Pa. Super. 2007), five factors were used to determine whether an inadvertent disclosure of documents operated to waive the attorney-client privilege: (1) the reasonableness of the precautions taken to prevent inadvertent disclosure given the extent of the document production; (2) the number of inadvertent disclosures; (3) the extent of the disclosure; (4) any delay and measures taken to rectify the disclosure; and (5) whether the overriding interests of justice would or would not be served by relieving the party of its errors. *Id.* at 582 (quoting *Fidelity & Deposit Co. v. McCulloch*, 168 F.R.D. 516, 522 (E.D. Pa. 1996)); see also *Board of Supervisors of Milford Township v. McGogney*, 13 A.3d 569 (Pa. Cmwlth. 2011) (applying factors to conclude inadvertent disclosure of solicitor invoiced did not operate to waive privilege).

Pa.R.E. 502(e)(3) is consistent with more recent Pennsylvania law. Traditionally, the right to waive the attorney-client privilege belonged to the client and only in limited situations when the client’s rights or interests cannot possibly adversely affect could the attorney waive it. *Commonwealth v. Scott*, 470 A.2d 91, 94 (Pa. 1983); 42 Pa.C.S. §§ 5916 and 5928.

More recently, the concept of implied waiver through the failure of counsel raise privilege is discussed and applied in *Law Office of Douglas T. Harris, Esq. v.*

Philadelphia Waterfront Partners, L.P., 957 A.2d 1223 (Pa. Super. 2008) where it was deemed to be implicit in the common law that an attorney acts as the client’s authorized agent and, therefore, was able to waive the attorney-client privilege on behalf of the client. Additionally, the implied waiver of privilege for failure to object is consistent with Pa.R.E. 103(a) (preserving a claim of error by timely objection).

Adopted ____, 2014, effective ____, 2014.

Final Report explaining the ____, 2014 adoption published with the Court’s Order at __ Pa.B. __ (____, 2014).

PUBLICATION REPORT

Proposed Amendment of Pa.R.E. 501 and Proposed New Pa.R.E. 502

Attorney-Client Privilege & Waiver

The Committee on Rules of Evidence is publishing for public comment a proposed amendment to Pennsylvania Rule of Evidence 501 and a proposed new Pennsylvania Rule of Evidence 502. These rules represent an intention to codify the law concerning the attorney-client privilege, and waiver thereof, in Pennsylvania.

“The attorney-client privilege is deeply rooted in our common law and can be traced to the reign of Elizabeth I, where it was already unquestioned.” *Commonwealth v. Maguigan*, 511 A.2d 1327 (1986) (citing 8 J. Wigmore, *Evidence* § 2290 (McNaughton rev. 1961)). It has been described as “the most revered of our common law privileges,” the rationale for which:

The purposes and necessities of the relation between a client and his attorney require, in many cases, on the part of the client, the fullest and freest disclosure to the attorney of the client’s objects, motives and acts. This disclosure is made in the strictest confidence, relying upon the attorney’s honor and fidelity. To permit the attorney to reveal to others what is so disclosed, would be not only a gross violation of a sacred trust upon his part, but it would utterly destroy and prevent the usefulness and benefits to be derived from professional assistance. Based upon considerations of public policy, therefore, the law wisely declares that all confidential communications and disclosures, made by a client to his legal adviser for the purpose of obtaining his professional aid or advice, shall be strictly privileged; - that the attorney shall not be permitted, without the consent of his, - and much less will he be compelled—to reveal or disclose communications made to him under such circumstances. 2 Mechem on Agency, 2d Ed., § 2297.

Slater v. Rimar, Inc., 462 Pa. 138, 148, 338 A.2d 584, 589 (1975).

Presently, the rules of testimonial privilege afforded to attorney-client communications in Pennsylvania are an amalgamation of statutory and common law. See, e.g., 42 Pa.C.S. §§ 5916 & 5928; *Commonwealth v. Chimel*, 738 A.2d 406, 414 (Pa. 1991) (attorney-client privilege rooted in common law and embodied in § 5916); *Gillard v. AIG*, 15 A.3d 44 (Pa. 2011) (interpreting § 5928 to include derivative protection); *Commonwealth v. Hutchinson*, 434 A.2d 740 (Pa. Super. 1981) (privilege extends to agent of attorney and survives the termination of the attorney-client relationship); *In re Condemnation by City of Philadelphia in 16.2626 Acre Area*, 981 A.2d 391 (Pa. Cmwlth. 2009) (privileged applicable to “joint defense”).

By no means exhaustive, these piecemeal laws concerning the attorney-client privilege have resulted in statutes hopelessly out-dated with no collective pronouncement on the topic. As observed in *Gillard v. AIG Insurance Company*, 15 A.3d 44, 56 (Pa. 2011), “Pennsylvania courts have been inconsistent in expressing the scope of the attorney-client privilege.” This codification is intended to assist the attorney and client in predicting with some degree of certainty whether particular discussions will be protected because an uncertain privilege is little better than no privilege at all. *Levy v. Senate of Pennsylvania*, 65 A.3d 361, 371 (Pa. 2013) (quoting *Upjohn Co. v. United States*, 449 U.S. 383, 393 (1981)). The Committee proposes to codify the existing law concerning attorney-client privilege into Article V of the Rules of Evidence to provide the bench and bar with authoritative, accessible, concise, and unified information on the subject matter in a single source.

The proposed Rule 502 is based, in part, on Uniform Rule of Evidence 502 (“Lawyer-Client Privilege”), drafted by the National Conference of Commissioners on Uniform State Laws. While the proposed Pennsylvania Rule of Evidence follows its contours, the rule also reflects Pennsylvania precedent. Informatively, approximately 23 states and territories have adopted some version of Uniform Rule of Evidence 502 or proposed (and rejected) Federal Rule of Evidence 503. David M. Greenwald, 1 Testimonial Privileges § 1:6 (3rd ed.)

Within this proposal, the Committee has endeavored to neither abridge, enlarge, nor modify the attorney-client privilege, as it now exists. See Pa. Const. Art. V, § 10(c). In its rulemaking activities, the Committee engaged in a two-step process. First, it examined each provision of the Uniform Rule and Pennsylvania law and practice to determine whether there was a basis in Pennsylvania law to include each provision in the proposed rule. Where no basis existed, the particular provision was excluded from the proposed rule, “reserved” in the rule text to maintain parallel construction with the Uniform Rule, and mentioned in the Comment.

Next, where such a basis did exist, the Committee re-examined the precise language of the Uniform Rule and made conforming changes, if necessary, to make the proposed rule consistent with Pennsylvania law. As is the practice for new Pennsylvania Rules of Evidence, the Comments to the rules include citations to precedential and persuasive authorities, as well as recognized commentators, to demonstrate *consistency* between the Rule text and the current law. The term, “consistent,” is used in the Comments to indicate an accord or compatibility between the rule and Pennsylvania law.

The Committee intends to recommend that Pa.R.E. 502 operate to codify the current body of law and be considered authoritative henceforth. This is necessary to unify the piecemeal body of law that comprises today’s attorney-client privilege, exceptions, and waiver thereof. To do so, the Committee proposes amending Pa.R.E. 501 to give force and effect to Pa.R.E. 502. In designing the scope of the amendment to Pa.R.E. 501, the Committee was cognizant to limit it only to the attorney-client privilege and not to all privileges in general. Nothing in the proposed language of Pa.R.E. 501 is intended to preempt future legislative enactments on this topic, although the statutory pronouncement on attorney-client privilege has remained relatively static since 1887.

The Committee has also reviewed Federal Rule of Evidence 502 concerning attorney-client privilege, especially the areas of intentional and inadvertent waiver.

The rule was intended to lessen the exhaustive and expensive reviews conducted to prevent inadvertent disclosures of privileged materials and “extravagant claims of privilege” brought on by a fear of waiver through disclosure.¹ Report of Senate Committee on the Judiciary. S. Rep. no. 264 at p. 2 (2008). The rule:

[L]imit[s] the consequences of inadvertent disclosure, thereby relieving litigants of the burden that a single mistake during the discovery process can cost them the protection of a privilege. It provides that if there is a waiver of privilege, it applies only to the specific information disclosed and not the broader subject matter unless the holder has intentionally used the privilege information in a misleading fashion. An inadvertent disclosure of privilege information does not constitute a waiver as long as the holder took reasonable steps to prevent disclosure and acted promptly to retrieve the mistakenly disclosed information.

Id. at 3. The Committee believes there is merit to crafting a similar waiver rule consonant with the case law of *Nationwide Mut. Ins. Co. v. Fleming*, 992 A.2d 65 (Pa. 2010) (evenly divided Court)²; *Carbis Walker, LLP v. Hill, Barth and King, LLC*, 930 A.2d 573 (Pa. Super. 2007).

All comments, concerns, and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 14-2538. Filed for public inspection December 12, 2014, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 3]

Order Amending Rule 394 of the Rules of Juvenile Court Procedure; No. 652 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 21st day of November, 2014, upon the recommendation of the Juvenile Court 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 the modifications to Rule 394 of the Rules of Juvenile Court Procedure are approved in the following form.

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

¹ Coupled with the increase in electronic discovery causing more waiver issues, “the costs of privilege review are often wholly disproportionate to the overall cost of the case.” *Id.*

² The Committee recognizes that *Fleming* was affirmed by an equally divided Court; however, it appears the Court agreed on the doctrine of subject matter waiver for intentionally disclosed document, but disagreed on the application of that doctrine to the facts.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

PART G. TRANSFER FOR CRIMINAL PROSECUTION

Rule 394. Transfer Hearing.

* * * * *

D. Findings.

1) *Transfer*. At the hearing, the court shall transfer the case to the division or a judge assigned to conduct criminal proceedings if the court finds:

a) the juvenile is fourteen years old or older at the time of the alleged delinquent act;

b) notice has been given pursuant to Rule 390;

c) the Commonwealth has met its burden of proof pursuant to paragraph [(B)] (C); and

d) there are reasonable grounds to believe that the juvenile is not committable to an institution for the mentally retarded or mentally ill.

2) *No Transfer*. If the required findings of paragraph [(C)(1)] (D)(1) have not been met, the court shall schedule an adjudicatory hearing pursuant to Rule 404.

* * * * *

Official Note: Rule 394 adopted April 1, 2005, effective October 1, 2005. Amended April 21, 2011, effective July 1, 2011. Amended July 18, 2012, effective October 1, 2012. Amended November 21, 2014, effective immediately.

* * * * *

[Pa.B. Doc. No. 14-2539. Filed for public inspection December 12, 2014, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 1200]

Proposed Amendments to Rules 1201—1211 of the Rules of Civil Procedure Before Magisterial District Judges

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt amendments to Rules 1201, 1202, 1203, 1204, 1205, 1206, 1207 and 1208, and the Official Notes to Rules 1209, 1210 and 1211 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges (“Rules”). The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee’s considerations in formulating this proposal. The Committee’s Report should not be confused with the Committee’s Official Notes to the rules. The Supreme

Court does not adopt the Committee’s Official Notes or the contents of the explanatory reports.

The text of the proposed changes precedes the Report. Additions are shown in bold; deletions are bold and bracketed.

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

Pamela S. Walker, Counsel
Supreme Court of Pennsylvania
Minor Court Rules Committee
Pennsylvania Judicial Center
PO Box 62635

Harrisburg, PA 17106-2635

Fax: 717-231-9546

or email to: minorrules@pacourts.us

no later than January 30, 2015.

By the Minor Court Rules Committee

BRADLEY K. MOSS,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 1200. EMERGENCY RELIEF [UNDER THE PROTECTION FROM ABUSE ACT] FROM ABUSE, SEXUAL VIOLENCE OR INTIMIDATION

Rule 1201. Applicability.

The rules in this chapter apply to the exercise by a hearing officer of jurisdiction under Section 6110 of the Protection From Abuse Act, 23 Pa.C.S. § 6110, to grant emergency relief from abuse, and Section 62A09 of Act 25 of 2014, P. L. 365, No. 25, 42 Pa.C.S. § 62A09 (providing for protection of victims of sexual violence or intimidation).

Official Note: See the Protection From Abuse Act set forth in the Domestic Relations Code, 23 Pa.C.S. §§ 6101—6118 and Act 25 of 2014, P. L. 365, No. 25, 42 Pa.C.S. §§ 62A01—62A20.

The court of common pleas of each judicial district is responsible to ensure that a judge or magisterial district judge “is available on a 24-hour-a-day, 365-day-a-year basis to accept and decide on petitions for an emergency court order under” the Older Adult Protective Services Act. 35 P. S. § 10225.307. Actions commenced under the Older Adult Protective Services Act are governed by statute and local procedures, not by these rules.

This chapter was amended in 2015 to provide procedural rules for protective orders sought for victims of sexual violence or intimidation. See Act 25 of 2014, P. L. 365, No. 25, 42 Pa.C.S. §§ 62A01—62A20.

Rule 1202. Definitions.

As used in this chapter:

[“abuse” “adult” and “family or household members” shall have the meanings given to those words in Section 6102 of the Protection From Abuse Act, 23 Pa.C.S. § 6102;]

(1) “abuse” means the occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

(A) attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.

(B) placing another in reasonable fear of imminent serious bodily injury.

(C) the infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).

(D) physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).

(E) knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

(2) “adult” means an individual who is 18 years of age or older.

(3) “court” means

(A) the court of common pleas of the judicial district in which the office of the hearing officer taking action under these rules is located[;] in actions brought under the Protection from Abuse Act, 23 Pa.C.S. §§ 6101–6118, or

(B) the court or magisterial district judge having jurisdiction over the matter in actions brought pursuant to Section 62A09 of Act 25 of 2014, 42 Pa.C.S. § 62A09 (providing for protection of victims of sexual violence or intimidation).

(4) “family or household members” means spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

(5) “hearing officer” means a magisterial district judge, judge of the Philadelphia Municipal Court, bail commissioner appointed under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue), master appointed under 42 Pa.C.S. § 1126 (relating to masters), and master for emergency relief appointed under 23 Pa.C.S. § 6110(e) or 42 Pa.C.S. § 62A09(e) (relating to master for emergency relief).

(6) “intimidation” means conduct constituting a crime under either of the following provisions between persons who are not family or household members:

(A) 18 Pa.C.S. § 2709(a)(4), (5), (6) or (7) (relating to harassment) where the conduct is committed by a person 18 years of age or older against a person under 18 years of age.

(B) 18 Pa.C.S. § 2709.1 (relating to stalking) where the conduct is committed by a person 18 years of age or older against a person under 18 years of age.

(7) “sexual violence” means conduct constituting a crime under any of the following provisions between persons who are not family or household members:

(A) 18 Pa.C.S. Ch. 31 (relating to sexual offenses), except 18 Pa.C.S. §§ 3129 (relating to sexual intercourse with animal) and 3130 (relating to conduct relating to sex offenders).

(B) 18 Pa.C.S. § 4304 (relating to endangering welfare of children) if the offense involved sexual contact with the victim.

(C) 18 Pa.C.S. § 6301(a)(1)(ii) (relating to corruption of minors).

(D) 18 Pa.C.S. § 6312(b) (relating to sexual abuse of children).

(E) 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(F) 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(8) “victim” means a person who is a victim of abuse, sexual violence or intimidation.

Official Note: These definitions are largely derived from 23 Pa.C.S. § 6102 and 42 Pa.C.S. § 62A03. **Rule 1203. Limitation on jurisdiction.**

The hearing officer may grant relief under these rules only when the court is unavailable to do so pursuant to the provisions of:

(1) Section 6110 of the Protection From Abuse Act, 23 Pa.C.S. § 6110,

(2) 42 Pa.C.S. § 62A09 (providing for protection of victims of sexual violence or intimidation), or

(3) local rule of court.

Official Note: The limitation in this rule is taken from Section 6110 of the Protection From Abuse Act, 23 Pa.C.S. § 6110, and 42 Pa.C.S. § 62A09.

This rule recognizes and reaffirms the existing practice in many counties. The availability of each court to grant necessary emergency relief [**under the Act**] will vary greatly, both during the business and non-business day; therefore, it was deemed desirable to permit each court to promulgate such rules as would best serve its specific needs in providing for efficient implementation of the emergency relief [**provisions of the Act**] measures.

Rule 1204. Venue.

A. Except as provided in subdivision B, a proceeding for emergency relief may be brought in a magisterial district within the county in which

(1) the plaintiff resides, either temporarily or permanently, or

(2) the abuse, **sexual violence, or intimidation** occurred.

B. If the relief sought includes possession of the residence or household to the exclusion of the defendant, the action may be brought only in a magisterial district within the county in which the residence or household is located.

Official Note: This rule is consistent with Pa.R.C.P. No. 1901.1 and provides the necessary flexibility to a plaintiff who may have to flee the county of permanent residence to escape further abuse. This rule is intended to provide maximum flexibility to a plaintiff to use a

convenient forum to seek an emergency protective order. However, where practicable, plaintiffs should give preference to filing in the magisterial district in which the plaintiff resides, either temporarily or permanently, or in the magisterial district in which the abuse occurred. A proceeding is considered to have been brought in a magisterial district even if it is before a hearing officer serving temporarily in that district, or before a hearing officer who has been invested by local rule with temporary county-wide jurisdiction.

Subdivision B of this rule only applies to actions brought pursuant to Section 6110 of the Protection From Abuse Act, 23 Pa.C.S. § 6110.

Rule 1205. Persons who may seek emergency relief.

An adult or an emancipated minor may seek emergency relief from abuse, **sexual violence or intimidation** for himself or herself. Also, any parent, adult household member or guardian ad litem may seek emergency relief from abuse, **sexual violence or intimidation** on behalf of minor children. In addition, a guardian of the person of an incapacitated person as defined in 20 Pa.C.S. § 5501 may seek emergency relief on behalf of the incapacitated person.

Official Note: This rule is derived from Section 6106 of the Protection From Abuse Act, 23 Pa.C.S. § 6106, as well as 42 Pa.C.S. § 62A05.

Rule 1206. Commencement of proceedings.

A. A proceeding for emergency relief from abuse, **sexual violence or intimidation** shall be commenced by the filing of a petition by the plaintiff with the hearing officer on a form which shall be prescribed by the State Court Administrator. The petition shall be signed by the plaintiff and shall set forth the names and addresses of the plaintiff and the defendant and the names, addresses and ages of any person on whose behalf the plaintiff is seeking relief. The plaintiff shall also allege in the petition, in general terms, the cause for seeking **emergency relief from abuse, sexual violence or intimidation**.

B. Upon issuance of an emergency order, the hearing officer shall provide the plaintiff with instructions regarding the commencement of proceedings in the court of common pleas and regarding the procedures for initiating a contempt charge should the defendant violate the emergency order. The hearing officer shall also advise the plaintiff of the existence of **rape crisis centers in the county, as well as** programs for victims of domestic or **sexual violence** in the county or in nearby counties and inform the plaintiff of the availability of legal assistance without cost if the plaintiff is unable to pay therefor.

C. The petition shall be filed and service shall be made without prepayment of costs.

Official Note: [It was thought desirable to require the petition to be on a simple, prescribed form since this is an emergency proceeding and the plaintiff is apt to be in an excited state at the time of the filing.] Subdivision B is added to assure compliance with the requirement of Section 6110(d) of the Protection From Abuse Act, 23 Pa.C.S. § 6110(d), as well as 42 Pa.C.S. § 62A09(d). Practice varies among the judicial districts as to what procedures the plaintiff must follow to continue in effect a protection order in the court of common pleas upon the certification of an emergency protection order to the court of common pleas. The hearing officer should provide clear instructions to the plaintiff as to what must be done to continue in effect the

protection order in the court of common pleas. See Rule 1210 and Note and Rule 1211 and Note. Subdivision C is derived from Section 6106(b) of the Act, 23 Pa.C.S. § 6106(b), as well as 42 Pa.C.S. § 62A05(b), and reflects the practice when a temporary order is issued at the common pleas level.

Rule 1207. Hearing.

As soon as possible after the filing of the petition, the hearing officer shall hold an ex parte hearing thereon. The plaintiff may present witnesses at the hearing [, but need not be compelled to disclose the permanent or temporary residence of the plaintiff or minor children]. Neither in the petition nor during a hearing shall the hearing officer require disclosure of the address of a domestic violence program, a rape crisis center, or the plaintiff or victim, as appropriate.

Official Note: [Under Section 6110(a) of the Protection From Abuse Act, 23 Pa.C.S. § 6110(a), the] The hearing is ex parte, and [under Section 6110(b) of the Act, 23 Pa.C.S. § 6110(b)] the emergency [orders] order issued by the hearing officer as a result of the hearing are of short duration. See 23 Pa.C.S. § 6110(a)—(b), 42 Pa.C.S. § 62A09(a)—(b). Accordingly, there are no provisions in these rules for notice to the defendant prior to the hearing. The hearing need not be held at the office of the hearing officer. The last phrase was added to [insure] ensure compliance with [Section 6112 of the Act,] 23 Pa.C.S. § 6112 and 42 Pa.C.S. § 62A11. Nothing in the last phrase is intended to preclude a magisterial district judge from determining that venue is proper pursuant to Rule 1204.

Rule 1208. Findings and protection orders.

A. If the hearing officer, upon good cause shown, finds it necessary to protect the plaintiff [or], minor children, or victim from abuse, [he] **sexual violence, or intimidation, the hearing officer** may grant relief in accordance with [Section 6110(a) of the Protection From Abuse Act,] 23 Pa.C.S. § 6110(a) or 42 Pa.C.S. § 62A09(a), and make any protection orders necessary to effectuate that relief. Immediate and present danger of abuse, **sexual violence, or intimidation** to the plaintiff [or], minor children, or victim shall constitute good cause.

B. The hearing officer shall enter on the petition form [his] the findings and any protection orders made or other action taken [by him].

Official Note: Subdivision A of this rule is derived from [Section 6110(a) of the Protection From Abuse Act,] 23 Pa.C.S. § 6110(a), which permits the hearing officer to grant limited relief in accordance with [Section] 23 Pa.C.S. §§ 6108(a)(1), (2) and (6) or (1) and (6) [of the Act] (relating to relief), as well as 42 Pa.C.S. § 62A07(b).

Rule 1209. Service and execution of emergency protection orders.

* * * * *

Official Note: The hearing officer should provide the plaintiff with at least one copy of a protection order, but more than one copy may be needed. For example, the

plaintiff may wish to serve the order upon multiple police departments when the plaintiff lives and works in different police jurisdictions, etc. If it is necessary for the plaintiff to deliver the protection order to the executing officer, the hearing officer should make sure that the plaintiff fully understands the process and what must be done to have the order served upon the defendant. The hearing officer should make every effort to have the protection order served by a law enforcement officer in a timely fashion. The Rule requires that if the executing officer is unable to serve the protection order in a timely fashion, the executing officer shall leave a service copy of the order with the police department with jurisdiction over the area in which the plaintiff resides. This was thought advisable so that the local police would have a service copy in case they would be called to the plaintiff's residence should the defendant return there. Due to the emergency nature of these protection orders and the fact that to be meaningful they must be served and executed at night or on a weekend, the hearing officer should have the authority to use police officers as well as sheriffs and certified constables to serve and execute these orders. See [Section 6109(a) of the Protection From Abuse Act,] 23 Pa.C.S. § 6109(a) and 42 Pa.C.S. § 62A05(d). Service shall be made without prepayment of costs. See Rule 1206(C).

Service of protection orders upon the defendant at the time of execution may not be possible under some circumstances.

Rule 1210. Duration of emergency protection orders.

* * * * *

Official Note: This rule is derived from [Section 6110(b) of the Protection From Abuse Act,] 23 Pa.C.S. § 6110(b) and 42 Pa.C.S. § 62A09(b). Practice varies among the judicial districts as to what procedures the plaintiff must follow to continue in effect a protection order in the court of common pleas upon the certification of an emergency protection order to the court of common pleas. The hearing officer should provide clear instructions to the plaintiff as to what must be done to continue in effect the protection order in the court of common pleas. See Rule 1206 and Note and Rule 1211 and Note.

Rule 1211. Certification to court of common pleas.

* * * * *

Official Note: Certification under subdivision A of this rule is required by [Section 6110(c) of the Protection From Abuse Act,] 23 Pa.C.S. § 6110(c) and 42 Pa.C.S. § 62A09(c). This rule is also consistent with Pa.R.C.P. No. 1901.3(b) which permits commencement of an action by filing with the prothonotary a certified copy of an emergency protection order. However, practice varies among the judicial districts as to how the protection order is continued in effect after it is certified to the court of common pleas. For example, some judicial districts may require that the plaintiff appear in person to continue the action in the court of common pleas. Others may automatically commence an action in the court of common pleas upon receipt of a certified copy of the emergency order from the hearing officer. See Rule 1206 and Note and Rule 1210 and Note.

Depending on local practice, the plaintiff or the plaintiff's representative may act as a messenger under subdivision B of this rule.

REPORT

Proposed Amendments to Rules 1201, 1202, 1203, 1204, 1205, 1206, 1207 and 1208, and the Official Notes to Rules 1209, 1210 and 1211 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges

Protective Orders for Victims of Sexual Violence or Intimidation

I. Introduction

The Minor Court Rules Committee ("Committee") is proposing amendments to the rules of procedure governing actions for protective orders in magisterial district courts. The goal of these rule changes is to establish procedures for protective orders sought for victims of sexual violence or intimidation, as provided for in recent legislation.

The Committee became aware of recently adopted legislation that permits a victim of sexual violence or intimidation to petition a court for protection from a defendant, similar to a domestic abuse victim. Act 25 of 2014, P. L. 365, No. 25, 42 Pa.C.S. §§ 62A01—62A20, provides for emergency protective orders for victims of sexual violence and intimidation, in much the same manner as the existing emergency protection from abuse orders. The new law takes effect July 1, 2015.

After comparing the provisions of Act 25 of 2014 with the Protection from Abuse Act, 23 Pa.C.S. §§ 6101—6118, as well as current Rules 1201—1211, the Committee drafted proposed amendments to the rules to incorporate the new protective order provisions within the existing rules. In summary, the changes incorporate definitions pertinent to the new provisions, update statutory references, and use gender neutral language.

II. Proposed Rule Changes

- Proposed Rule 1201 establishes that the Chapter 1200 rules apply to actions for emergency relief under the Protection from Abuse Act, as well as the new protective orders for victims of sexual violence and intimidation.
- Proposed Rule 1202 sets forth relevant definitions for all actions under Chapter 1200.
- Proposed Rule 1203 permits hearing officers to grant relief in actions brought under 42 Pa.C.S. § 62A09.
- Proposed Rule 1204 adds the location where sexual violence or intimidation occurred for establishing venue, as well as clarifying in the Official Note that Rule 1204B, providing for exclusive possession of a residence, only applies in actions brought under the Protection from Abuse Act.
- Proposed Rule 1205 adds references to sexual violence or intimidation, and updates statutory references.
- Proposed Rule 1206 adds references to sexual violence or intimidation, and updates statutory references. It also adds a reference to advising victims of the existence of rape crisis centers in the county, as required by the new legislation. Finally, the Committee proposes deleting part of the Official Note regarding the petition form, as the Committee did not consider it to be helpful.
- In proposed Rule 1207, the Committee reworked the provision regarding nondisclosure of addresses to more closely mirror the statutory requirements. Proposed Rule 1207 also updates statutory references. The Committee also proposes adding a sentence to the Official Note to indicate that the nondisclosure of addresses is not in-

tended to preclude a magisterial district judge from determining that venue is proper pursuant to Rule 1204.

- Proposed Rule 1208 adds references to sexual violence or intimidation, and updates statutory references.
- The Committee proposes amending the Official Note to Rules 1209, 1210 and 1211 to update the statutory references.

[Pa.B. Doc. No. 14-2540. Filed for public inspection December 12, 2014, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Amended Local Rules of the Civil and Family Divisions of the Court of Common Pleas; Civil Division AD-14#346-PJ

Amended Order of Court

And Now, to-wit, this 20th day of November, 2014, it is hereby, *Ordered, Adjudged* and *Decreed* that the Court of Common Pleas of Allegheny County, Pennsylvania, adopted the following Amended Local Rules of the Civil and Family Divisions by unanimous proxy vote of the Board of Judges on October 9, 2014.

The following Rules included therein shall become effective 30 days after publication in the *Pennsylvania Bulletin*:

- Local Rule 1 Structure of the Court of Common Pleas of Allegheny County.
- Local Rule 3 Money Deposited in Court.
- Local Rule 105 Bonds.
- Local Rule 205.2(a) Requirements Governing the Physical Characteristics of Pleadings, Petitions, Motions, and Other Legal Papers. Cover Sheets.
- Local Rule 212.1 Pre-Trial Procedure for All Actions in the Civil Division of the Court Of Common Pleas of Allegheny County. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.
- Local Rule 214 Issue Docket, Trial Lists and Trials.
- Local Rule 227.1 Post-Trial Motions. Filing of Appeals. Request for Transcript, Certification and Waiver Forms.
- Local Rule 234.1 Subpoena.
- Local Rule 240 In Forma Pauperis.
- Local Rule 252 Rule Authorizing and Providing for the Use of Videotape Records.
- Local Rule 253 Taxation of Costs.
- Local Rule 301 Formal Requirements.
- Local Rule 302 Contents of Petition.
- Local Rule 303 Procedure.
- Local Rule 503 Appeals from Real Estate Tax Assessment.
- Local Rule 504 Appeals from Real Estate Tax Exemption.
- Local Rule 505 Change of Name of a Natural Person.

- Local Rule 601 Definitions.
 - Local Rule 603 Preliminary Objections.
 - Local Rule 1018.1 Notice to Defend Form.
 - Local Rule 1042.26(b) Medical Professional Liability Actions. Expert Reports.
 - Local Rule 1303 Arbitration Hearing. Notice.
 - Local Rule 1303(a)(2) Failure to Appear for Hearing.
 - Local Rule 1308 Appeal. Arbitrators' Compensation. Notice.
 - Local Rule 1320 Small Claims Procedure.
 - Local Rule 1331 Consumer Credit Transaction.
 - Local Rule 2039 Compromise, Settlement, Discontinuance and Distribution.
 - Local Rule 2064 Compromise, Settlement, Discontinuance and Distribution.
 - Local Rule 3121 Stay of Execution. Setting Aside Execution.
 - Local Rule 3129.2 Notice of Sale. Real Property.
 - Local Rule 3146 Judgment Against Garnishee Upon Default or Admission in Answer to Interrogatories.
 - Local Rule 3190 Judgment. Execution.
 - Local Rule 3252 Writ of Execution. Money Judgments.
 - Local Rule 4002.1 Filing Discovery Material. Requests for Expert Reports in Professional Negligence and Product Liability Actions.
- Also included therein are the following Rules which shall become effective upon publication on the Pennsylvania Judiciary's Web Application Portal.
- Local Rule 205.2(b) Cover Sheet.
 - Local Rule 206.4(c) Procedures for the Disposition of Petitions.
 - Local Rule 208.3(a) Procedures for the Disposition of Motions.
 - Local Rule 1028(c) Procedures for the Disposition of Preliminary Objections.
 - Local Rule 1034(a) Procedures for the Disposition of a Motion for Judgment on the Pleadings.

By the Court

JEFFREY A. MANNING,
President Judge

Local Rule 1. Structure of the Court of Common Pleas of Allegheny County.

(1) The Court of Common Pleas of Allegheny County (Fifth Judicial District) consists of the following divisions:

(a) Civil Division: which includes General Docket ("GD"), Arbitration ("AR"), Landlord-Tenant ("LT"), Property Assessment Appeals to the Board of Viewers ("BV"), Mortgage Foreclosure ("MG") and Statutory Appeal ("SA") cases.

(b) Family Division, which includes the Adult and Juvenile Court sections;

(c) Orphans' Court Division; and

(d) Criminal Division.

(2) Each Division of the Court is managed by an Administrative Judge, who is appointed by the Supreme Court of Pennsylvania.

(3) The Office of the Clerk of the Court of Common Pleas (as defined at 42 Pa.C.S. § 2701 et seq.) is the Department of Court Records, which has three divisions: (a) the Civil/Family Division; (b) the Wills/Orphans' Court Division; and (c) the Criminal Division. Documents filed with the court shall be filed in the appropriate division of the Department of Court Records.

Local Rule 3. Money Deposited in Court.

(2) Except as hereinafter provided, all money deposited with the Department of Court Records shall be deposited by the Department of Court Records in an institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. All deposits with the Department of Court Records in excess of Five Thousand Dollars shall be deposited by the Department of Court Records in interest-bearing accounts, or may be invested in United States Government obligations or United States Government guaranteed obligations.

(5) The Department of Court Records shall charge for the benefit of the county a commission equal to one-half of one percent on all deposits of less than One Thousand Dollars and one-fourth of one percent on all deposits and interest accrued on deposits of One Thousand Dollars or more.

(6) The Department of Court Records shall maintain a record of all moneys deposited, and paid out, setting forth the names of the parties from whom the money was received and to whom the money was paid, and the commissions charged pursuant to subdivision (5) of this rule.

Local Rule 105. Bonds.

(3) *Bonds—Prohibited Sureties.*

No attorney, sheriff, Department of Court Records, their deputies or Court personnel shall be admitted as surety in any action.

Local Rule 205.2(a). Requirements Governing the Physical Characteristics of Pleadings, Petitions, Motions, and Other Legal Papers. Cover Sheets.

(b) All attachments, supporting documents, and exhibits shall be on eight and one-half inches by eleven inches paper at the time of filing with the Department of Court Records.

(iii) If it is not possible to obtain a legible photocopy of the document or exhibit because of unique characteristics or inherent limitations, e.g., maps, surveys, computer printouts, data processing cards, drafter's plans, tracing paper, red pencil marks, colored paper, tape recordings, cassettes, movies, etc., the filing party shall present the document or material to the Department of Court Records to be stamped, docketed, and filed. Each such special filing shall be accompanied by one (1) cover sheet.

Local Rule 205.2(b). Cover Sheet.

(c) The cover sheet on the document commencing the action (Praecipe or Complaint), shall have a margin at the top of three (3) inches, for the Department of Court Records' stamp.

(ix) The completed statement: "Counsel of Record: _____ (attorney's name and Pennsylvania Identification Number, firm name, firm number per the list in the Allegheny County Department of Court Records, address and telephone number)"; and

(3) *FORM 205.2(b) Cover Sheet*

IN THE COURT OF COMMON PLEAS OF
ALLEGHENY COUNTY, PENNSYLVANIA

Local Rule 206.4(c). Procedures for the Disposition of Petitions.

(2) *General Docket Cases—Opening a Default Judgment*

(d) Briefs are required. The brief of the moving party shall be filed with the Department of Court Records and served on all other parties at least fourteen (14) days prior to the argument. The brief of the party opposing the petition shall be filed at least seven (7) days prior to the argument.

(4) *Arbitration Cases—Opening Default Judgments and Judgments of Non Pros.*

(a) The original and a copy of the petition to open a default judgment or a judgment of non pros shall be taken to an Arbitration Department Clerk, Courtroom Two, Seventh Floor, City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania 15219. The clerk will place on the original and the copy of the petition a date and time (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the Department of Court Records and return the copy to the party filing the petition. This party shall promptly serve copies of the petition on all other parties with notice of the date and time of the argument.

Local Rule 208.3(a). Procedures for the Disposition of Motions.

(3) *Calendar Control Judge*

(a) Motions in any case that has been listed for trial on a published trial list shall be presented to the Calendar Control Judge. This includes all motions that would otherwise have been heard by the Motions Judge or the Special Motions Judge.

Note: The docket will show if a case has been listed for trial on a published trial list. For docket entries, go to <https://dcr.alleghenycounty.us/> and click on Civil/Family Division, then "Search" and enter the docket number.

(6) *Arbitration Cases*

(a)

(iii) Requests for the continuance of an arbitration case will be presented to the Calendar Control Judge. The party seeking a continuance will present to the Calendar Control Judge an Adjournment of Hearing Form which may be obtained from an Arbitration Clerk in the Arbitration Assembly Room, Courtroom Two, Seventh Floor, City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania 15219.

Local Rule 212.1. Pre-Trial Procedure for All Actions in the Civil Division of the Court of Common Pleas of Allegheny County. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.

(3) *Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.*

Notices required by Pa.R.C.P. 212.1 shall be given by publication in the *Pittsburgh Legal Journal*, and notice shall be provided to unrepresented parties and to those out-of-county counsel identified in paragraph 6 of the Praecipe to Place the Case at Issue (see FORM 214w).

Note: As soon as there is a published trial list, trial dates appear as docket entries in each individual case on the trial list. Docket entries are available online at: <https://dcr.alleghenycounty.us/> and click on Civil/Family Division, then “Case Search” (in upper right corner) and enter the docket number. Additionally, published trial lists are also available on the Civil Division’s website at: www.alleghencourts.us.

Local Rule 214. Issue Docket, Trial Lists and Trials.

(1) *Issue Docket—General Docket (“GD”) Cases.*

(a) After the expiration of sixty days from the date of service of the original complaint upon each defendant, and after all of the pleadings in a case are closed, any of the parties may file a praecipe to place the case at issue, thereby signifying that the case is ready to be listed for trial. The praecipe to place the case at issue shall be in the same form as FORM 214 (see subsection (b) below). Cases placed at issue receive consecutive numbers (“issue numbers”) which are used to track the placement of cases on a trial list. After an issue number is assigned to a case, it shall be included on the caption and cover sheet of all subsequent filings. The Department of Court Records shall keep an issue docket of cases placed at issue. The Calendar Control office of the Court of Common Pleas shall create the civil trial lists from those cases which have been placed at issue.

Note: The Court has provided a mandatory form of Praecipe to Place Case at Issue, FORM 214 (see subsection (b) below), which requires that counsel provide the Court with certain information regarding the case, to facilitate the orderly assembly of trial lists.

Note: See Local Rule 4003.5(7)(a) regarding priority on trial lists for professional liability and product liability cases which meet certain criteria. The form to be used to obtain priority placement on trial lists for such cases is found at FORM 4003.5. This form is filed, at the appropriate time, in addition to the Praecipe To Place Case At Issue.

(b) *FORM 214 Form of Praecipe to Place Case at Issue*

**[CASE CAPTION, INCLUDING DOCKET
NUMBER]
PRAECIPE TO PLACE CASE AT ISSUE**

The undersigned party hereby certifies the accuracy of the following information to the Court, and requests that the Department of Court Records assign an issue number to this case, list this case on the issue docket, and place it in order on the next available trial list:

1. At least sixty days have passed since the service of the original complaint on all defendants.
2. All pleadings have been filed.
3. All preliminary motions and objections have been disposed of.
4. There are _____ plaintiffs and _____ defendants remaining in the case. Plaintiffs remaining in the case, and their counsel, are: [list the parties and their counsel]. Defendants who have actually been served and who remain in the case, and their counsel, are: [list the parties and their counsel].
5. According to documents filed in the case, the following parties are not presently represented by counsel and should be provided with notice of earliest trial date

pursuant to Local Rule 212.1(3) at the following addresses: [list unrepresented parties and their mailing addresses].

Alternative 5. According to documents filed in the case, there are no unrepresented parties in this case at this time.

6. According to documents filed in the case, the following parties are presently represented only by out-of-county counsel. Such counsel should be provided with notice of earliest trial date pursuant to Local Rule 212.1(3): [list party, their out-of-county counsel, and counsel’s mailing address].

Alternative 6. According to documents filed in the case, there are no parties in this case who are represented only by out-of-county counsel.

7. I estimate that the following number of days will be required for the trial of this case, including the time required for jury selection, closing arguments and charge:

- No more than 1 trial day
- 2 to 3 trial days
- 4 to 6 trial days
- 7 to 10 trial days
- 11 to 15 trial days
- More than 15 trial days

8. A jury trial has/has not [circle one] been requested in this case.

9. This is/is not [circle one] an action involving claims in equity, quiet title, quo warranto and/or mandamus, which requires assignment to an individual judge after the case is placed at issue. If this a civil action that raises only claims for equitable relief, see Local Rule 1001 and FORM 1001.

Respectfully submitted,

Dated: ____ By: _____
[Identification of pro se party or counsel]

[Address and telephone number of pro se party or counsel]

(5) *Trial Lists. Call of The List. Date of Trial.*

(a) *Initial Publication of Trial Lists.* The trial dates for each term and the cases scheduled to be tried during that term are published approximately one hundred and twenty days prior to the beginning of each of the trial terms in the *Pittsburgh Legal Journal*. It shall be the responsibility of in-county counsel to monitor the *Pittsburgh Legal Journal* for the initial listing of a case on a trial list. Publication of trial lists in the *Pittsburgh Legal Journal* is the only form of notice given to in-county counsel of the listing of a case for trial. Unrepresented parties and out-of-county counsel who submit notice of their address to the Calendar Control section of the Civil Division (see Local Rule 212.1(3)) are mailed a notice of earliest trial date.

Note: As soon as there is a published trial list, trial dates appear as docket entries in each individual case on the trial list. Docket entries are available online at: Department of Court Records.county.allegheny.pa.us (no www. and no .com or .org). Additionally, published trial lists are also available on the Civil Division’s website at: www.alleghencourts.us.

Defendant

Plaintiff's Case	_____	_____
Defendant's Case	_____	_____
Charge	_____	_____
Closing Argument	_____	_____

Requested by:

Telephone: _____

Signature of Judge if less than entire transcript is ordered
Pa.R.A.P. 1922(b)

Copies: Judge/Department of Court Records/Manager of Court Reporters/Attorney/Other

DEPOSIT RECEIVED _____

CASH _____ CHECK # _____ AMOUNT _____

(ii) FORM 227.1B Notice of Proof of Filing or Delivery of the Transcript

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Civil Division

Case No.:

NOTICE OF PROOF OF FILING OR DELIVERY OF THE TRANSCRIPT

Proceeding: _____

Complete Case _____

Date: _____

Plaintiff's Case _____

Judge: _____

Defendant's Case _____

Charge _____

Closing Argument _____

Other _____

I hereby certify that I have filed and/or delivered the above-described transcript with/to the following:

Date _____

Signature _____

Department of Court Records _____

Attorney _____

Court Reporter

If no objections are made to the text of the transcript within five (5) days after such notice, the transcript will become part of the record.

Copies: Judge/Department of Court Records/Manager of Court Reporters/Attorney/Other

Note: See Local Rule 252 regarding videotape records.

Local Rule 234.1. Subpoena.

(1) The copy of any subpoena (the original of which issued from this Court) left with a witness who has been subpoenaed shall have endorsed on said copy the caption, the number and term of the case, and the name, office address and telephone number of the attorney causing the subpoena to be issued and served.

(2) The original subpoena shall be filed in the Department of Court Records's office with return of service.

(3) Subpoenas duces tecum for production of hospital records shall be served between the hours of 9:00 a.m. and 5:00 p.m. and at least two days before the time stated in the subpoena for appearance. A one-day witness fee and round-trip mileage shall be tendered at the time the subpoena is served.

(4) Subpoenas requiring production of hospital records shall not be deemed to apply to x-rays or other data not

strictly a part of a hospital record unless they are specifically requested in the subpoena.

Local Rule 240. In Forma Pauperis.

(1) A party seeking in forma pauperis status shall apply to the Court for such status. The application shall include as an attachment the party's affidavit demonstrating inability to pay the costs of litigation.

Note: See affidavit form in Pa.R.C.P. 240. Application forms for pro se litigants are available in the office of the Department of Court Records.

Note: For presentation to the Court, see Local Rule 208.3(a)(4).

Note: For indigent divorce cases, see Local Rule at 1920.62.

(2) Counsel employed by or affiliated with Neighborhood Legal Services are authorized to file a praecipe for in forma pauperis status.

(3) The Department of Court Records shall accept for filing by a party, a praecipe as provided by Pa.R.C.P. 240, or an application under this rule, without charge to the party.

Local Rule 252. Rule Authorizing and Providing for the Use of Videotape Records.

(1) *Use by Court.*

(a) *Authorization:* The Judges of the Court of Common Pleas shall be authorized to use a Videotape Recording System to provide for the preservation of the official proceedings.

(b) *Responsibilities:* Any Judge using a Videotape Recording System shall designate operational and functional responsibilities of the system to members of that Judge's staff. Policies and procedures for using the system shall be developed and adopted by the Court and shall provide for the integrity of the videotape record.

(c) *Parties:* Parties taking part in proceedings where a Videotape Recording System is being used shall adhere to the policies and procedures authorized in section (1)(b) of this local rule and adopted by the Court.

(2) *Videotape Records.*

(a) *Scope:* The provisions of this local rule shall apply to any proceedings presided over by a Court of Common Pleas Judge in which the official record is the videotape of the proceedings. The official videotape shall be produced, retained and distributed pursuant to the following sections:

(i) *Videotape Recordings:* Two videotape recordings shall be made of each Court proceeding unless otherwise directed by the Court. The records shall be made simultaneously, and the videotapes resulting from the records shall serve as the official record of the Court proceedings. These tapes shall be labeled and hereinafter referred to as the "A" and "B" recordings.

(ii) *Custody of Videotapes:* Both the "A" and "B" recordings shall be deemed the property of the Court and shall be retained in accordance with adopted storage guidelines. The "A" recording shall be filed with the Department of Court Records of the Court of Common Pleas and maintained as the official record. The "B" recording shall be retained by Court staff designated with such responsibility and shall be used in the production of transcripts as set forth in "Transcription of the Videotape Record" section below.

(iii) *Identification:* For identification purposes, personnel assigned videotape responsibilities within the courtroom shall designate on each of the two videotape recordings the Judicial District, Judge's name, the case file number and caption, the date of the recording, a number that uniquely identifies the recording and either the letter "A" if the videotape is recorded from the first video recording deck or the letter "B" if recorded from the second video deck.

In the event several short matters related to different cases are recorded on one videotape, Court personnel may modify this requirement according to procedures developed in consultation with the Department of Court Records. A label designed and printed by the Administrative Office of the Allegheny County Courts for use with videotapes shall be used for tape identification purposes.

The tape recorded in the "A" recording deck shall be the tape on file with the Department of Court Records. The tape recorded in the "B" recording deck shall be maintained by the Court.

(iv) *Additional Original Recordings:* Two additional videotapes, designated "C" and "D," shall be made at the time the official recordings of all evidentiary proceedings are made, labeled as copies and certified by the operator to be true and complete copies of the official record. These tapes shall be available for purchase by parties to the case. Requesting parties shall be charged a fee to be established by Court policy for each tape purchased, except in cases where the requesting party has been declared indigent. All payments for certified copies of videotaped records must be made prior to obtaining the videotapes.

If the "C" and "D" tapes have not been requested within thirty days of the recorded proceeding, the tapes shall be erased by the Court and subsequently used to make original "A" and "B" videotape records. In the event such occurs, parties may still obtain a reproduction of the original. Court personnel will reproduce the requested material using the "A" or "B" copies.

(v) *Official Log:* Court personnel assigned videotape responsibility in the courtroom shall keep a written trial log or assure the videotape system produces an automatic trial log for all proceedings where the videotape is the official record. A manual trial log form shall be developed and authorized by the Court. One copy of the log shall be retained by the Court and one copy shall accompany the videotape filed with the Department of Court Records. A copy of the trial log shall also be provided with each duplicated videotape made for requesting parties.

Local Rule 253. Taxation of Costs.

(1) *Costs After Judgment.*

Costs shall be taxed by the Department of Court Records. Objections shall be presented to the Motions Judge or, if the case was tried, to the Trial Judge.

Habeas Corpus

Local Rule 301. Formal Requirements.

Any request for issuance of a writ of habeas corpus shall be in writing by petition and in accordance with the following:

(1) The caption shall contain the name of the Commonwealth at the relation of the petitioner in whose behalf the relief is requested, and name as respondent the person who exercises the alleged unlawful restraint, as well as the capacity in which such restraint is asserted, if any.

(2) The petition shall contain allegations of fact and shall be signed and verified by petitioner. If petitioner is unable to sign and verify the petition, the reason shall be set forth.

(3) When the person restrained is an incapacitated person or a minor, the petition shall be brought on behalf of the person restrained by that person's next friend, parent or guardian.

(4) Where the restraint arises out of arrest and incarceration, for any summary or criminal offense, a notice of presentation and a copy of the petition for habeas corpus shall be given forthwith to the District Attorney of Allegheny County.

(5) A proposed preliminary order shall be attached to the petition.

(6) Petitions alleging restraint by law enforcement authorities shall be filed in the Criminal Division; petitions alleging restraint pursuant to an order of Court shall be filed in the Division of Court which issued the order; other petitions shall be filed in the appropriate division of the court.

Local Rule 302. Contents of Petition.

The petition for the issuance of the writ of habeas corpus shall contain allegations of fact as follows:

(1) The basis for the jurisdiction and venue of the Court shall be set forth, as well as the place of confinement or restraint. If the place of confinement or restraint is unknown, this shall be alleged.

(2) Facts must be alleged that show precisely the alleged illegal restraint and the identity of the person in whose custody the person is restrained.

(3)(a) Any prior or pending legal proceeding pertaining to the restraint shall be referred to specifically. Any basis or authority for the restraint shall be specifically set forth. If the basis or authority for the restraint is unknown, this shall be alleged.

(b) When the restraint is a result of a commitment by an issuing authority, a statement of the proceedings before the issuing authority shall be attached.

(4) The facts upon which the right to relief is based must be alleged and a succinct statement of the reasons why the restraint is unlawful shall be set forth without extended argument.

Local Rule 303. Procedure.

The procedure for issuance of a writ of habeas corpus shall be as follows:

(1) The petition shall be presented with an appropriate order. The order signed at the time application for relief is made may deny the requested relief, set a hearing date, grant a rule or grant any other appropriate relief.

(2) When the Court directs the release of a relator upon any conditions of bail pending hearing on the petition, the order shall contain the amount and type of bail and the office in which bail shall be posted.

(3) Upon the direction of the Court that a writ be issued, the order shall be filed with the Department of Court Records, and a proper writ of habeas corpus shall be procured from the Department of Court Records and served on the respondent as the Court may direct.

Note: It is expected that where the petitioner proceeds upon petition and rule that the order of Court granting the rule shall also provide a direction of notice to the appropriate parties.

Local Rule 503. Appeals From Real Estate Tax Assessment.

(3) Time For and Content of Appeals

(a) An appeal from the decision of the Board of Property Assessment, Appeals and Review must be verified pursuant to Pa.R.C.P. 206.3 and filed with the Department of Court Records within thirty days of the date of mailing of the notice by the Board.

Local Rule 504. Appeals From Real Estate Tax Exemption.

(3) Time For and Content of Appeals

(a) An appeal from the decision of the Board of Property Assessment, Appeals and Review must be verified

pursuant to Pa.R.C.P. 206.3 and filed as a General Docket case with the Department of Court Records within thirty days of the date of mailing of the notice by the Board.

(b) An appeal shall contain the following:

(i) names of the parties;

(ii) identification of the property by address, deed book volume and page, and lot and block numbers;

(iii) a concise statement of the reasons for the appeal; and

(iv) a copy of the decision of the Board of Property Assessment, Appeals and Review.

(c) No Order of Court is required to file a timely appeal.

(4) *Notice*

Appellant shall give notice of the appeal by first class mail, postage prepaid, to all parties and the Board of Property Assessment, Appeals and Review, within seven days of the filing of the appeal and shall file proof of service thereof.

(5) *Filing of Appeals*

The filing of an appeal by any party shall act as an appeal by all parties.

(6) *Withdrawal of Appeals*

No appeal may be withdrawn without the consent of all other parties or leave of court.

(7) In all other respects, tax exemption appeals from decisions of the Board of Property Assessment, Appeals and Review shall be governed by the Pennsylvania Rules of Civil Procedure and the Allegheny County Local Rules governing civil actions assigned to an individual judge.

Local Rule 505. Change of Name of a Natural Person.

(3) Requirements for Filing a Petition.

(a) The Petition shall contain two proposed Orders designated as follows:

(i) Either

(A) Order Scheduling Hearing on Name Change (used if Petition is brought by a person(s) of full legal age) (FORM 505B(i)) (see subsection (3)(b)(i) below), or

(B) Order Scheduling Hearing on Name Change (used if Petition is brought on behalf of a minor) (FORM 505B(ii)) (see subsection (3)(b)(ii) below); and

(ii) Decree for Change of Name (FORM 505C) (see subsection (3)(c) below).

(b) The following is required by the Department of Court Records:

(i) Petition and one (1) extra copy;

(ii) A completed fingerprint card, if applicable (obtained from either a state or local police department). "Name Change" should be written in red across the top of the completed card.

(iii) A stamped 8-1/2" x 11" envelope addressed to:

PA State Police
Central Repository
1800 Elmerton Avenue
Harrisburg, PA 17110

(iv) A stamped letter size envelope addressed to:
Department of Court Records of Allegheny County
First Floor City-County Building
414 Grant Street
Pittsburgh, PA 15219
ATTENTION: Supervisors

(v) A stamped letter size envelope to the attorney for the filing party, or the pro se party.

(vi) The filing fee applicable to a Petition for a name change.

Note: A current listing of the fees charged by the Department of Court Records can be found on the Department of Court Records's web site: dcr.county.allegheny.pa.us (no www and no com. or gov.).

(c) After Petitioner has been notified that the fingerprinting process has been completed, the petitioner shall take the Petition in the Department of Court Records's file to the Chief Motions Clerk.

Note: The Chief Motions Clerk will be in the Courtroom of the Motions Judge. See "Civil Division" on the Website of the Common Pleas Court of Allegheny County (www.alleghencycourts.us) for the name and Courtroom of the judge who is sitting as the Motions Judge.

(d) The Motions Judge shall schedule the time and date for a hearing.

(e) Where the Petitioner has a prior conviction of a felony but is not barred by 54 Pa.C.S. § 702(c) from obtaining a judicial change of name, the Petitioner shall provide the Court with an envelopes affixed with sufficient postage and pre-addressed to the following so that copies of the Order Scheduling Hearing on Name Change may be sent:

(i) The District Attorney of Allegheny County
Allegheny County Courthouse
436 Grant Street
Pittsburgh, PA 15219

(ii) to any other District Attorney of any county in which Petitioner was convicted of a felony.

(iii) Office of the Attorney General
Commonwealth of Pennsylvania
1600 Strawberry Square
Harrisburg, PA 17120

(f) In those cases where the Petitioner is seeking to change the name of a minor and a parent files an objection to the Petition or appears to oppose the Petition, the case shall immediately be transferred to the Family Division using FORM 505D (see subsection (3)(d) below) for all further proceedings with respect to the minor's Petition.

(3) FORMS:

(a) FORM 505A Petition for a Name Change

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA CIVIL DIVISION

In Re the Petition of: DOCKET GD No. _____

_____(Print Your Current Name)

For a Name Change to:

_____(Print Your New Name)

VERIFIED PETITION FOR A NAME CHANGE

And now comes Petitioner(s), _____

by this Petition, and upon being duly sworn, respectfully represents and shows this Court:

1. That the Petitioner(s) is of full legal age and is a bona fide resident of the County of Allegheny, Commonwealth of Pennsylvania, whose residence address is _____

Petitioner(s) has been a bona fide resident of Allegheny County, Commonwealth of Pennsylvania for _____ year(s) immediately prior to filing this Petition. Petitioner(s) was born on the _____ day of _____, _____ in the County of _____, State of _____, and Country of _____.

2. Petitioner's(s') present name is _____.

3. Petitioner(s) [] is not married or [] is married to _____.

4. Petitioner(s) is the [] Father and/or [] Mother of the following minor children:

[] None

Table with 3 columns: Name, Date of Birth, Age. Multiple rows for listing children.

5. Petitioner(s) has resided at the following address(es) over the last five (5) years:

6. Petitioner(s) requests the change of name for the following reasons (describe in detail):

7. The proposed change in the Petitioner(s) name, if granted, will not be detrimental to the interests of any other person and is not against the public interest.

8. This Petition is not filed to defraud creditors.

Wherefore, the Petitioner(s), intending to change his/her name, requests that by an Order of this Court, made and entered herein, the Petitioner's(s') name be changed to and decreed to be:

Respectfully submitted,

(Sign Your Current Name)

Address: _____
City, State, Zip: _____
Telephone: _____

VERIFICATION

I, (_____), verify that
(Print Your Current Name)
the statements made in the foregoing Petition are true and correct to the best of my knowledge or information and belief.

I understand that this verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn fabrication to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Date: _____
(Sign Your Current Name)

(b)(i) *FORM 505B(i) Order Scheduling Hearing on Name Change (used if Petition is brought by a person(s) of full legal age)*

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

In Re: Petition of _____ CIVIL DIVISION
GD No. _____

Petitioner(s).

ORDER SCHEDULING HEARING ON NAME CHANGE

AND NOW, this _____ day of _____, 20____, upon hearing of the within motion of _____ Esquire/pro se, attorney for the Petitioner(s) above named, it is ORDERED and DECREED that the within Petition be heard on the _____ day of _____, 20____ at _____ before the Motions Judge. Petitioner(s) shall obtain a judgment search from all counties in which he/she has resided during the last five (5) years. It is further Ordered, that the Petitioner(s) shall advertise once in the Pittsburgh Legal Journal, and once in a newspaper of general circulation in Allegheny County.

BY THE COURT,
_____, J.

(b)(ii) *FORM 505B(ii) Order Scheduling Hearing on Name Change (used if Petition is brought on behalf of a Minor(s)):*

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

In Re: Petition of _____ CIVIL DIVISION
GD No. _____

Petitioner(s).

ORDER SCHEDULING HEARING ON NAME CHANGE

AND NOW, this _____ day of _____, 20____, upon hearing of the within motion of _____ Esquire/pro se, attorney for the Petitioner(s) above named, it is ORDERED and DECREED that the within Petition be heard on the _____ day of _____, 20____ at _____ before the Motions Judge. Petitioner(s) shall obtain a judgment search from all counties in which he/she has resided during the last five (5) years.

IT IS FURTHER ORDERED, that Petitioner(s) shall obtain an affidavit of consent from the non-petitioning parent and/or serve a copy of this scheduling order by certified and regular mail forthwith.

IT IS FURTHER ORDERED, that the Petitioner(s) shall advertise once in the Pittsburgh Legal Journal, and once in a newspaper of general circulation in Allegheny County.

BY THE COURT,
_____, J.

(c) *FORM 505C Decree for Change of Name*

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

In Re: Petition of _____ CIVIL DIVISION
GD No. _____

Petitioner(s).

DECREE FOR CHANGE OF NAME

AND NOW, this _____ day of _____, 20____, upon hearing on the within Petition and upon motion of _____ Esquire/pro se, attorney for Petitioner(s), with proof of publication and proof that there are no judgments or decrees of record or any other matter of like effect against Petitioner(s), and it appearing that there are no legal objections to the granting of the prayer of the Petition, it is ORDERED and DECREED that the name(s) of the Petitioner(s) be and are, from and after this date changed to

BY THE COURT,
_____, J.

(d) *FORM 505D Case Transfer Order*

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION
In Re: Petition of _____ GD No. _____

FD No. _____

(a) monor(s)
Petitioner(s): _____

CASE TRANSFER ORDER

AND NOW, the _____ day of _____, 20 _____, the Court makes the following findings:

1. The subject of the Petition for a Change of Name is

_____ who (is a) (are) minors.

2. The non-petitioning parent has filed an objection to the proposed Petition for Change of Name or has appeared before the Court and opposes the Petition.

It is therefore ORDERED, ADJUDGED and DECREED as follows:

1. Pursuant to Local Rule 505(3)(f) this matter is hereby transferred to the Family Division for all further proceedings with respect to the Petition for Change of Name.

2. The Department of Court Records shall conduct a search of its records to determine if the family involved in this contested name change has an existing Family Division docket number. If there is an existing Family Division docket number, this Petition shall be matched to the existing file and transferred to the Family Division. If there is no existing Family Division docket number, the Department of Court Records shall assign a Family Division docket number and open a case file. In either event, the above-referenced General Division docket number shall be cross-referenced with the Family Division docket number.

3. The party who filed the Petition for Change in Name shall be responsible for serving the Family Division scheduling order on the opposing party in a manner consistent with the Rules of Civil Procedure.

4. The party who filed the Petition for Change of Name shall provide the following information:

A. Name(s), Address(es) and Date(s) of Birth of the minor(s) involved:

Table with 3 columns: Name, Address, Date of Birth. Multiple rows for listing information.

B. Name of the father of the minor child(ren) _____

Address and telephone number of the father _____

Date of Birth of the father _____

C. Name of the mother of the minor child(ren) _____

Address and telephone number of the mother _____

Date of Birth of the mother _____

D. List any prior Family Court involvement and case numbers: (Examples of these cases include: Protection from Abuse, Child Support, Child Custody, and Divorce.)_

BY THE COURT,

_____, J.

Eminent Domain

Local Rule 601. Definitions.

(1) Appeal—an action contesting the decision, report or recommendation of the Viewers, which is filed with the Department of Court Records.

Local Rule 603. Preliminary Objections.

Preliminary objections to a declaration of taking or to a petition for the appointment of viewers shall not be subject to any other local rules and shall be governed by the following procedures:

(1) No brief shall be required upon the filing of the preliminary objections.

(2) The filing of preliminary objections shall stay all other proceedings as to only the parcel or parcels that are the subject of the preliminary objections.

(3) Preliminary objections shall be filed with the Department of Court Records upon which the Department of Court Records shall stamp the date and time on which the preliminary objections were filed. The party filing the preliminary objections immediately shall take the stamped preliminary objections and the Department of Court Records file to the Administrative Judge.

(4) Upon receiving the stamped preliminary objections and the Department of Court Records file for the captioned matter, the Administrative Judge shall either hear the preliminary objections or designate another judge to hear the preliminary objections.

Actions at Law/Civil Action/Pleadings

Local Rule 1018.1. Notice to Defend Form.

(1) The agency to be named in the notice to defend accompanying complaints filed in the Court of Common Pleas of Allegheny County, Pennsylvania shall be:

Lawyer Referral Service
Allegheny County Bar Association
3rd Floor Koppers Building 436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

www.acbalrs.org

(2) The agency to be named in the notices required by Pa.R.C.P. 237.1, 237.4, 237.5, 430, 1910.25, 1910.27, 1915.12, 1915.15, 1915.16, 1920.71, 1920.73, 3146 and 3252 shall be:

Lawyer Referral Service
33rd Floor Koppers Building 436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

www.acbalrs.org

Local Rule 1028(c). Procedures for the Disposition of Preliminary Objections.

(1) *General Docket Cases*

(a)(i) Preliminary objections shall be taken to the Chief Motions Clerk.

Note: The Chief Motions Clerk (telephone number 412-350-5644) will be in the Courtroom of the Motions Judge. See “Civil Division” on the Website of the Common Pleas Court of Allegheny County (www.alleghenycountycourts.us) for the name and Courtroom of the Judge who is sitting as the Motions Judge.

(ii) Except for preliminary objections raising a question of venue, which is governed by subdivision (d) of this Local Rule, the Chief Motions Clerk shall schedule the time and date for an argument before the Motions Judge.

Note: If preliminary objections are filed to preliminary objections, these preliminary objections will be scheduled for argument at the same time as the argument for the preliminary objections which are the subject of the preliminary objections.

In cases of multiple defendants, if any other defendants have not filed responsive pleadings at the time another defendant files preliminary objections, the Chief Motions Clerk will not schedule an argument on these preliminary objections sooner than sixty (60) days after filing.

(iii) The Chief Motions Clerk will file the preliminary objections with the Department of Court Records.

(iv) The party filing the preliminary objections shall promptly serve copies of these preliminary objections on all other parties with notice of the date and time of the argument, if such has been set.

(b)(i) Except for preliminary objections raising issues of fact, which are governed by subdivision (c), and preliminary objections raising a question of venue, which are governed by subdivision (d), a brief and proposed order of court, each separately tabbed under the same cover sheet, shall be attached to all preliminary objections. No preliminary objections will be accepted by the Chief Motions Clerk until a brief is attached. Failure to attach a brief shall be cause for denial of the preliminary objections.

(ii) Any party opposing preliminary objections shall file a brief in opposition to the preliminary objections at least seven (7) days prior to the argument.

(iii) A brief shall not exceed ten (10) double-spaced pages except in cases designated complex or where permitted by order of court entered pursuant to a motion presented to the Motions Judge.

(c)(i) Where preliminary objections contain grounds raising issues of fact under Pa.R.C.P. 1028(a)(1), (5), or (6), they: shall be titled on the cover sheet “Preliminary Objections Raising Questions of Fact”; shall be endorsed with a notice to plead; shall not have a brief attached; and will be scheduled for argument not sooner than ninety (90) days after filing.

(ii) All evidence that the parties wish the court to consider shall be filed with the Department of Court Records at least twenty (20) days prior to the argument.

(iii) The party which filed the preliminary objections shall file its brief at least fourteen (14) days prior to the argument; the parties opposing the preliminary objections shall file their briefs at least seven (7) days prior to argument.

(d)(i) If the preliminary objections include the ground of improper venue, they: shall be titled on the cover sheet

“Preliminary Objections Raising Questions of Venue”; shall be endorsed with a notice to plead; shall be accompanied by a brief and proposed order of court, as provided for in paragraph (1)(b) of this Local Rule; and shall include all preliminary objections as required under Pa.R.C.P. 1028(b).

Note: If the preliminary objections raise only improper venue, a brief is not required.

(ii) Preliminary objections raising questions of venue will be decided by the Calendar Control Judge. The Chief Motions Clerk shall notify the Calendar Control Judge of the filing of the preliminary objections raising a question of venue and the Calendar Control Judge shall instruct the parties as to how these preliminary objections will be resolved.

(iii) The Calendar Control Judge will rule only on the venue preliminary objections. If they are overruled, the Calendar Control Judge will issue a court order which directs the parties to obtain an argument date before the Motions Judge on the remaining preliminary objections.

(2) *Arbitration Proceedings*

(a) The original and a copy of the preliminary objections shall be taken to an Arbitration Department Clerk, Courtroom Two, Seventh Floor, City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania 15219. The clerk will place on the original and the copy of the preliminary objections a time and date (usually a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the Department of Court Records and return the copy to the party filing the preliminary objections. This party shall promptly serve copies of the preliminary objections on all other parties with notice of the date and time of the argument.

Note: The filing of preliminary objections or the Arbitration Office’s scheduling the preliminary objections for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).

(b) If the preliminary objections raise issues of fact, at the initial argument the Special Motions Judge shall issue an order describing the manner in which any factual disputes will be resolved.

(c) There are no requirements for the filing of briefs.

(d)(i) The moving party, after contacting all other parties, shall notify an Arbitration Clerk prior to the argument (412-350-5625) if the matters raised in the preliminary objections are resolved. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the preliminary objections for failure of the moving party to appear.

(ii) The moving party, after a discussion with other parties, shall notify an Arbitration Clerk if the preliminary objections are moot because of the filing of an amended pleading.

Local Rule 1034(a). Procedures for the Disposition of a Motion for Judgment on the Pleadings.

(1) *General Docket Cases*

(a)(i) The original and a copy of the motion for a judgment on the pleadings shall be taken to the Calendar Control Office (Room 734 of the City-County Building). A member of the staff shall place on the original and a copy of the motion the date of the argument list on which the motion will be argued.

Note: Motions for judgment on the pleadings filed before 2:00 P.M. on the fortieth (40th) day before the next argument list will be placed on that list. Motions filed less than forty (40) days before the date of the next argument list will be placed on the following argument list. No motion for judgment on the pleadings shall be placed on an argument list or otherwise scheduled for argument if the case has appeared on a published trial list prior to the filing of the motion without an order of court entered by the Calendar Control Judge.

(ii) The original copy of the motion shall be returned to the moving party who shall immediately file the motion with the Department of Court Records.

(iii) After the motion has been filed with the Department of Court Records, the moving party shall promptly serve copies of the motion for judgment on the pleadings on all other parties with notice of the date of the argument list on which the motion will be argued.

Note: Argument lists are placed under “Civil Division” on the Website of the Common Pleas Court (www.allegheny.courts.us) at least thirty (30) days before the date scheduled for argument. The list will identify the judge who will hear the argument.

(iv) If the motion has been resolved, the moving party shall promptly notify the court. Prior to the publication of the argument list, notice shall be given to the Calendar Control Clerk (412-350-5417). After publication of the argument list, notice shall be given to the secretary of the judge to whom the argument has been assigned.

(v) The brief of the moving party and proposed order of court shall be attached to the motion under the same cover and separately tabbed. Any party opposing the motion must file a brief at least seven (7) days prior to the argument and furnish a copy of the brief to the judge to whom the argument is assigned.

(b) This rule does not govern motions for judgment on the pleadings filed in asbestos litigation and cases otherwise designated by the court for special management (Pa.R.C.P. 1041.1 and 1041.2), class actions, cases designated as complex, and other cases specially assigned by an order of court to a single judge.

(2) Arbitration Proceedings

(a) The original and a copy of the motion for judgment on the pleadings shall be taken to an Arbitration Clerk Courtroom Two, Seventh Floor, City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania 15219. The clerk will place on the original and the copy of the motion a time and date (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the Department of Court Records and return the copy to the party filing the motion. This party shall promptly serve copies of the motion on all other parties with notice of the date and time of the argument.

Note: The Arbitration Office’s scheduling a motion for judgment on the pleadings for an argument on a date after the date of the arbitration hearing does not delay the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).

(b) There are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation and case law.

(c) The moving party, after contacting the other parties, shall notify an Arbitration Department Clerk (412-350-5625) if the motion is withdrawn. Otherwise, if the

moving party does not appear on the date of the argument, the court will enter an order dismissing the motion for failure of the moving party to appear.

Local Rule 1042.26(b). Medical Professional Liability Actions. Expert Reports.

In this county, unless there is a case-specific Order to the contrary or a published trial list with contrary deadlines, the provisions of Pa.R.C.P. 1042.26 through 1042.38 apply to medical professional liability actions.

Note: If deadlines set forth in a published trial list appear to contradict deadlines otherwise calculated in these rules, the earlier deadline will prevail.

Note: See Local Rule 4003.5 regarding expert reports in professional liability and product liability actions.

Compulsory Arbitration

Local Rule 1303. Arbitration Hearing. Notice.

(1) The Department of Court Records shall affix the date, time and place of hearing before a Board of Arbitrators by placing said information on the Complaint which is filed and on the copies of the Complaint which are to be served upon all other parties.

(2) Every Complaint (except for Small Claims - see Local Rule 1320(2)) filed in Compulsory Arbitration, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing (FORM 1303) (see subsection (4) below). The Notice of Hearing Date and Notice of Duty to Appear shall immediately follow the Notice (to Defend) which is required by Pa.R.C.P. 1018.1(b).

(3) Immediately before the time set for hearing, an Arbitration Clerk shall assign cases to each Board of Arbitrators and shall designate the room in which the cases are to be heard. An Arbitration Clerk shall designate the order in which cases shall be heard from those listed in the published daily Arbitration List, in addition to cases listed specially by a Judge.

(4) *FORM 1303 Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing*

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

_____	ARBITRATION DOCKET
_____	NO. _____ - _____ - _____
PLAINTIFF	
VS.	HEARING DATE _____

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the attached copy of the suit papers, **YOU MUST** complete and detach two of the copies of the attached “Notice of Intention To Appear.” One completed copy of the “Notice of Intention to Appear” must be filed or mailed to the Department of Court Records, First Floor, City-County Building, 414 Grant Street, Pittsburgh, PA 15219 and the other completed copy must be mailed to: _____ within TWENTY (20) days from the date these papers were mailed. You are warned that if you fail to do so, the case may proceed without you and a judgment maybe entered against you by the court without further notice for any

money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lost money or property or other rights important to you. **YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

LAWYER REFERRAL SERVICE,
The Allegheny County Bar Association
3rd Floor Koppers Building, 436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: (412) 261-5555

www.acbalrs.org

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Courtroom Two, Seventh Floor, City-County Building, 414 Grant Street Pittsburgh, Pennsylvania, on _____, _____ at 9:00 A.M. **IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.**

DUTY TO APPEAR AT ARBITRATION HEARING If one or more of the parties is not present at the hearing, **THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.**

NOTICE: YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD IMMEDIATELY BEFORE A JUDGE WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

Local Rule 1303(a)(2). Failure to Appear for Hearing.

(1) If a party fails to appear for a scheduled arbitration hearing, the matter may, if all present parties agree, be transferred immediately to a Judge of the Court of Common Pleas for an ex parte hearing on the merits and entry of a non-jury verdict, from which there shall be no right to a trial de novo on appeal.

Note: This local rule results in the loss of the right to a trial de novo on appeal, as described in the local rule. A dismissal or judgment which results from this local rule will be treated as any other final judgment in a civil action, subject to Pa.R.C.P. 227.1.

(2) A non-jury verdict entered at a hearing held pursuant to Local Rule 1303(a)(2)(1) shall not exceed \$25,000 (exclusive of interest and costs) to any party.

Local Rule 1308. Appeal. Arbitrators' Compensation. Notice.

(1) In addition to satisfying the requirements of Pa.R.C.P. 1308(a), a party appealing an award shall also pay to the Department of Court Records any fee required for filing the appeal.

Local Rule 1320. Small Claims Procedure.

(8) The Department of Court Records, on praecipe of the plaintiff accompanied by a certificate as required by Pa.R.C.P. 237.1(a)(2), shall enter judgment against the defendant for failure to file either a responsive pleading or a copy of the Notice of Intention to Appear within twenty (20) days from service thereof, with damages to be assessed in the manner provided by the rules.

(9)(a) *FORM 1320A Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing*

IN THE COURT OF COMMON PLEAS OF
ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

_____	ARBITRATION DOCKET
_____	NO. _____ - _____ - _____
PLAINTIFF	
vs.	HEARING DATE _____

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the attached copy of the suit papers, **YOU MUST** complete and detach two of the copies of the attached "Notice of Intention To Appear." One completed copy of the "Notice of Intention to Appear" must be filed or mailed to the Department of Court Records, First Floor, City-County Building, 414 Grant Street, Pittsburgh, PA 15219 and the other completed copy must be mailed to: _____ within TWENTY (20) days from the date these papers were mailed. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lost money or property or other rights important to you. **YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

LAWYER REFERRAL SERVICE,
The Allegheny County Bar Association
3rd Floor Koppers Building, 436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: (412) 261-5555

www.acbalrs.com

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Courtroom Two, Seventh Floor, City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania, on _____, _____ [Insert date and year] at 9:00 A.M. **IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.**

DUTY TO APPEAR AT ARBITRATION HEARING

If one or more of the parties is not present at the hearing, **THE MATTER MAY BE HEARD AT THE SAME**

TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE: YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD IMMEDIATELY BEFORE A JUDGE WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

(b) FORM 1320B Notice of Intention to Appear

NOTICE OF INTENTION TO APPEAR

(Three copies required)

To the Plaintiff or the Case Caption _____
Plaintiff's Attorney Hearing Date _____

I intend to appear at the hearing scheduled for the above date and defend against the claim made against me.

I do not owe this claim for the following reasons:

I certify that I have mailed a copy of this Notice to the Plaintiff or the Plaintiff's attorney.

Date: _____ Sign here: _____

Address: _____

Local Rule 1331. Consumer Credit Transaction.

The agency to be named in any notice required by Pa.R.C.P. 1328(b) and 1329(3)(2) shall be:

Lawyer Referral Service
Allegheny County Bar Association
3rd Floor Koppers Building 436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

www.acbalrs.com

Minors as Parties

Local Rule 2039. Compromise, Settlement, Discontinuance and Distribution.

(2) Deposit of Funds by Order of Court.

All petitions under Pa.R.Civ.P. 2039, where the proceeds of settlement are to be deposited in a savings account or in a certificate of deposit, shall have attached to the petition an order including the following:

It is hereby ordered and decreed that the amount of \$ _____ shall be deposited in the name of _____, a minor, by counsel of record in a savings account or certificate of deposit in a federally insured bank, savings and loan association or credit union. The savings account or certificate of deposit shall be marked "NOT TO BE WITHDRAWN UNTIL THE MINOR REACHES THE AGE OF MAJORITY OR BY FURTHER ORDER OF COURT."

Proof of deposit is to be filed with the Department of Court Records, Wills/Orphans' Court Division within thirty days by counsel of record.

(3) Presentation of Petition.

All petitions under Pa.R.C.P. 2039 shall be first delivered for signature to the Administrative Judge of the Orphans' Court Division and thereafter presented to the Calendar Control Judge.

(4) Annuity Contracts.

(a) Where the terms of settlement of a minor's claim include an annuity contract, the annuity contract shall provide that the policy will not be transferred or assigned to another company without the prior approval of the Orphans' Court Division of this Court.

(b) A copy of this local rule shall be served upon the company issuing the annuity contract and proof of service thereof shall be filed with the Department of Court Records, Wills/Orphans' Court Division.

Note: For approval of a settlement of a minor's claim where no action has been instituted, see Orphans' Court Local Rule 12.16G.

Incapacitated Persons as Parties

Local Rule 2064. Compromise, Settlement, Discontinuance and Distribution.

(1) Presentation of Petition.

All petitions under Pa.R.C.P. 2064 shall be first delivered for signature to the Administrative Judge of the Orphans' Court Division and thereafter presented to the Calendar Control Judge.

(2) Annuity Contracts.

(a) Where the terms of settlement of an incapacitated person's claim include an annuity contract, the annuity contract shall provide that the policy will not be transferred or assigned to another company without the prior approval of the Orphans' Court Division of this Court.

(b) A copy of this Local Rule shall be served upon the company issuing the annuity contract and proof of service thereof shall be filed with the Department of Court Records, Wills/Orphans' Court Division.

Enforcement of Judgments for the Payment of Money

Local Rule 3121. Stay of Execution. Setting Aside Execution.

(1) Notice.

Notice shall be given to the party executing the judgment when application will be made for a stay of execution.

(2) Delivery of Copy of Order Staying Execution to Sheriff.

Orders staying execution, certified to be true and correct by the Department of Court Records, an attorney or a party litigant, shall be provided to the Sheriff.

Note: When a writ of execution is stayed after the Sheriff has served or has attempted to serve the writ, poundage will be calculated based on the face amount of the writ unless the plaintiff files an affidavit within three business days the actual amount paid or to be paid to the plaintiff in cash or in kind as consideration for staying the writ or satisfying the judgment. If an affidavit is filed, the Sheriff's poundage will be calculated based on the consideration set forth in the affidavit.

Local Rule 3129.2. Notice of Sale. Real Property.

(2) *Filings With the Sheriff Prior to Sale:*

All writs and copies of orders certified from the record by the Department of Court Records directing judicial sales of real estate must be filed with the Sheriff in accordance with the policies of the Sheriff's office.

(4) *Notice to Internal Revenue Service.*

In any case where notice is required to be given to the Internal Revenue Service, in accordance with the provisions of the Federal Tax Lien Act of 1966, 26 U.S.C. § 7425(b) and (c), a copy of such notice, certified by counsel to be a correct copy and indicating the date of service upon or delivery to the Internal Revenue Service, shall be filed with the Department of Court Records prior to the date fixed for the sale.

Local Rule 3146. Judgment Against Garnishee Upon Default or Admission in Answer to Interrogatories.

(2) The agency to be named in the notice provided by Pa.R.C.P. 3146 shall be:

Lawyer Referral Service
Allegheny County Bar Association
3rd Floor Koppers Building 436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

www.acbalrs.com

Actions Upon Mechanics Liens, Municipal and Tax Claims and Charges on Land**Local Rule 3190. Judgment. Execution.**

(1) *Tax Sales.*

Before objection to the adequacy of the price offered for real estate pursuant to Section 14 of Act of July 5, 1947, P. L. 1258, 53 P. S. § 26114, is filed, the objector shall deposit a certified or cashier's check with the solicitor for petitioner for ten percent of the original offer, or a minimum of one hundred dollars, subject to forfeiture to all interested taxing authorities in the event the original offer is not raised in said amount in open Court.

The objection filed in the office of the Department of Court Records shall have endorsed thereon acceptance of service and receipt for deposit by counsel for petitioner. After bidding in open Court and acceptance of successful bid by the Court, deposits shall be returned to unsuccessful bidders, provided the accepted bid exceeds by ten percent, or a minimum of one hundred dollars, the price offered.

(c) Counsel shall also serve certified copies of orders of Court changing ownership or description of property on the Allegheny County Department of Real Estate.

Local Rule 3252. Writ of Execution. Money Judgments.

The agency to be named in the notice on writs of executions issued pursuant to Pa.R.C.P. 3252(a) shall be:

Lawyer Referral Service
Allegheny County Bar Association
3rd Floor Koppers Building 436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

www.acbalrs.com

Discovery—Expert Reports**Local Rule 4002.1. Filing Discovery Material. Requests for Expert Reports in Professional Negligence and Product Liability Actions.**

All requests for production of expert reports made in professional negligence and product liability actions in accordance with Local Rule 4003.5 shall be filed with the Department of Court Records. Expert reports furnished pursuant to Local Rule 4003.5 are discovery material that shall not be filed, except as provided by Pa.R.C.P. 4002.1. *Note:* See also Local Rule 4003.5, relating to expert reports in professional negligence and product liability actions.

[Pa.B. Doc. No. 14-2541. Filed for public inspection December 12, 2014, 9:00 a.m.]

Title 25—LOCAL COURT RULES

ADAMS COUNTY**Amendment of Rules of Civil Procedure 236 and 1916; Administrative Order No. 54 of 2014****Order of Court**

And Now, this 21st day of November, 2014, the Court hereby Orders that Rules 236 and 1916 of the Adams County Rules of Civil Procedure shall be amended as follows:

Rule 236. Notice of Order or Judgment.

When the Prothonotary is required by general or local rule to give notice to any party of any hearing, order, judgment or other matter, it shall be the duty of the moving party to furnish the Prothonotary with sufficient copies of such documents. If the document is to be mailed, the moving party shall also furnish the postage, pre-paid envelope with the name and address of the recipient set forth thereon. The Prothonotary shall note the date that the notice was sent on the file copy. If sufficient copies are not provided, the Prothonotary shall make sufficient copies and charge the moving party a fee [**of \$1.00 per copy for the cost thereof**] established by administrative order. **The current fee schedule shall be posted by the Prothonotary and available for review at <http://www.adamscounty.us/Dept/Prothonotary/Pages/default.aspx>.** Additionally, the Prothonotary may assess postage fees against any moving party who fails to furnish a pre-paid envelope as required by this rule.

Rule 1916. Home Studies and Investigations.

Adams County Children and Youth Services is designated as the agency authorized to conduct home studies within Adams County. Home studies may be ordered subject to the following:

1. Fees shall be periodically established by administrative order. [**Until changed, the fee will be seventy-five (\$75.00) dollars.**] **The current fee schedule shall be posted by the Prothonotary and available for review at <http://www.adamscounty.us/Dept/Prothonotary/Pages/default.aspx>.**

These rule amendments shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. It is further directed that:

a. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;

b. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts for distribution in accordance with the provisions of Pa.R.C.P. No. 239(c)(2); and

c. Two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format, containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

d. One (1) certified copy of this Order shall be filed with the Civil Procedural Rules Committee.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 14-2542. Filed for public inspection December 12, 2014, 9:00 a.m.]

ARMSTRONG COUNTY

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

Order of Court

And Now, this 21st day of November, 2014, it is hereby *Ordered* as follows:

1. A new Local Rule of Civil Procedure numbered 1061.1 is hereby promulgated to read as follows:

Rule 1061.1. Adverse Party Compelled to Commence Action in Ejectment.

When an adverse party in a quiet title action is compelled to commence an action in ejectment, such an action shall be commenced by the filing of a complaint at a new case number. The new action shall be governed by the rules pertaining to an action in ejectment.

2. A new Local Rule of Judicial Administration numbered 1901.1 is hereby promulgated to read as follows:

Rule 1901.1. Status Conference in Certain Cases.

(a) The Court Administrator shall cause a status conference to be held before a judge approximately 180 days after a complaint in civil action, as defined below in subsection (c), has been filed, unless the case has already been placed on the Pre-Trial Conference List pursuant to L.R.C.P. No. 212.1.

(b) At the status conference, the Court may do any or all of the following:

- i) establish deadlines for discovery;
- ii) establish deadlines for the filing of amended pleadings or the joinder of additional parties;
- iii) order a severance or consolidation pursuant to Pa.R.C.P. No. 213;
- iv) schedule a pre-trial conference;
- v) schedule a trial;
- vi) take any other action to expedite the resolution of the issues.

(c) For purposes of this Rule, “civil action” includes only tort, mass tort, professional liability, contract, and equity actions.

3. The Court Administrator shall take all steps required by Pa.R.C.P. No. 239 for the publication, distribution and dissemination of the amendments and supplements provided for herein.

4. This Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

KENNETH G. VALASEK,
President Judge

[Pa.B. Doc. No. 14-2543. Filed for public inspection December 12, 2014, 9:00 a.m.]

CARBON COUNTY

Amendment of Local Rule of Civil Procedure CARB.R.C.P. 1303 Hearing Notice; No. 14-2632

Administrative Order No. 17-2014

And Now, this 17th day of November, 2014, it is hereby

Ordered and *Decreed* that, effective January 1, 2015, the Carbon County Court of Common Pleas *Amends* Carbon County Rule of Civil Procedure CARB.R.C.P. 1303 governing the Hearing and Notice in Arbitration matters.

The Carbon County District Court Administrator is *Ordered* and *Directed* to

- 1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.
- 2. File two (2) certified copies and one (1) computer diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- 3. File one (1) certified copy with the Civil Procedural Rules Committee.
- 4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
- 5. Forward one (1) copy to the Carbon County Law Library.
- 6. Keep continuously available for public inspection copies of the Administrative Order in the Prothonotary’s Office.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 1303. Hearing. Notice.

Notice of the appointment of arbitrators and the date, time and place of arbitration in accordance with Pa.R.C.P. 1303 shall be made by the Prothonotary’s Office. The Notice shall include the following language: “The matter will be heard by a board of arbitrators at the time, date, and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.”

All continuance requests must be filed no later than seven (7) days before the scheduled Arbitration hearing.

The attorney/self-represented party must notify all other attorneys/self-represented parties and members of the panel of the granting of the continuance motion. In the event such notice is not provided and a panel member appears, the defaulting party shall be responsible for payment of that panel member's current arbitration fee, which is currently set at \$150.00, said payment to be made by the defaulting party to the Prothonotary of Carbon County. Any continuances requested within the seven (7) days of the scheduled Arbitration hearing shall require the personal appearance of the attorney/self-represented party before the Judge to explain the extenuating circumstances necessitating the late filing.

Except as qualified by the next sentence, any appointed arbitrator must notify Court Administration of their inability to serve within ten (10) days of the scheduled event so that a suitable replacement can be secured by Court Administration. An arbitrator who is unable to attend but for whom another member of the arbitrator's firm is able to attend should notify Court Administration no less than three (3) days before the arbitration hearing if an attorney within the same firm is going to appear for the Arbitration in place of the appointed arbitrator.

If a case is settled less than three (3) days before the Arbitration hearing, one of the attorneys/self-represented parties must appear before the Board of Arbitrators and have an Award entered by agreement. If the case is discontinued less than three (3) days before the arbitration hearing, one of the attorneys/self-represented parties must appear before the Board of Arbitrators and provide a copy of the filed Praeceptum to Discontinue. If the case is settled three (3) days or more before the Arbitration hearing, Plaintiff's attorney/Plaintiff must file at least three (3) days prior to the scheduled Arbitration, a praecipe to strike the case from the arbitration list because the case is settled and must notify all other attorneys/self-represented parties and the panel members. If the case is discontinued three (3) or more days before the Arbitration hearing, Plaintiff's attorney/Plaintiff must file at least three (3) days prior to the scheduled Arbitration a Praeceptum to Discontinue and provide a copy of the filed Praeceptum to Discontinue to all other attorneys/self-represented parties and the panel members. In the event counsel/self-represented party fails to appear and advise the Board of the settlement award or discontinuance, or to provide such notice or copy, and a panel member appears, the defaulting party shall be responsible for payment of that panel member's current arbitration fee, which is currently set at \$150.00, said payment to be made by the defaulting party to the Prothonotary of Carbon County.

[Pa.B. Doc. No. 14-2544. Filed for public inspection December 12, 2014, 9:00 a.m.]

FAYETTE COUNTY

Local Rule 1915.2; No. 2415 of 2014 GD

Order

And Now, this 19th day of November, 2014, pursuant to Rule 239 of the Pennsylvania Rules of Civil Procedure, it is hereby ordered that Local Rule 1915.2 is amended as set forth as follows.

The Prothonotary is directed as follows:

(1) One certified copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rule shall be sent to the State Domestic Relations Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library.

(5) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

This Local Rule shall be continuously available for public inspection and copying in the Office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. WAGNER, Jr.,
President Judge

Rule 1915.2.

A party who is requesting a child custody mediation conference must file with the Prothonotary a "Request to Schedule Child Custody Mediation" form, along with the \$100.00 filing fee, in accordance with F.C.R. 1915.3. The requesting party must also serve on the Administrative Office of Fayette County Courts a copy of the Request to Schedule Child Custody Mediation, along with a copy of the receipt for the filing fee. The Administrative Office of Fayette County Courts shall refer the Request form to Child Custody Services, and a mediation conference shall be scheduled. All parties must attend this child custody mediation conference unless excused by the child custody mediator/hearing officer. Children shall not attend the conference, unless ordered by the Court.

[Pa.B. Doc. No. 14-2545. Filed for public inspection December 12, 2014, 9:00 a.m.]

FAYETTE COUNTY

Local Rules 1901.1-2 and 1901.1-3; No. 2414 of 2014 GD

Order

And Now, this 19th day of November, 2014, pursuant to Rule 239 of the Pennsylvania Rules of Civil Procedure, it is hereby ordered that Local Rule 1901.1-2 and Local Rule 1901.1-3 are amended as set forth as follows.

The Prothonotary is directed as follows:

(1) One certified copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rule shall be sent to the State Domestic Relations Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library.

(5) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

This Local Rule shall be continuously available for public inspection and copying in the Office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. WAGNER, Jr.,
President Judge

Rule 1901.1-2. Commencement in Court.

(a) A petition for Protection From Abuse (PFA) shall be presented to the Court as a routine motion in accordance with Fayette County Rule 208.3 and assigned to the PFA Judge who will schedule a hearing on the petition.

(b) If the petition seeks temporary relief for protection from abuse and alleges immediate and present danger of abuse to the plaintiff and/or minor children, the same shall be presented directly to the assigned PFA Judge on any business day from 8:30 A.M. through 3:00 P.M.; the PFA Judge will, at the earliest possible time consistent with his/her schedule, conduct an ex parte proceeding. Thereafter, the Court may enter such temporary order, as it deems necessary to protect the plaintiff and/or minor children pending hearing on the petition.

(c) *Assistance and advice to plaintiffs not represented by counsel.*

(1) Petition forms and written information referring individuals to the local domestic violence program, Southwestern Pennsylvania Legal Aid Society, and Fayette County Bar Association Lawyer Referral Service shall be provided by the Prothonotary.

(2) Clerical assistance in the preparation and filing of the petition shall be provided by the local domestic violence agency, if available.

(3) PFA petition forms and instructions are available in the Fayette County Law Library or on the website of the Administrative Office of Fayette County Courts at www.co.fayette.pa.us.

Rule 1901.1-3. Emergency Relief by the Minor Judiciary.

(a) From 3:00 P.M. each day to the resumption of business at 8:30 A.M. the next morning; from 3:00 P.M. of the last day of the business week to 8:30 A.M. of the first day of the next business week; during any holiday; and at any other time that the assigned PFA Judge is declared to be unavailable, a Petition for Protection from Abuse seeking ex parte emergency relief based upon an allegation of immediate and present danger of abuse to the plaintiff and/or minor children shall be filed with the Magisterial District Judge in the district where the plaintiff lives or, when unavailable, with the court ordered Duty Magisterial District Judge, who may grant relief in accordance with the Act.

(b) *Magisterial District Judge.*

(1) The Magisterial District Judge shall provide petition forms and assist in the preparation thereof.

(2) If, following an ex parte proceeding, the Magisterial District Judge determines that emergency relief is warranted; he/she shall issue an emergency order.

(3) The Magisterial District Judge shall certify the emergency order issued and the petition to the Court.

(4) The Magisterial District Judge shall advise the plaintiff that the emergency order will expire at 3:00 P.M. on the next business day of Court.

(5) The Magisterial District Judge shall advise the plaintiff that the plaintiff is responsible for obtaining the certified record from the Magisterial District Judge and for filing the certified record with the Prothonotary on the next business day of Court.

(c) *Prothonotary.*

(1) The Prothonotary shall accept the certified record from the plaintiff for filing without the payment of fees.

(2) The Prothonotary shall provide the plaintiff with a verified statement form which must be completed by the plaintiff setting forth the abuse by the defendant, if the abuse has not already been set forth in the Petition for Emergency Order.

(3) The Prothonotary shall provide the plaintiff with a copy of the petition, verified statement and emergency order and advise the plaintiff to present same to the assigned PFA Judge for ex parte proceedings as provided for in 1901.1-2(b).

[Pa.B. Doc. No. 14-2546. Filed for public inspection December 12, 2014, 9:00 a.m.]

LEHIGH COUNTY

Adoption of Criminal Rules 101.1, 103.1, 531.2 and 536.1 Relating to Bail; AD-7-2014

Order

And Now, this 19th day of November, 2014, *It Is Ordered* that the Bail Rules promulgated on May 30, 2014 by this Court are hereby *Vacated*;

It Is Further Ordered that the following Rules of Criminal Procedure, in and for the 31st Judicial District of Pennsylvania composed of Lehigh County, be, and the same are, promulgated herewith, to become effective thirty (30) days after their publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that two (2) certified copies and one (1) electronic copy shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Rules Committee of the Supreme Court of Pennsylvania; that one (1) certified copy shall be filed with the Administrative Offices of Pennsylvania Courts; that one (1) copy shall be filed with the Clerk of Judicial Records of Lehigh County; and that one (1) copy shall be published in *The Lehigh County Bar Journal*.

By the Court

KELLY L. BANACH,
Administrative Judge

Lehigh County Bail Rules

Rule 101.1. Construction of Rules; Consistency with Statewide Rules.

(a) All rules of construction adopted by the Supreme Court of Pennsylvania shall apply to local rules adopted by the Court of Common Pleas of Lehigh County that govern the practice and procedure in criminal matters.

(b) Any requirement imposed by these rules is in addition to, and not in lieu of, the requirements under the Pennsylvania Rules of Criminal Procedure.

(c) No pleading or other legal paper shall be refused for filing by the clerk of courts based upon a failure to comply with a requirement imposed by these rules. No case shall be dismissed nor request for relief granted or denied because of a failure to comply with such a requirement. If a party fails to comply with such a requirement, the court shall notify the party of the failure and provide a reasonable time for the party to comply with the requirement.

Rule 103.1. Definitions.

(a) Definitions contained in Pa.R.Crim.P. 103 shall apply to all local rules heretofore and hereafter adopted which govern practice and procedure in criminal matters.

(b) The following words and phrases, when used in any Lehigh County Rule of Criminal Procedure, shall have the following meanings:

Bail Enforcement Agent is an individual who performs services or takes action for the purpose of enforcing the terms and conditions of a defendant's release from custody on bail, including locating, apprehending and surrendering a defendant released from custody on bail who has failed to appear at a specified time and place pursuant to Order of Court. The term does not include police officers, sheriffs, court officers or law enforcement personnel who execute warrants of arrest for bail forfeitures pursuant to their official duties.

Clerk of Judicial Records, Criminal Division is the Chief Deputy of the Lehigh County Clerk of Judicial Records, Criminal Division.

Corporate Surety is any corporation, limited liability corporation, fidelity company or other legal entity which issues bail bonds as an insurer and is licensed by the Pennsylvania Department of Insurance to do so in the Commonwealth of Pennsylvania.

Surety Agent is any individual appointed by a Corporate Surety as an agent and engages in the business of providing bail, providing or soliciting bail undertakings and/or providing or soliciting indemnity or counter-indemnity to others on bail undertakings and is licensed by the Pennsylvania Department of Insurance to do so in the Commonwealth of Pennsylvania.

Surety Agency is a corporation, partnership, limited liability company or other legal entity directly appointed by a Corporate Surety which engages in the business of providing bail, providing or soliciting bail undertakings and/or providing or soliciting indemnity or counter-indemnity to others on bail undertakings and is licensed by the Pennsylvania Department of Insurance to do so in the Commonwealth of Pennsylvania; or a corporation, partnership, limited liability company or other legal entity which is owned by, employs or contracts with one or more individual Surety Agents as defined herein.

Department of Law is the Lehigh County Department of Law.

Pretrial Services is Lehigh Valley Pretrial Services, Inc.

President Judge is the President Judge of the Court of Common Pleas of Lehigh County.

Professional Bail Bondsman is an individual who, in strict compliance with the Pennsylvania Professional Bondsman Act, 42 Pa.C.S. § 5741—5749: (1) engages in the business of giving bail, giving or soliciting undertakings, or giving or soliciting indemnity or counter-indemnity to securities on undertakings; or (2) within a period of 30 days has become a surety, or has indemnified a surety, for the release on bail of a person, with or

without a fee or compensation, or promise thereof; in three or more matters not arising out of the same transaction and is licensed by the Pennsylvania Department of Insurance to do business in the Commonwealth of Pennsylvania.

Rule 531.2. Regulation of Corporate Sureties, Surety Agents, Surety Agencies and Professional Bail Bondsmen.

(a) *Seeking Approval as a Surety Agent, Surety Agency or Professional Bail Bondsman.* A Surety Agency, on behalf of itself and its Surety Agents, or Professional Bail Bondsman may seek approval to post bail in the Thirty-first Judicial District by filing a petition with the Clerk of Judicial Records, Criminal Division. The petition must provide the information and have attached as exhibits any documents and certifications required of the petitioner in subsection (b) herein. Upon filing, the petition will be assigned to a Judge for determination.

(b) *Requirements to Become Qualified.* To become qualified to post bond in Lehigh County:

(1) Each Corporate Surety, Surety Agent, Surety Agency and Professional Bail Bondsman must be in compliance with all laws, statutes, local and state rules of court as may be established from time to time;

(2) Each Corporate Surety must file with the Clerk of Judicial Records, Criminal Division satisfactory proof that the Corporate Surety is authorized by the Pennsylvania Department of Insurance to do business in the Commonwealth of Pennsylvania. A current and valid Certificate of Authority issued by the Pennsylvania Insurance Department showing that the Corporate Surety is authorized to transact the business of Fidelity and Surety under 40 P. S. § 382(1) shall be deemed satisfactory proof under this subsection;

(3) Each Corporate Surety must file with the Clerk of Judicial Records, Criminal Division satisfactory proof of the agency relationship between the Corporate Surety and the Surety Agents and Surety Agencies authorized to act on its behalf. A current and valid Appointment Form filed with the Pennsylvania Insurance Department shall be deemed satisfactory proof under this subsection. The execution of any bail bond by such Surety Agent or Surety Agency shall create a valid and binding obligation of the Corporate Surety;

(4) Each Surety Agency must file with the Clerk of Judicial Records, Criminal Division, satisfactory proof that each of its Surety Agents is licensed by the Pennsylvania Department of Insurance;

(5) Each Surety Agency must file with the Clerk of Judicial Records, Criminal Division, a list of all Surety Agents who are authorized to act on its behalf;

(6) Each Professional Bail Bondsman must file with the Clerk of Judicial Records, Criminal Division a list of any currently employed licensed Professional Bail Bondsmen who are authorized to act on its behalf;

(7) Each Corporate Surety and each Surety Agency must file with the Clerk of Judicial Records, Criminal Division a Statement of Official Address which shall provide an address to which service of correspondence, notices, orders and other legal communications shall be made. The mailing by any Lehigh County governmental entity, including but not limited to the Lehigh County Court of Common Pleas, the Lehigh County Clerk of Courts and the Lehigh County Department of Law, of correspondence, notices, orders and other communications by first class mail to said address shall be deemed

presumptive proof of service of same and no objection shall be made by any party that the mailing was sent to an improper or incorrect address;

(8) Each Professional Bail Bondsman must file with the Clerk of Judicial Records, Criminal Division, a certification that the Professional Bail Bondsman maintains an office in Lehigh County from which its business is conducted. Each Professional Bail Bondsman must file with the Clerk of Judicial Records, Criminal Division a Statement of Official Address which shall provide the street address of said office located in Lehigh County to which service of correspondence, notices, orders and other legal communications may be made. The mailing by any Lehigh County governmental entity, including but not limited to the Lehigh County Court of Common Pleas, the Lehigh County Clerk of Courts and the Lehigh County Department of Law, of correspondence, notices, orders and other communications by first class mail to said address shall be deemed presumptive proof of service of same and no objection shall be made by any party that the mailing was sent to an improper or incorrect address;

(9) Every Professional Bail Bondsman shall keep at its office in Lehigh County the usual and customary records pertaining to bail bonds posted in Lehigh County, including, but not limited to, such records of bail bonds executed or countersigned by the Professional Bail Bondsman, to enable the court to obtain all relevant information concerning such bail bonds for at least three (3) years after the liability of the Professional Bail Bondsman has been terminated. Such records of bail bonds posted shall be subject to immediate examination, inspection or copying by the Court or its representative at the Professional Bail Bondsman's place of business or, upon request, a copy will be made available to the Court at its place of business or as otherwise directed. Any and all information shall be furnished in such manner or form as the Court requires;

(10) Every Surety Agent and Surety Agency which conducts any business in Lehigh County shall keep at its office the usual and customary records pertaining to bail bonds posted in Lehigh County, including, but not limited to, such records of bail bonds executed or countersigned by the Corporate Surety, Surety Agency or Surety Agent, to enable the court to obtain all relevant information concerning such bail bonds for at least three (3) years after the liability of the Corporate Surety has been terminated. Such records of bail bonds posted shall be subject to immediate examination, inspection or copying by the Court or its representative at the Surety Agency or Surety Agent's place of business or, upon request, a copy will be made available to the Court at its place of business or as otherwise directed. Any and all information shall be furnished in such manner or form as the Court requires;

(11) Each Surety Agency and Professional Bail Bondsman shall file an Affidavit with the Clerk of Judicial Records, Criminal Division, disclosing any convictions for non-summary criminal offenses, with the exception of misdemeanors under the Pennsylvania Vehicle Code, by any owner, officer, director or Surety Agent of the Surety Agency or the Professional Bail Bondsman. The Affidavit must attach a copy of a criminal history records check conducted by the Pennsylvania State Police or, for persons residing in another state, the comparable document for that state, for each such person. A conviction may render the owner, officer, director or Surety Agent of the Surety Agency or the Professional Bail Bondsman ineligible to conduct business in the Thirty-first Judicial

District as determined by the Lehigh County Court of Common Pleas in its sole discretion;

(12) Each Corporate Surety must post with the Clerk of Judicial Records, Criminal Division as security \$50,000 in United States currency or unencumbered securities of the United States Government per each Surety Agency approved under subsection (a) which posting will entitle the Corporate Surety, the Surety Agency and its Surety Agents to post bonds in Lehigh County;

(13) Each Professional Bail Bondsman which has obtained approval of its petition filed under section (a) hereunder must post with the Clerk of Judicial Records, Criminal Division as security, in increments of \$50,000 and no less than \$50,000 in United States currency or unencumbered securities of the United States Government, which will entitle the Professional Bail Bondsman, to post bond in an aggregate sum equivalent to the amount posted hereunder;

(14) Each Professional Bail Bondsman must provide to the Clerk of Judicial Records, Criminal Division a financial statement certified by a Certified Public Accountant which verifies that the Professional Bail Bondsman has sufficient assets to satisfy all bail obligations undertaken by or on behalf of the Professional Bail Bondsman in the Thirty-first Judicial District and in other jurisdictions in which the Professional Bail Bondsman conducts business;

(15) Each Surety Agent may post bail only in the name of the Corporate Surety for which it serves as a duly appointed agent or agency and must post bail exactly in the name as appears on that Corporate Surety's Certificate of Authority, and not in the name of any other person or business entity;

(16) Each Corporate Surety must file with the Clerk of Judicial Records, Criminal Division, a copy of the rates approved by the Pennsylvania Department of Insurance for said Corporate Surety;

(17) Each Surety Agency must file with the Clerk of Judicial Records, Criminal Division a schedule of the fees to be charged Criminal Division defendants for issuing the bail bond;

(18) Each Professional Bail Bondsman must certify to the Clerk of Judicial Records, Criminal Division a schedule of the fees to be charged Criminal Division defendants for issuing the bail bond. Such fees may not change unless notice is given to the President Judge at least thirty (30) days prior to the effective date of the proposed revised fees (see 42 Pa.C.S.A. § 5748);

(19) Upon approval of the petition required in subsection (a) of this rule, each Surety Agency and Professional Bail Bondsman shall register with the Clerk of Judicial Records, Criminal Division and pay to the Clerk of Judicial Records, Criminal Division an initial registration fee of \$500.00, or such amount as may be established from time to time by the Clerk of Judicial Records, Criminal Division with the approval of the President Judge or his or her designee; and

(20) At the time of filing the Certificate of Authority required in subsection (b)(2) of this rule, each Corporate Surety shall pay to the Clerk of Judicial Records, Criminal Division an initial registration fee of \$100.00, or such amount as may be established from time to time by the Clerk of Judicial Records, Criminal Division with the approval of the President Judge or his or her designee.

(c) *Requirements to Remain Qualified.* To remain qualified to post bond in Lehigh County:

(1) Each Corporate Surety, Surety Agency, Surety Agent and Professional Bail Bondsman must fully comply with all laws, statutes, local rules, rules of court and procedures as may be established from time to time;

(2) Each Corporate Surety, Surety Agency, Surety Agent and Professional Bail Bondsman must maintain compliance with the requirements specified in subsection (b) of this rule to the extent applicable to each;

(3) Each Corporate Surety, Surety Agency and Professional Bail Bondsman must annually update and refile the filings required in subsections (b)(2)—(8) and (11) of this rule to the extent applicable to each;

(4) Each Professional Bail Bondsman must provide quarterly statements certified by the Professional Bail Bondsman that it is in compliance with the security posting requirements specified in subsection (b)(14) of this rule to the Clerk of Judicial Records, Criminal Division;

(5) Each Professional Bail Bondsman must provide to the Clerk of Judicial Records, Criminal Division, on a quarterly basis, or as often as requested by the President Judge, a financial statement certified by a Certified Public Accountant which verifies that the Professional Bail Bondsman has sufficient assets to satisfy all bail obligations undertaken by the Professional Bail Bondsman in the Thirty-first Judicial District and in other jurisdictions in which the Professional Bail Bondsman conducts business;

(6) Each Corporate Surety and Professional Bail Bondsman must satisfy in full any forfeiture order entered against a defendant, the Corporate Surety and/or Professional Bail Bondsman for a defendant's violation of a bail bond within ninety (90) days of the issuance of the order and notice as provided under subsections (b)(7) or (b)(8) herein unless said order has been set aside or stayed by order of the Court of Common Pleas of Lehigh County or pursuant to Pa.R.A.P. 1701 et seq. In the event the Corporate Surety or Professional Bail Bondsman fails to satisfy such forfeiture order, the order will be satisfied from the funds posted with the Clerk of Judicial Records, Criminal Division pursuant to subsections (b)(12) or (b)(13) of this rule. In that event, the Corporate Surety and the Surety Agent on the bond or the Professional Bail Bondsman on the bond will be prohibited from posting additional bail until such time as the forfeiture order is satisfied in full and the amount required under subsections (b)(12) or (b)(13) has been replenished and restored in full;

(7) Each Surety Agency and Professional Bail Bondsman must within 30 days notify, in writing, the President Judge and the Department of Law if an owner, officer, director or Surety Agent of the Surety Agency or Professional Bail Bondsman has been charged with any non-summary criminal offense with the exception of misdemeanors under the Pennsylvania Vehicle Code, or if any license necessary for the provision of bail services has been revoked, suspended or not renewed in the Commonwealth of Pennsylvania or any other jurisdiction;

(8) If the aggregate maximum amount of unpaid, unsettled and outstanding bail forfeitures, excluding those where payment is not yet due under subsection (c)(6) herein or that have been set aside or stayed by order of the Court of Common Pleas of Lehigh County or under Pa.R.A.P. 1701 et seq., of a Corporate Surety, as determined by the Clerk of Judicial Records, Criminal Division, equals or exceeds \$250,000.00, that Corporate

Surety must immediately cease posting bonds and the Clerk of Judicial Records, Criminal Division shall immediately cease accepting bonds by that Corporate Surety as no further bonds by that Corporate Surety are authorized or acceptable for posting in Lehigh County. The Clerk of Judicial Records, Criminal Division shall promptly notify the Department of Law of the occurrence of a Corporate Surety having reached its maximum limit and the Department of Law shall immediately send written notice of that Corporate Surety having reached this maximum limit to that Corporate Surety, the President Judge, the District Attorney and the Magisterial District Judges of Lehigh County and provide a copy of the notification to the Clerk of Judicial Records, Criminal Division. Upon receipt of the notification from the Department of Law, the Magisterial District Judges of Lehigh County shall also immediately cease accepting bonds by that Corporate Surety. When full financial settlement has been made of the outstanding bail forfeitures, the Clerk of Judicial Records, Criminal Division shall promptly notify the Department of Law and the Department of Law shall notify that Corporate Surety, the President Judge, the District Attorney, the Magisterial District Judges of Lehigh County and the Clerk of Judicial Records, Criminal Division that the posting of bonds by that Corporate Surety, Surety Agent may resume;

(9) If the aggregate maximum amount of unpaid, unsettled and outstanding bail forfeitures, excluding those where payment is not yet due under subsection (c)(6) herein or that have been set aside or stayed by order of the Court of Common Pleas of Lehigh County or under Pa.R.A.P. 1701 et seq., of a Surety Agent or Professional Bail Bondsman, as determined by the Clerk of Judicial Records, Criminal Division, equals or exceeds \$100,000, the Surety Agent or Professional Bail Bondsman must immediately cease posting bonds and the Clerk of Judicial Records, Criminal Division shall immediately cease accepting bonds by the Surety Agent or Professional Bail Bondsman as no further bonds by the Surety Agent or Professional Bail Bondsman are authorized or acceptable for posting in Lehigh County. The Clerk of Judicial Records, Criminal Division shall promptly notify the Department of Law of the occurrence of a Surety Agent or Professional Bail Bondsman having reached its maximum limit of \$100,000 and the Department of Law shall immediately send written notice of the Surety Agent or Professional Bail Bondsman having reached this maximum limit to the Surety Agent, the Professional Bail Bondsman, President Judge, the District Attorney and the Magisterial District Judges of Lehigh County and provide a copy of the notification to the Clerk of Judicial Records, Criminal Division. Upon receipt of the notification from the Department of Law, the Magisterial District Judges of Lehigh County shall also immediately cease accepting bonds by the Surety Agent or Professional Bail Bondsman. When full financial settlement has been made of the outstanding bail forfeitures, the Clerk of Judicial Records, Criminal Division shall promptly notify the Department of Law and the Department of Law shall notify Surety Agent or the Professional Bail Bondsman, the President Judge, the District Attorney, the Magisterial District Judges of Lehigh County and the Clerk of Judicial Records, Criminal Division that the posting of bonds by the Surety Agent or Professional Bail Bondsman may resume;

(10) No Surety Agency, Surety Agent or Professional Bail Bondsman, its employees and agents may represent or identify itself, directly or indirectly, as employees or

agents of the Commonwealth of Pennsylvania or Thirty-first Judicial District or the County of Lehigh. The agents and employees of a Surety Agent, Surety Agency or Professional Bail Bondsman must not wear clothing or present badges or any other form of law enforcement credentials that create the impression of employment by the Commonwealth of Pennsylvania, the Thirty-first Judicial District or any of its units, including Pre-trial Services or the Lehigh County Sheriff's Department or the County of Lehigh;

(11) Each Surety Agency and Professional Bail Bondsman must renew its registration with the Thirty-first Judicial District, provide all certifications required by this rule and pay to the Clerk of Judicial Records, Criminal Division an annual renewal registration fee of \$100.00, or such amount as may be established from time to time by the Clerk of Judicial Records, Criminal Division with the approval of the President Judge; and

(12) No Surety Agency, Surety Agent or Professional Bail Bondsman, and their owners, officers, agents and employees, may engage in Prohibited Conduct as set forth in § 531.2(e) hereunder.

(d) *Opportunity to be Heard.* A Surety Agency or Professional Bail Bondsman whose petition seeking approval to post bail in the Thirty-first Judicial District is denied will be provided an opportunity to be heard and to contest the denial. Any Surety Agency or Professional Bail Bondsman seeking to contest the denial of its petition for approval to post bail in the the Thirty-first Judicial District must file a petition with the Clerk of Judicial Records, Criminal Division and serve the Department of Law within thirty (30) days of the date of denial of its initial petition, and set forth the relief requested and the factual basis therefor. Similarly, a Surety Agency or Professional Bail Bondsman which has received approval to post bail in the Thirty-first Judicial District as provided in this rule but which has been subsequently prohibited from posting additional bail, whose right to post bail has been revoked under 531.2(f), or is otherwise ineligible to post bail in the Thirty-first Judicial District, will be provided an opportunity to be heard. Any Surety Agency or Professional Bail Bondsman seeking to contest that it has been prohibited from posting additional bail, that its right to post bail has been revoked under 531.2(f), or that it is otherwise ineligible to post bail in the Thirty-first Judicial District must file a petition with the Clerk of Judicial Records, Criminal Division and serve the Department of Law within thirty (30) days of the date of the prohibition, revocation or determination of ineligibility, and set forth the relief requested and the factual basis therefor.

(e) *Prohibited Conduct.* Each Surety Agency, Surety Agent or Professional Bail Bondsman, its owners, officers, directors and agents, may not engage in prohibited conduct as set forth below. If a subsection expressly identifies the defined entities to which the subsection applies that subsection shall only be applicable to the identified defined entities and their owners, officers, directors and agents. If no such mention is made, the subsection applies to all Surety Agencies, Surety Agents and Professional Bail Bondmen and their owners, officers, directors and agents. The following constitutes prohibited conduct:

(1) violating any laws, statutes, local rules or rules of court related to the bail business;

(2) violating 531.2(b) or (c) herein;

(3) having a license as a Surety Agency, Surety Agent or Professional Bail Bondsman revoked in the Commonwealth;

(4) being involved in any transaction which shows unfitness to act in a fiduciary capacity or a failure to maintain the standards of fairness and honesty required of a fiduciary;

(5) as to Professional Bail Bondsman, having any judgment entered which would reduce the Professional Bail Bondsman's net worth below the minimum required for licensure;

(6) being convicted of any non-summary criminal offense with the exception of misdemeanors under the Pennsylvania Vehicle Code;

(7) failing to advise the Clerk of Judicial Records, Criminal Division within fourteen (14) days (or such other time period as may be specifically set forth) of any change in circumstances which would materially affect any of the statements, information or certifications required by 531.2(b) or (c) herein;

(8) using an unregistered or unlicensed agent on behalf of any Corporate Surety, Surety Agency, Surety Agent or Professional Bail Bondsman;

(9) using an individual or entity not appointed by the Corporate Surety, Surety Agency, Surety Agent or Professional Bail Bondsman to post bail or provide bail on behalf of the Corporate Surety, Surety Agent or Professional Bail Bondsman;

(10) signing, executing or issuing bonds by a person or entity who or which is not registered as an agent of the Corporate Surety, Surety Agency, Surety Agent or Professional Bail Bondsman on the bond or for whom or which there is no satisfactory proof of an agency relationship with the Corporate Surety, Surety Agency, Surety Agent or Professional Bail Bondsman;

(11) executing a bond without the appropriate counter signature by a licensed and/or authorized agent at time of issue;

(12) failing to account for or pay any premiums held as a Surety Agency or Surety Agent on behalf of a Corporate Surety;

(13) misstating or misrepresenting any material fact in the initial petition or any subsequent filings, including but not limited to certifications, required by these rules, or in any of the statements, information or certifications required by these rules;

(14) failing to preserve, and to retain separately, any movable tangible collateral, including cash and cash equivalent, obtained as security on any bond;

(15) failing to return collateral taken as security on any bond to the depositor of such collateral, or the depositor's designee, within ten (10) business days of mailing of notice in accordance with the bond and upon payment of all fees owed to the Corporate Surety, Surety Agent or Professional Bail Bondsman, whichever is later;

(16) offering or providing any consideration or gratuity to any person employed by, or incarcerated in, a jail facility, any person who has the power to arrest or to hold any person in custody, or to any court officers and attorneys to obtain or secure business;

(17) failing to deliver to the defendant, and any person providing collateral on the defendant's behalf, prior to the time the defendant is released from jail, a one-page disclosure form which, at a minimum, must include:

- (A) the amount of the bail;
 - (B) the defendant's bail obligations;
 - (C) the conditions upon which the bond may be revoked; and
 - (D) the conditions under which the bond may be exonerated.
- (18) failing to provide to the Clerk of Judicial Records, Criminal Division the fully completed one-page disclosure form required by subsection (e)(17) of this rule at the time bond is posted;
- (19) charging excessive fees not authorized by law or rule of court;
- (20) as to a Professional Bail Bondsman, requiring collateral in excess of two (2) times the face value of the bond as security;
- (21) failing to provide an itemized statement of any and all expenses deducted from collateral to the owner thereof, if any;
- (22) requiring that, as a condition of posting a bail bond by a Corporate Surety, Surety Agency, Surety Agent or Professional Bail Bondsman, a defendant engage the services of a particular law firm or attorney;
- (23) preparing or issuing a fraudulent or forged bail bond, power of attorney or other document;
- (24) knowingly violating, advising, encouraging, aiding, abetting or assisting the violation of any applicable law, statute, local rule or rule of court;
- (25) soliciting, procuring or demanding sexual favors as a condition of or compensation for obtaining, maintaining or exonerating a bail bond, regardless of the identity of the person who performs such favors;
- (26) providing legal advice or a legal opinion in any form;
- (27) failing to notify and inform law enforcement and the Court, or its express designee, if it knows or should have known that the defendant subject to release is or has engaged in acts or non-acts that violate the conditions of his or her release. The Surety Agency, Surety Agent or Professional Bail Bondsman shall have the burden of proof to show that efforts were made to notify and inform law enforcement and the Court, or its express designee, that bail conditions were or are being violated;
- (28) holding oneself out by manner of dress as being a public official including wearing clothing or presenting badges or any other form of law enforcement credentials that might create the impression of employment of the Commonwealth of Pennsylvania, the County of Lehigh, the Thirty-first Judicial District or any of its units, including Pre-trial Services or the Lehigh County Sheriff's Department of the Thirty-first Judicial District or the County of Lehigh; and
- (29) engaging in verbal or other abusive behavior and/or unprofessional conduct, including but not limited to the use of profanity, directed toward a County employee.
- (f) Any violation of or failure to comply with the rules set forth herein may, upon petition by the Department of Law and after hearing thereon, result in the revocation by the Court of Common Pleas of Lehigh County of the bail posting privileges of a Corporate Surety, Surety Agency, Surety Agent or Professional Bail Bondsman including but not limited to revocation of approval granted under 531.2(c) herein.

Rule 536.1. Forfeitures and Bail Pieces.

(a) Forfeitures.

(1) If a bail bond is ordered to be forfeited pursuant to Pa.R.Crim.P. 536, execution of the order shall be delayed until ninety (90) days from the date of the filing of the initial forfeiture order.

(2) If a defendant whose bail has been ordered forfeited surrenders within ninety (90) days of the date of the entry of the initial forfeiture order, the Judge or a designee, may set aside the forfeiture order and either reinstate bail or set a new bail without the necessity of the filing of a petition as hereinafter provided. A defendant's surrender within 90 days of the initial forfeiture order shall be presumed to support the setting aside of the forfeiture, absent a motion to bar set aside filed by the Department of Law.

(3) Unless the initial forfeiture order has been set aside as provided for in subsection (2), in order for a surety to seek to have the forfeiture order set aside or remitted in whole or in part, the party seeking remission, set aside or exoneration shall present a petition to the Judge, file the petition with the Clerk of Judicial Records, Criminal Division, and serve a copy thereof upon the Department of Law. The petition shall set forth in detail the reasons for seeking the set aside, remission or exoneration. In order to facilitate the assessment and investigation of petitions requesting remittance, the surety is required to delineate within the petition the following insofar as applicable:

(A) a recitation of the history of the case including the charges, the date the bond was set, the amount of the bond, and the name and district of the issuing authority;

(B) the date of forfeiture and nature of the proceeding at which forfeiture occurred;

(C) a statement establishing the fact that the defendant was apprehended including the date of apprehension and the agency responsible for the apprehension;

(D) a detailed summary of all efforts by the petitioner to apprehend the defendant including the name, phone number and address of all agents hired or assigned to effectuate the apprehension, and all times, dates, and locations searched;

(E) a declaration that the apprehension or return of the defendant was effected by the efforts of the surety or that those efforts at least had a substantial impact on the defendant's apprehension; and

(F) clear and specific factual recitation in support of the above declaration.

(4) A Corporate Surety, Surety Agency, Surety Agent or Professional Bail Bondsman which files with the Court of Common Pleas of Lehigh County a petition for bail relief, including but not limited to a petition to vacate bail forfeiture or a petition to exonerate surety, shall be responsible for the payment of court costs and/or filing fees as determined by the Clerk of Judicial Records, Criminal Division and may be amended from time to time.

(b) *Bail Pieces.* After a bail piece is issued pursuant to Pa.R.Crim.P. 536 and the defendant is apprehended by or on behalf of the surety, the defendant must be brought before the Judge or a designee in accordance with Pa.R.Crim.P. 150. Bail pieces shall not be utilized to exonerate the surety.

[Pa.B. Doc. No. 14-2547. Filed for public inspection December 12, 2014, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated November 20, 2014, LaJuan Frederick Martin (#58619), who resides in the State of Maryland, is Suspended on Consent from the Bar of this Commonwealth for a period of one year and one day, to be effective December 20, 2014. 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. 14-2548. Filed for public inspection December 12, 2014, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Jin-Ho Cynn having been suspended from the practice of law in the Commonwealth of Virginia for a period of six months by Memorandum Order of the Circuit Court of the County of Fairfax, Virginia, dated August 26, 2013, the Supreme Court of Pennsylvania issued an Order on November 25, 2014 suspending Jin-Ho Cynn (#41534) from the practice of law in this Commonwealth for a period of six months, to take effect on December 25, 2014. 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. 14-2549. Filed for public inspection December 12, 2014, 9:00 a.m.]

RULES AND REGULATIONS

Title 22—EDUCATION

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 11]

Student Attendance

The State Board of Education (Board) amends Chapter 11 (relating to student attendance) to read as set forth in Annex A. The Board acts under authority of section 2603-B of the Public School Code of 1949 (School Code) (24 P. S. § 26-2603-B).

Summary

The final-omitted rulemaking amends § 11.13 (relating to compulsory school age) to conform to judicial rulings that found this section to be inconsistent with the compulsory school age and attendance requirements of section 1326 and 1327 of the School Code (24 P. S. §§ 13-1326 and 13-1327). Section 11.13 is also amended to acknowledge the discretionary authority related to compulsory school age granted by section 2103(8) of the School Code (24 P. S. § 21-2103(8)) to the governing authority of a school district of the first class.

On June 16, 2014, the Supreme Court of Pennsylvania upheld lower court rulings and affirmed that if a parent or guardian elects to enroll his child in a public kindergarten program, the parent and student are subject to the School Code's compulsory attendance requirements. See *Commonwealth v. Kerstetter*, 94 A.3d 991 (Pa. 2014). The appellant argued that kindergarten students are not subject to compulsory attendance, based in part on § 11.13, which formerly provided the following:

Compulsory school age refers to the period of a child's life from the time the child enters school as a beginner which may be no later than at the age of 8 years, until the age of 17 or graduation from a high school, whichever occurs first. A beginner is a child who enters a school district's lowest elementary school grade that is above kindergarten.

Based on its examination of the relevant law, the Supreme Court concluded that § 11.13 inappropriately comingled "compulsory school age" and "beginner" in a manner that is inconsistent with the School Code. Based on a plain-language reading of Article XIII of the School Code (24 P. S. §§ 13-1301—13-1394), the Supreme Court ruled that the terms address discrete issues and apply to different audiences. Thus, § 11.13 is not consistent with the School Code.

The use of "beginners" in section 1304 of the School Code (24 P. S. § 13-1304) provides guidance to school districts as to the point at which districts must admit students to their schools. Since kindergarten is not made mandatory in this Commonwealth, logic dictates that "beginners" must be understood to mean students attending primary grades above the kindergarten level. Further, the School Code states that the use of "beginners" in this context applies only to section 1304 of the School Code.

Sections 1326 and 1327 of the School Code, by contrast, contain provisions for enforcing attendance in school that are directed at parents and guardians, including a definition for "compulsory school age." As defined in section 1326 of the School Code, compulsory school age begins when a parent or guardian "elects" to have his child enter school. School attendance may be no later than 8 years of

age. The Supreme Court noted that there is not a reference to "beginner" in this statutory definition, nor does the definition restrict compulsory school age to primary classes above kindergarten.

Because the Supreme Court ruled finally that § 11.13 is inconsistent with relevant provisions of Article XIII of the School Code, the Board must amend § 11.13 to delete references to "beginner," a term that the Supreme Court has held is unrelated to the determination of compulsory school age.

The Board also makes a technical amendment to § 11.13 in recognition of the discretionary authority related to compulsory school age granted to the governing authority of a school district of the first class by section 2103(8) of the School Code. Effective July 1, 2008, an amendment to that section granted the school district's governing authority the right to set the compulsory school age for the district at no earlier than 6 years of age, with the exception of home education students who could continue to comply with the compulsory attendance of 8 years of age established for all other public school students in this Commonwealth.

Affected Parties

Because § 11.13 was inconsistent with the School Code as authoritatively interpreted by the Supreme Court, the final-omitted rulemaking conforming this regulation to the School Code will not affect anyone. However, the final-omitted rulemaking avoids potential confusion by anyone unfamiliar with the Supreme Court's opinion in *Commonwealth v. Kerstetter*.

Cost and Paperwork Estimates

The final-omitted rulemaking does not carry a new cost for the regulated community. The amendment does not alter current paperwork or reporting requirements and does not create additional paperwork or reporting requirements.

Effective Date

The final-omitted rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

The Board will review the effectiveness of Chapter 11 every 4 years in accordance with the Board's policy and practice respecting all of its regulations. Therefore, a sunset date is not necessary.

Contact Person

Interested persons may contact Karen Molchanow, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787, ra-stateboardofed@pa.gov.

Final-Omitted Rulemaking

The Board has promulgated this amendment as a final-omitted rulemaking. The Board believes this amendment meets the criteria in section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL), because the amendment conforms § 11.13 to Article XIII of the School Code as interpreted by the Supreme Court in *Commonwealth v. Kerstetter*. The final-omitted rulemaking also makes a technical amendment in recognition of discretionary authority regarding compulsory school age granted to the governing authority of a school district

of the first class by section 2103(8) of the School Code. Other amendments to § 11.13 would be inconsistent with the School Code. Therefore, consideration of alternative formulations is contrary to the public interest.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on October 10, 2014, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Education and the Senate Committee on Education. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on November 12, 2014, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 20, 2014, and approved the final-omitted rulemaking.

Findings

The Board finds that:

- (1) Notice of proposed rulemaking is impracticable, unnecessary and contrary to the public interest under section 204(3) of the CDL and the regulation thereunder, 1 Pa. Code § 7.4(3).
- (2) The amendment of the regulation in the manner provided in this order is necessary and appropriate for administration of the School Code.

Order

Acting under the authority of the School Code, the Board orders that:

- (a) The regulations of the Board, 22 Pa. Code Chapter 11, are amended by amending § 11.13 to read as set forth in Annex A.
- (b) The Executive Director shall submit this order and Chapter 11 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 Executive Director of the Board shall certify this order and Chapter 11 and deposit them with the Legislative Reference Bureau as required by law.
- (d) This order is effective upon publication in the *Pennsylvania Bulletin*.

KAREN MOLCHANOW,
Executive Director

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 7622 (December 6, 2014).)

Fiscal Note: 6-332. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart A. MISCELLANEOUS PROVISIONS

CHAPTER 11. STUDENT ATTENDANCE

ADMISSION TO PUBLIC SCHOOLS

§ 11.13. Compulsory school age.

Except as otherwise provided by law, compulsory school age refers to the period of a child's life from the time the

child enters school (which may be no later than at the age of 8 years), until the age of 17 or graduation from a high school, whichever occurs first.

[Pa.B. Doc. No. 14-2550. Filed for public inspection December 12, 2014, 9:00 a.m.]

Title 51—PUBLIC OFFICERS

DEPARTMENT OF STATE

[51 PA. CODE CH. 53]

Lobbying Disclosure Registration Fee

The Department of State (Department) amends § 53.1 (relating to biennial filing fee) to read as set forth in Annex A. The final-form rulemaking increases the biennial registration fee for individuals and entities required to be registered under 65 Pa.C.S. Chapter 13A (relating to lobbying disclosure) (act) from \$200 to \$300.

Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. The increased fees will be implemented for the 2015-2016 biennial registration period.

Statutory Authority

The final-form rulemaking is authorized under section 13A08(j) of the act (relating to administration), which provides that the Department may by regulation adjust the filing fee established under section 13A10 of the act (relating to registration fees; fund established; system; regulations) if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act.

Background and Purpose

A registration fee of \$100 for individuals and entities required to be registered was the fee originally established under section 13A10 of the act. Section 13A08(j) of the act permits the fee to be raised by regulation if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act. The former registration fee of \$200 was adopted at 40 Pa.B. 3825 (July 10, 2010). At that time, the Department acknowledged that even the \$200 fee covered less than half of the expenses associated with administration of the act.

For the 2007-2008 biennial registration period, the Department's costs for administering the act were approximately \$1,052,105, and the registration fees paid to the Department at that time were approximately \$581,438. For the 2009-2010 biennial registration period, the Department's costs were approximately \$1,423,106, and the registration fees paid to the Department were approximately \$324,509. For the 2011-2012 registration period, the Department's costs were approximately \$1,800,028. The biennial registration fee was raised to \$200 for the 2011-2012 registration period, and the amount of fees collected was approximately \$733,879. For 2013-2014 biennial registration period, the Department's costs are projected to be approximately \$1,661,000, and the registration fees collected are estimated to be approximately \$684,400. When the \$300 fee is adopted for the 2015-2016 registration period, it is projected that the Department will spend approximately \$1,603,000 to administer the act, while the registration fees collected will be approximately \$1,026,600.

From 2007 to 2014, the Department will have spent approximately \$5,936,240 to administer the act, while collecting only approximately \$2,324,227 in revenue received from registration fees. In that same time period, from 2007 to 2014, the Department will have used approximately \$3,597,400 from the General Fund.

The act states that the Department may raise the fee to cover the costs of carrying out the act. By raising the fee to \$300, the Department is able to continue to administer the act at the currently projected funding levels, and the regulated community contributes more fairly to their regulation.

Summary of Comments and Responses to Proposed Rule-making

Upon consideration of the comments received, the Department re-evaluated the amount of the fee increase and determined that a reduction from the proposed \$700 to a fee of \$300 was appropriate. The \$300 fee is an increase of \$100 from the former fee, keeping the increase in line with the previous increase. A \$300 registration fee is both reasonable and mindful of the Department's goal to share the cost of lobbying disclosure regulation more equally between the regulated community and the citizens of this Commonwealth. Additionally, assuming appropriate General Fund support, an increased fee of \$300 allows the Department to continue to provide the same level of customer service to the registrants and the same level of transparency in the lobbying disclosure process available to the public for the next 6 years, which obviates the need for the Department to increase the fees incrementally on a biennial basis.

The proposed rulemaking was published at 43 Pa.B. 3009 (June 1, 2013) with a 30-day public comment period. The Department received a total of 21 comments from the public and 3 legislative comments during the public comment period. The Department received an additional comment from Stephen MacNett of Conrad O'Brien PC on November 12, 2013.

Due to concerns raised by commentators, the Department undertook an in-depth review of alternative fee options. Options considered included the following: (1) a tiered fee structure with fees based on filer type; (2) a tiered fee structure where fees would be calculated based on expense report amount; (3) a fee structure based on number of affiliations; and (4) different fees for profit and nonprofit registrants. However, each option considered presented both policy and legal concerns. The option of a tiered fee structure by filer type would be the simplest in terms of the Online Registration System and program operation because this structure would utilize the three filer types (lobbyist, lobbying firm and principal) currently available. However, this change would result in increased costs for two of the three filer types. The Department also considered a fee structure where fees would be based on expense report amount. Under this fee structure principals would be the primary filer type, as lobbying firms and lobbyists only file expense reports if, during the reporting period, the lobbying firms or lobbyist engaged in lobbying that was not contained in any expense report filed by a principal or principals represented. As expenses change from quarter to quarter and year to year, this option would be an unpredictable funding source. The Department also considered a fee structure based on profit and nonprofit status. However, this too would be problematic. The Department found that a reduced fee for nonprofit entities may not be equitable because not all nonprofits are small businesses (some nonprofits are large companies) and not all small

businesses are nonprofits. Additionally, this fee structure would require the Department to research each filer to ensure its nonprofit status. The Department concluded that the lobbying disclosure registration fee is a single fee for all registrants as based on its interpretation of sections 13A08(j) and 13A10(a) of the act and § 51.6 (relating to biennial review of exemption threshold, reporting threshold and filing fees) and § 53.1. Therefore, the Department does not believe that it has the authority under the act to implement the alternatives reviewed.

One commentator suggested a more limited increase to the fee with an automatic inflator to provide predictability for companies and entities engaged in lobbying. However, the act specifically states that the Department must review the fees every 2 years. An automatic inflator would be contrary to the statutory mandate, and therefore not a feasible option.

Department staff also looked to other states' lobbying disclosure programs for comparison. Specifically, the Department looked at the following states: Indiana and Texas, both which have fee structures based on profit or nonprofit status; Massachusetts and Wisconsin, both which have fee structures based on filer type and number of affiliations; and Kansas, which has a fee structure based on amount spent lobbying. Unlike the Commonwealth, however, there is specific authority in each state's statute enabling each fee type.

The Department, as required under section 13A08(j) of the act, did review the \$2,500 threshold amount to determine whether an adjustment in the amount was necessary. Accounting for inflation since the threshold was established, the reporting threshold could be set at approximately \$2,850. The act authorizes the Department to revise the threshold by publication in the *Pennsylvania Bulletin* every 2 years beginning in 2009. The Department is committed to increasing the threshold amount for registration and reporting.

Beginning in November 2013 through March 2014, the Department contacted various members of the regulated community to explain the research conducted for various fee options and the rationale for the fee increase in an effort to reach a consensus on an appropriate amount of increase in the fee.

Amount of the increase is beyond legislative intent

The commentators' concerns regarding the legislative intent were two-fold. First, that the registration fee was never intended to cover all the costs of administering the act. Second, that the intent of the act, to provide transparency in the legislative process, would be frustrated by the proposed fee amount. In considering both prongs of this concern, the Department lowered the fee to a rate that more equally shares the cost of lobbying disclosure regulation between the regulated community and the taxpayers of this Commonwealth.

The Tive Lobbying Group (Tive Lobbying), the Pennsylvania Library Association (PaLA), Common Cause of Pennsylvania (Common Cause), the House State Government Committee (HSGC), Representative Frank Dermody, Democratic Leader (Representative Dermody), and Drew Crompton, General Counsel to Senator Joseph B. Scarnati III, President Pro Tempore, stated that the registration fee was never intended to cover the entire cost of administering the act. The Department has reduced the fee increase from \$700 biennially as proposed, which would have fully funded the Department's administrative costs, to \$300 biennially, which will more equally distrib-

ute the cost of administering the act between the regulated community and the citizens of this Commonwealth.

The Pennsylvania Association for Government Relations (PAGR), Tive Lobbying, PaLA, Phillips Associates, Common Cause, Stephen MacNett, the HSGC and Drew Crompton remarked that the amount of the proposed fee increase would erode the transparency intended by the act. The Department took this concern into consideration when preparing the final-form rulemaking, and believes that the reduction in the amount of increase to a fee of \$300 will allow for continued transparency as envisioned by the act and achieved by the lobbying disclosure regulation thus far.

Concerns regarding the anticipated 1/3 decrease in registration

PAGR, Tive Lobbying, the Pennsylvania Farm Bureau (Farm Bureau), the Pennsylvania Commercial Action Network (PCAN), Common Cause, Stephen MacNett and the HSGC expressed concerns regarding the anticipated 1/3 decrease in registration. In the proposed rulemaking, the Department cautiously projected that as many as 1/3 of currently registered lobbyists may not renew their registrations when the fee increase becomes effective. This estimate was based on information received from the program area that many lobbyists who currently register with the Department, although they are not required to under the act, may no longer do so under a \$700 fee. It is difficult to determine how many lobbyists register with the Department although they are not required to do so under the act. This is because lobbyists do not typically file expense reports, and are only required to do so if the principal for whom they are employed does not include an expense on their report. Therefore, the Department determined that a cautious estimate of 1/3 would be appropriate.

Due to the reduction in the fee increase amount, the Department no longer projects a 1/3 decrease in lobbyists' registration. When the Department increased the fee for the 2011-2012 registration period, registrations actually increased. In keeping with the previous rate of increase (\$100), the Department does not believe, based on prior experience, that the fee increase will result in a 1/3 decrease in lobbyist registrations. The Department is mindful that slight fluctuations in the number of registrants can occur at any time. However, the Department does not anticipate a decrease in registrations as a result of this fee level.

The increased fee would infringe upon Constitutional rights

Commentators commented that a fee of this magnitude unconstitutionally infringes on free speech and the right of citizens to petition their government for redress of grievances. The comments stated that the increased fee would restrict and deter freedom of speech and serve as a disincentive for citizens to engage in the democratic process. Balsbaugh Insurance Agency, Inc., Disability Rights Network of Pennsylvania (DRN), Pennsylvania Advocacy and Resources for Autism and Intellectual Disabilities (PAR), ARIPPA, PCAN, Phillips Associates and Representative Dermody commented that a fee of this magnitude would have a chilling effect on freedom of speech. Guardian Storage Solutions, Tive Lobbying, F.C. Brown and Associates, Common Cause, Stephen MacNett and Representative Dermody indicated that the fee increase would infringe upon the right of citizens to petition their government for redress of grievances.

The Department lowered the rate of the increase to an increase of \$100, which reflects the same amount of increase as the previous fee increase, effective for the 2011-2012 biennial registration period. A fee of \$300 will allow the Department to maintain the current level of public disclosure and transparency for the next several biennial periods. The Department believes that this will be a much more manageable registration fee, and will not unconstitutionally burden the free speech rights or the rights to petition government, of the citizens and lobbyists of this Commonwealth.

Proposed fee places a significant burden on small lobbying efforts and nonprofit organizations

Guardian Storage Solutions, B.J. Alan Company, DRN, Pennsylvania Partnerships for Children, National Association of Social Workers Pennsylvania Chapter (NASW), Pennsylvania Pharmacists Association (PA Pharmacists), PAGR, Blue Cross of Northeastern Pennsylvania (BCNEPA), Pennsylvania Society of Association Executives (PSAE), PAR, Tive Lobbying, ARIPPA, PaLA, Waner Associates, Farm Bureau, Common Cause, Representative Dermody and Drew Crompton stated that a fee of this magnitude places an undue burden and significant hardship on small businesses and associations, advocacy groups, nonprofit organizations and other small lobbying efforts. The Department recognizes that an increase in costs is not optimal for anyone, including small lobbying efforts and nonprofit organizations. The Department responded to the comments by significantly reducing the amount of the proposed fee. The additional fees are necessary so that the Department can defray some of the substantial costs associated with administering the act. Although the regulated community bears the burden of an increased fee, it is of utmost importance that the Department is able to continue to administer the act.

DRN and NASW suggested that the Department charge a different fee for nonprofit entities. The Department is not statutorily authorized to charge different fees for different filer types or entities based on nonprofit status, public advocacy, and the like. The act sets forth a single fee that the regulations define as a flat fee for each registrant.

The Department needs to minimize their own costs before increasing the fee

B.J. Alan Company, PAGR, PSAE, PAR, ARIPPA, Waner Associates, PCAN and Drew Crompton suggested that the Department undertake efforts to reduce the costs associated with the administration of the act before passing along the increase in costs to the regulated community through a fee increase. The Department has evaluated and will continue to evaluate efficiencies. Unfortunately, the most costly aspects of administering the act are statutorily required, for example, the Online Registration System. The Department already significantly cut costs by reducing the Lobbying Disclosure Division staff by 20% in Fiscal Year (FY) 2013-2014. Additionally, the Department has improved customer service by, among other things, making access to register and file expense reports faster and simpler, sending e-mail reminders to public users so they know what tasks need to be completed and developing user dashboards so that registration information is customized to the user. To continue to be responsive to public feedback, more database enhancements are planned in 2014, including improving the search function, simplifying the forms for those that file by paper and aligning entries to the most current registration information.

PAGR, PAR and Wanner Associates suggested that one area where the Department could cut costs is by simplifying the audit process. Commentators remarked that the audit process is burdensome and duplicative. The statutorily required audit accounts for a large part of lobbying disclosure expenses. The Department has researched and reviewed the audit process numerous times, however, the requirements set forth by the act and the process prescribed in the regulations severely limit the Department's ability to cut costs in this area. Section 13A08(f) of the act sets forth the requirement for and process of lobbying disclosure audits. Specifically, section 13A08(f)(1) of the act provides that "[e]very two years the Secretary of the Commonwealth shall contract for the services of one or more certified public accountants or certified public accounting firms" (emphasis added). The requirement that the audit be conducted by certified public accountants is the main reason for the high audit cost.

The proposed fee would represent a 700% increase in 7 years

B.J. Alan Company, DRN, Pennsylvania Partnerships for Children, NASW, PAGR, BCNEPA, Dauphin County Office of County Commissioners (Dauphin County Commissioners), PSAE, PAR, Tive Lobbying, ARIPPA, PaLA, Wanner Associates, Farm Bureau, PCAN, Phillips Associates, Common Cause, the HSGC and Representative Dermody commented that the fee increase would represent an increase of 700% from the original registration fee set by the act 7 years ago. Commentators also noted that the increase proposed would be a 250% increase to the former fee of \$200, which was implemented for the 2011-2012 registration period following a 100% fee increase.

The fee set by the act was entirely insufficient. Therefore, the Department bore a majority of the costs, including building the Online Registration System. The Department was underfunded and fronted many of the costs associated with lobbying disclosure regulation. Since the General Fund contribution has decreased despite the increase in costs (see Chart A), the Department is no longer in the position to bear the majority of the costs. As noted previously, the majority of the Department's expenses are related to the Online Registration System. The Department made a number of enhancements to the Online Registration System despite being underfunded. Now, however, the Department requires funds to continue to operate at the same level of customer service, public access and transparency that has come to be expected. Therefore, a fee increase is necessary. In addition to allowing the Department to continue to provide the public with transparency in lobbying activities in this Commonwealth and the regulated community with assistance, the \$300 fee will allow for a more equal distribution of lobbying disclosure costs among the regulated community and the taxpayers of this Commonwealth.

Common Cause and ARIPPA commented that the proposed fee far exceeded the rate of inflation. Unfortunately, the costs associated with lobbying disclosure regulation have far exceeded the rate of inflation and the Department is no longer able to afford to continue to fund the majority of the costs. Despite the Department's efforts to decrease spending, costs have increased dramatically. These increases are beyond the control of the Department, for example, increases to benefit rates and maintenance costs associated with the Online Registration System, and require the Department to increase the fee so that lobbying disclosure regulation may continue. While the adopted fee of \$300 is beyond the rate of inflation, the

Department's costs of administering the act have consistently exceeded the rate of inflation. For example, in FY 2013-2014 salaries increased 3.25% per employee for four full-time employees benefit rates for four full-time employees increased 15% and technology costs increased by \$45,558. Because of these and other increases, additional revenue is required. An increase to \$300 will allow the Department to defray some of these increased costs and maintain the current level of services and transparency for the next several registration cycles.

The proposed fee would be among the highest lobbying disclosure registration fees in the country

PA Pharmacists, PAGR, BCNEPA, Wanner Associates and Common Cause stated that the proposed fee would make the Commonwealth one of the most expensive states to lobby in the United States. While the fee may appear to be one of the highest in the country, the numbers are somewhat misleading. Whereas the Commonwealth charges a flat registration fee, many states charge a fee per principal or per lobbyist, which, depending on the number of principals represented or lobbyists employed, can be very costly. The fee in those states appears to be lower, but in reality, the sums are much higher. For example, lobbyists in South Dakota pay a registration fee of \$40 per year for each employer. The number of employers a lobbyist may have could be just one or could be ten or higher, so the registration fee could be anywhere from \$40 per year to \$400 per year or more. The fee of \$300 biennially is comparable to, and even less than, other states with the same fee structure. Therefore, the Commonwealth will not be at a competitive disadvantage as compared to other states.

Lobbying regulation is a public benefit that should be publically funded

Tive Lobbying, PaLA, PCAN and Drew Crompton commented that lobbying disclosure regulation provides an important public benefit and therefore should be publically funded. Commentators stated that the regulation of lobbying activities serves an important public function, that being transparency in the legislative process, and therefore the regulation of lobbying disclosure activities should be funded by the citizens of this Commonwealth. The \$300 fee will distribute the costs associated with lobbying disclosure regulation more equally between the regulated community and the taxpayers of this Commonwealth. The program will continue to be publically funded.

Compliance with the act is already expensive

B.J. Alan Company, NASW, PA Pharmacists, Dauphin County Commissioners, PAR, Tive Lobbying and Wanner Associates commented that compliance with the act is expensive and burdensome at the current fee level. While the Department empathizes with the commentators, the Department is charged with administering the act only. The requirements for compliance are prescribed by the act and regulations, both of which the Department is obliged to administer. The Department has and will continue to make efforts to make compliance less burdensome. The Department will also continue to look for efficiencies.

The proposed fee would create barriers to transparency

PAGR, Tive Lobbying, Farm Bureau, Phillips Associates, Common Cause and Representative Dermody commented that the amount of the proposed fee increase would create barriers to transparency. Commentators remarked that the decrease in number of registrants and

the forcing out of small lobbying efforts would result in decreased transparency. Further, commentators averred that this fee would erode the transparency the act has accomplished to date.

The \$300 fee in this final-form rulemaking will allow the Department to continue to provide transparency and public access to the legislative process, without the concerns presented by an increase of 250%. The new increase will be more manageable for registrants and accomplish the Department's goal of maintaining transparency and customer service at the currently available level.

The proposed fee would force out small lobbying efforts

Balsbaugh Insurance Agency, Inc., PA Pharmacists, PAGR, BCNEPA, PSAE, Tive Lobbying, ARIPPA, PaLA, Wanner Associates, Farm Bureau, Phillips Associates, Common Cause and Drew Crompton commented that a fee of this magnitude would force small lobbying efforts to discontinue lobbying activities. Commentators indicated that many small lobbying groups find it difficult to finance lobbying activity under the current fee, and if the fee were to increase to \$700 as proposed, many of those groups would be forced to discontinue their lobbying efforts.

The Department took this concern into consideration when deciding to pursue the \$300 registration fee in this final-form rulemaking, which the Department believes will be more manageable for small lobbying efforts.

The proposed fee would make the vital function of lobbying for heavily regulated industries more expensive

B.J. Alan Company and BCNEPA commented that the increase would make lobbying, a vital function for heavily regulated industries, much more expensive.

The Department acknowledges that a fee increase is not ideal for anyone from small lobbying efforts to large scale efforts and understands that lobbying is a vital function of heavily regulated industries. In recognition of this, the Department reduced the amount of increase from a 250% increase to a \$100, or 50%, increase. The additional fees are necessary to allow the Department to continue to administer the act and provide adequate assistance to the regulated community as well as transparency in the lobbying activities in the Commonwealth to the public. Although the regulated community does bear the burden of the increased cost, the community should contribute to the costs associated with their regulation.

Independent Regulatory Review Commission Comments

The Independent Regulatory Review Commission (IRRC) offered the following comments on the proposed rulemaking.

IRRC comment: Why did the Department see no need for "early and meaningful input from the regulated community," as directed by Governor's Executive Order 1996-1?

Response: The goal and purpose of Governor's Executive Order 1996-1 is for the regulated community to provide the promulgating agency with meaningful feedback that will assist in the development of a regulation. Unfortunately, with a fee increase regulation, comments and feedback from the regulated community tend to be reactive to the idea of paying more money. For this, as well as other reasons, the Department has historically viewed the setting of fees as an administrative function. The Department has, however, re-evaluated that position and real-

izes that while numbers (that is, how much) are administrative, the regulated community can provide meaningful comments on how an increase is accomplished. Therefore, the Department has sought, received and will continue to be receptive to comments from the community on how to achieve the goal of the fee increase and balance of the budget.

IRRC comment: Based on the comments, it appears that the fee increase will curtail the disclosure that the act has accomplished to date. Why is this result in the public interest?

Response: As this result would not be in the public interest, the Department re-evaluated the amount of increase. The Department determined, upon consideration of the comments received from IRRC and the public, as well as the potential results, that a fee of \$300 would serve all interested parties.

IRRC comment: Provide supporting documentation of total dollar amounts it has used for annual and biennial periods.

Response: Refer to Chart A (Lobbying Disclosure Spending by Biennial Renewal Period) provided by the Department's Bureau of Finance and Operations (Bureau). Chart A provides an overview of lobbying disclosure spending by biennial renewal period, including Department spending, Authorized Funds from the Lobbying Disclosure Restricted Account, General Funds used and registration fees received.

IRRC comment: Provide a breakdown of the dollar amounts by activity to show how the dollars are spent.

Response: Refer to Chart B (Lobbying Disclosure FY 2014-15 Approved Rebudget) provided by the Bureau. Chart B is the approved lobbying disclosure rebudget for FY 2014-2015, which contains an itemized account of lobbying disclosure costs by funding source.

IRRC comment: Provide an explanation demonstrating that the expenses exclusively represent the costs of carrying out the provisions of the act.

Response: Lobbying disclosure expenses fall into two main categories—personnel costs and operating costs. Operating costs account for 58% of the total lobbying disclosure budget, while personnel costs account for the remaining 42% of the total lobbying disclosure budget. Personnel costs consist of salaries and benefits of four full-time employees. Operating costs represent all other lobbying disclosure costs, from the Lobbying Disclosure Online Registration System to postage, with allocations ranging from \$50 to \$335,000. While many of the operating costs are minimal, for example a \$100 allocation for postage costs, there are several high-priced items, namely, telecommunications, the contract for auditing services and costs related to the Online Registration System. These items also represent the most important aspects of lobbying disclosure regulation. Telecommunications provides the means through which the Lobbying Disclosure Division provides assistance to the regulated community, the statutorily mandated audit encourages compliance with the act and the Online Registration System, also statutorily mandated, provides public disclosure and transparency in the legislative process. The Online Registration System accounts for 76% of the operating costs. Refer to Chart B provided by the Bureau.

IRRC comment: Provide an explanation of what the Department has done to reduce expenses to the greatest extent possible before imposing a higher fee on the regulated community.

Response: The Department has made several efforts to cut costs, including reducing the Lobbying Disclosure Division staff by 20% for FY 2013-2014. Additionally, the Department has improved customer service by, among other things, making access to register and file expense reports faster and simpler, sending e-mail reminders to public users so they know what tasks need to be completed and developing user dashboards so that registration information is customized to the user. To continue to be responsive to public feedback, more database enhancements are planned in 2014, including improving the search function, simplifying the forms for those that file by paper and aligning all entries to the most current registration information. Refer to Chart C (Changes to Lobbying Disclosure Budget) provided by the Bureau for further cost reduction information. Chart C provides an account of the changes (decreases and increases) to the lobbying disclosure budget, including personnel changes, salary and benefit increases, and operating changes. As many of the Department's primary costs are mandated by the act, and the Department has already sustained a 20% reduction of lobbying staff, it would be difficult to make additional cuts without significantly reducing the level of customer service provided to registrants and the public.

IRRC comment: How did the Department calculate this 1/3 assumption?

Response: Based on feedback from the regulated community, the Department estimated that lobbyists, who are exempt from registration under section 13A06 of the act (relating to exemption from registration and reporting), but register only to gain access to the Capitol, would no longer do so if the fee were to increase to \$700. It is important to note, however, that was a very cautious estimate, and while unlikely that as many as 1/3 of the currently registered lobbyists would not register following the fee increase, the Department determined that a cautious estimate was appropriate for a fee increase at the proposed rate of \$700.

This estimate does not, however, apply to the fee of \$300. Based on the previous fee increase of 100% effective for the 2011-2012 biennial registration period, the Department does not anticipate a significant decrease in lobbyists' registration. The Department is mindful that slight fluctuations in the number of registrants can occur at any time; however, the Department does not anticipate a decrease in registrations as a result of this fee level.

IRRC comment: How did the Department incorporate this assumption into the fee increase, revenue and expense dollar estimates shown elsewhere in the Regulatory Analysis Form (RAF) and preamble?

Response: The Department incorporated this assumption into the fee increase, revenue and expense dollar estimates throughout the RAF and the preamble to the proposed rulemaking by reducing the projected number of lobbyist registrants for the 2013-2014 registration period (1,377) by 1/3. This was calculated by multiplying the number of lobbyists (1,377) by 1/3, the product (459) of which represents the projected number of lobbyists that will not seek renewal. To determine the total number of lobbyists estimated for the 2015-2016 biennial period, the product (459) was subtracted from the number of lobbyists (1,377). This number was used to calculate the revenue anticipated for the registration periods following the proposed increase.

As the rate of increase has been reduced from 250% to an increase of \$100, the Department no longer estimates a 1/3 decrease in lobbyist registrations. Any decrease in registration is anticipated to be minor.

IRRC comment: In RAF 19, the Department estimates regulated entities will incur an additional cost of \$1,349,500 for the 2015-2016 registration period. However, RAF 23 appears to show an increased cost to the regulated community of \$2,210,600.

Response: The amounts shown in RAF 19 (proposed) represent the additional cost that will be incurred by the regulated community. Simply stated, how much the increase will cost the regulated community. The first number, \$1,579,000, represents the increased amount to the regulated community. This number was calculated as follows:

Step 1: multiply the projected number of registrants (3,158) by the current fee (\$200) to determine the current cost of compliance

$$3,158 \times 200 = 631,600$$

Step 2: multiply the projected number of registrants (3,158) by the proposed fee (\$700) to determine the cost of compliance under the proposed fee

$$3,158 \times 700 = 2,210,600$$

Step 3: subtract the current cost of compliance (\$631,600) from the cost of compliance under the proposed fee (\$2,210,600) to determine the additional cost of compliance (how much more the regulated community will pay) under the proposed fee

$$2,210,600 - 631,600 = 1,579,000$$

The second number, \$1,349,500, represents the increased cost of compliance if, as the Department previously estimated, 1/3 of the currently registered lobbyists do not renew their registration when the proposed fee is implemented. This number differs from the first number because it takes the decreased registration into account. The number was calculated following the same formula, using 2,699 for the number of registrants in place of 3,158.

While the numbers shown in RAF 19 represent the increased amount or additional cost to the regulated community, the numbers shown in RAF 23 represent the total cost to the regulated community. This number is the product in step two.

IRRC comment: In regard to fees, RAF 18 also includes a table that shows a figure of \$665,000 of funds used from the restricted account, not the \$733,879 fee figure in the example. What accounts for the difference between the fees received and the funds withdrawn from the restricted account?

Response: The lobbying disclosure registration period is a biennial period; therefore, the Department must divide the revenue received in half so that the revenue lasts for the entire 2-year period. Lobbyists, lobbying firms and principals must register with the Department, unless exempt under section 13A06 of the act, within 10 days of acting in any capacity as a lobbyist, lobbying firm or principal. A new registration, that is the registration of a lobbyist, lobbying firm or principal that has not previously registered with the Department or whose registration was terminated or expired, could occur at any time during a biennial period. A lobbyist, lobbying firm or principal that is already registered with the Department, however, must renew the registration at the beginning of each new biennial registration period (unless exempt under the act), as lobbying registrations expire approximately 10 business days after the new registration period begins. Therefore, the majority of the revenue generated from registration fees is received at the beginning of the

registration period. Additionally, the amount of funds the Department is authorized to withdraw from the Restricted Account is determined prior to the registration period for which it is authorized. The Department bases the amount of funds to withdraw upon the projected revenue generated from the fees because the total revenue generated is unknown until the biennial registration period is closed. As a result, the total fee revenue is sometimes greater than the amount projected and amount authorized. For example, the revenue in the 2011-2012 biennial period was \$733,879, while the amount authorized for that period was only \$665,000.

IRRC comment: The Department should reconcile the amounts presented in RAF 18 and RAF 23a.

Response: The amounts shown in RAF 18 are different from those that appear in RAF 23a as a result of the different time periods represented by each chart. The chart in RAF 18 contains numbers that represent biennial registration periods, specifically, the 2007-2008, 2009-2010, 2011-2012 and 2013-2014 biennial registration periods, whereas the chart in RAF 23a contains numbers that represent fiscal years, specifically FY 2010, FY 2011, FY 2012 and FY 2013. While the biennial registration period begins on January 1 in odd numbered years and ends on December 31 of the following even numbered year, the fiscal year begins on July 1 and ends on June 30 of the following year. Therefore, the biennial registration period crosses 3 different fiscal years. For example, the current biennial registration period began on January 1, 2013, and ends on December 31, 2014, while the current fiscal year began on July 1, 2013, and ended on June 30, 2014. The current fiscal year is within the current biennial registration period, however, the current biennial registration period also includes the last 6 months of the previous fiscal year (FY 2012-2013) and the first 6 months of the next fiscal year (FY 2014-2015). As the biennial registration period and the fiscal year represent different segments of time, the numbers contained therein are different.

IRRC comment: The Department should justify why it has not increased the thresholds.

Section 13A08(j) of the act requires the Secretary of the Commonwealth to review the threshold for registration and reporting on a biennial basis. Section 13A08(j) of the act also provides the Secretary the authority to increase the threshold for reporting and registration administratively. The threshold may be increased biennially and requires that the Department publish the adjusted amount in the *Pennsylvania Bulletin* by June 1 every 2 years. The Department reviews the threshold for registration and reporting to determine whether the rates are reasonable for assuring appropriate disclosure, as required by the act. Section 13A06 of the act provides that individuals whose economic consideration for lobbying does not exceed \$2,500 in the aggregate during any reporting period or a principal whose total expenses for lobbying purposes do not exceed \$2,500 during any reporting period, are exempt from registration under section 13A04 of the act (relating to registration) and reporting under section 13A05 of the act (relating to reporting). This is the threshold amount originally set by the act in 2006. The Department is considering raising this amount to adjust for inflation. Accounting for inflation, the threshold could be adjusted to \$2,849.07 (inflation adjusted fee amount calculated by Federal Bureau of Labor Statistics' CPI Inflation Calculator available at www.bls.gov/data/inflation_calculator.htm). Raising the threshold may benefit smaller lobbying efforts, which

would no longer have to register and pay the registration fee if their lobbying activities fell beneath the threshold amount. The Department is committed to adjusting the threshold amount for registration and reporting.

IRRC Disapproval

On September 29, 2014, IRRC issued a disapproval order, finding the regulation did not meet the criteria of legislative intent, reasonableness and protection of the public health, safety and welfare. See section 5.2(a) and (b)(2) and (3) of the Regulatory Review Act (71 P. S. § 745.5b(a) and (b)(2) and (3)).

First, IRRC stated that the regulation does not sufficiently balance all the provisions of the act. To address this concern, the Department reduced the fee to \$300. The Department believes that this fee rate strikes the intended balance between funding by the public and the regulated community. Further, the Department believes that a \$300 fee will allow individuals and organizations who wish to petition the government for redress of grievances to do so. The Department does not believe that a moderate increase will adversely affect participation in the democratic process, particularly when also taking into account the Department's commitment to increasing the threshold amount for registration and reporting.

Next, IRRC stated that a 400% increase from the original fee established in the act is profoundly beyond an inflation adjustment based on the Consumer Price Index. IRRC also stated that while the Department proposed raising the fee twice, the Department has not yet adjusted the threshold amount for registration and reporting to account for inflation. Further, IRRC stated that by not adjusting the threshold amount, the Department may be burdening smaller businesses with lobbying related costs when they could potentially be exempted, as well as possibly incurring unnecessary costs to regulate those small lobbying efforts, beyond what the act envisioned. In an effort to compromise, the Department reduced the proposed fee from \$400 to \$300 biennially. While the Department understands that this fee is still above the rate of inflation from the original \$100 fee, the Department's costs of administering the act have consistently exceeded the rate of inflation. For example, in FY 2013-2014 salaries increased 3.25% per employee for four full-time employees, benefit rates for four full-time employees increased 15% and technology costs increased by \$45,558. Because of these and other increases, additional revenue is required for the Department to continue to administer the act with the same level of customer service and public disclosure that is currently available. Therefore, the Department, in consideration of IRRC's concerns, believes that the \$300 fee will achieve the balance between the public benefit of transparency, with the right to petition government, and the statutory mandates placed upon the Department, contemplated by IRRC.

IRRC also stated that it remains concerned with the impact of a flat \$400 fee on small lobbying efforts and nonprofits, particularly regarding the participatory process envisioned by the act. While the Department understands the concerns raised by IRRC, it also recognizes the importance of its customer service to the small business community. Small businesses and nonprofit organizations, which tend not to have the infrastructure and support of a large lobbying firm, rely on the Department for guidance and assistance in their lobbying activities. Therefore, cuts to the availability and level of customer service that would be the probable result of insufficient funding would be most detrimental to small lobbying efforts and nonprofits. The Department believes that the reduced

rate of \$300 strikes the proper balance between the fiscal impact on small lobbying efforts and nonprofit organizations and the high level of customer service required from the Department to meet the needs of this community. Additionally, a fee increase to \$300 will allow the Department to maintain the current levels of customer service.

Additionally, IRRC stated that the Department had not sufficiently established that a \$400 fee will not hinder the right to petition government for redress of grievances. The Commission's concern is certainly a valid one; however, the law takes these rights into account by allowing for numerous exemptions. While the Department believes a \$400 fee would not hinder the rights of the citizenry to petition the government for redress of grievances, in an effort to address the Commission's concerns, the Department decreased the fee to \$300 in this final-form rulemaking. The Department believes that the \$300 fee strikes the balance contemplated by IRRC, between the two funding sources (the regulated community and the taxpayers of this Commonwealth). Further, the Department does not believe that the additional \$100 biennially, or \$50 per year, will inhibit individuals and organizations from exercising their right to petition government for redress of grievances. Finally, the Department does not believe a \$300 fee, which is an additional 14¢ a day above the current fee, will negatively affect participation in the Democratic process.

Description of the Final-Form Rulemaking

The final-form rulemaking amends § 53.1(a) to increase the biennial registration fee for individuals and entities required to be registered under the act from \$200 to \$300. The increased registration fee will go into effect for the 2015-2016 biennial registration period.

Fiscal Impact

The final-form rulemaking will increase the biennial registration fee for individuals and entities required to be registered under the act. The Department estimates there will be 3,422 registrants that will be required to pay the increased fee in 2015-2016 and thereafter. Small businesses that are members of the regulated community or individuals employed by small businesses will be impacted by the final-form rulemaking. However, small businesses and individuals whose lobbying activities are exempt under section 13A06 of the act are not required to register and, therefore, will not be impacted by the fee increase. The final-form rulemaking should not have other adverse fiscal impact on the private sector, the general public, the Commonwealth or its political subdivisions. However, if a local government engages in regulated activity for which registration is required, the local government would bear the cost of the increased registration fee and would be considered to be part of the regulated community.

Paperwork Requirement

The final-form rulemaking will require the Department to update some of its forms to reflect the new fee. However, the final-form rulemaking will not create additional paperwork for the regulated community or the private sector.

Sunset Date

The act provides that the Department shall review the filing fee on a biennial basis and may by regulation adjust the filing fee if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 20, 2013, the Department submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 3009, to IRRC and the Chairpersons of the Senate State Government Committee (SSGC) and the HSGC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the SSGC and the HSGC 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 SSGC, the HSGC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 17, 2014, the final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 18, 2014, and disapproved the final-form rulemaking.

As directed by section 5.1(j.4) of the Regulatory Review Act, IRRC, the SSGC, the HSGC and the Department proceeded in accordance with section 6 of the Regulatory Review Act (71 P. S. § 745.6) following disapproval. Under section 6(a) of the Regulatory Review Act, the Department reviewed IRRC's order, responded to IRRC's concerns and submitted the final-form rulemaking with revisions consistent with section 7(a)(2) of the Regulatory Review Act (71 P. S. § 745.7(a)(2)). On October 7, 2014, the Department submitted a revised final-form rulemaking and the required report to IRRC and to the Chairpersons of the SSGC and the HSGC in accordance with section 7(c) of the Regulatory Review Act.

Under section 7(d) of the Regulatory Review Act, on November 6, 2014, this final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 23, 2014, and approved the final-form rulemaking.

Contact Person

Interested persons may obtain information regarding the revised final-form rulemaking by contacting Caroline A. Bailey, Assistant Counsel, Department of State, 301 North Office Building, Harrisburg, PA 17120, carbailey@pa.gov.

Findings

The Department finds that:

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

(2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.

(3) The amendments to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 43 Pa.B. 3009.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

The Department, acting under its authorizing statute, orders that:

(a) The regulations of the Department, 51 Pa. Code Chapter 53, are amended by amending § 53.1 to read as set forth in Annex A.

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

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

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

CAROL AICHELE,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 7145 (November 8, 2014).)

Fiscal Note: Fiscal Note 16-56 remains valid for the final adoption of the subject regulation.

4/23/2014

Chart A
DEPARTMENT OF STATE
LOBBYING DISCLOSURE SPENDING BY BIENNIAL RENEWAL PERIOD

	1/2007 - 12/2008	1/2009 - 12/2010	1/2011 - 12/2012	1/2013 - 12/2014	**	TOTAL
Dept. of State Spending:	\$1,052,105.62	\$1,423,106.05	\$1,800,028.43	\$1,661,000.00		\$5,936,240.10
Authorized Funds from Restricted Account:	\$294,749.08	\$579,090.49	\$665,000.00	\$800,000.00		\$2,338,839.57
General Funds Used:	\$757,356.54	\$844,015.56	\$1,135,028.43	\$861,000.00		\$3,597,400.53
Registration Fees Received:	\$581,438.59 *	\$324,509.50	\$733,879.81	\$684,400.00		\$2,324,227.90

* Includes one-time deposit of \$266,071.49 from the State Ethics Commission in December 2006. In January 2007, as a result of Act 134 of 2006, the Department of State took over the registration function of lobbying disclosure (from the State Ethics Commission). All registration fees that were in the Ethics Commission restricted revenue account were provided to the Department as a one-time transfer of funds. The State Ethics Commission was unable to keep the registration funds as they had to stay with that function of lobbying disclosure, which now resides with the Department.

** Estimated

Chart B
 LOBBYING DISCLOSURE
 FY 2014-15 APPROVED REBUDGET

PERSONNEL COSTS:	STATE	RESTRICTED	TOTAL	
	FUNDS	REVENUE	FY 14-15	
			BUDGET	
Salaries	\$23,686.00	\$153,000.00	\$176,686.00	4 total positions funded
Benefits	\$160,281.00	\$0.00	\$160,281.00	
TOTAL PERSONNEL COSTS:	\$183,967.00	\$153,000.00	\$336,967.00	
OPERATING COSTS:				
Travel	\$20.00	\$20.00	\$40.00	
Training	\$50.00	\$75.00	\$125.00	
Telecommunications-Recurring	\$5,140.00	\$10,120.00	\$15,260.00	Landline, Voice and Data Connection Services
Legal Services/Fees	\$0.00	\$2,000.00	\$2,000.00	Online legal research
Specialized Services	\$30,000.00	\$45,000.00	\$75,000.00	Lobbying Disclosure Audit; Office of Administration/Office of the Budget Billings
Contracted Information Technology Services-Vendor Provided	\$77,000.00	\$271,000.00	\$348,000.00	IT System Support (LD Online Registration System), Spanaugle, Augmented Staff for Computer System
Contracted Maintenance Services-Information Technology	\$65.00	\$135.00	\$200.00	Hardware Network Maint, Hardware Storage Maint
Real Estate	\$0.00	\$3,000.00	\$3,000.00	Parking
Office Equipment	\$155.00	\$95.00	\$250.00	photocopier lease
Office Supplies	\$200.00	\$300.00	\$500.00	
Miscellaneous	\$0.00	\$100.00	\$100.00	nameplates, educational supplies
Hardware	\$20.00	\$80.00	\$100.00	
Postage	\$10.00	\$90.00	\$100.00	
Freight	\$0.00	\$100.00	\$100.00	
Printing	\$10.00	\$90.00	\$100.00	business cards, etc
Subscriptions	\$10.00	\$40.00	\$50.00	
Membership Dues	\$350.00	\$0.00	\$350.00	Supreme Court, Bar Dues
Insurance/Surety/Fidelity Bonds	\$0.00	\$500.00	\$500.00	Department of General Services Billings
Other Operational Expenses	\$3.00	\$14,255.00	\$14,258.00	
TOTAL OPERATING COSTS:	\$113,033.00	\$347,000.00	\$460,033.00	
TOTAL FY 2014-15 BUDGET:	\$297,000.00	\$500,000.00	\$797,000.00	

Chart C

4/25/2014

CHANGES TO LOBBYING DISCLOSURE BUDGET

Personnel Changes

Loss of Clerk Typist 2 (effective 7/1/2013)	(\$61,906.78)
Reduction of Attorney 1 Salaries and Benefits (Effective 12/14/2012)	(\$7,785.39)
	<u>(\$69,692.17)</u>

FY2013-14 Salary Increases:

July 2013 - 0.5% General Salary Increase
January 2014 - 0.5% General Salary Increase
April 2014 - 2.25% Step Increase

FY2014-15 Salary Increases:

July 2014 - 2.0% General Salary Increase
January 2015 - 2.25% Step Increase

FY13-14 ANNUAL SALARIES for 4 FTE	FY14-15 ANNUAL SALARIES for 4 FTE	CHANGES IN SALARIES
\$191,000.00	\$193,400.00	\$2,400.00

Increase to Benefit Rates - FISCAL YEAR 2013-2014

	FY13-14 ANNUAL SALARIES for 4 FTE	FY14-15 ANNUAL SALARIES for 4 FTE	CHANGES IN SALARIES	ANNUAL RATE for 4 FTE
Active Health Benefits	\$390.00	\$425.00	9.0 % increase	\$31,842.00
Annuitant Health Benefits	\$265.00	\$305.00	15.1% increase	\$44,370.00
SERS Pension Rate	10.51%	15.12%	43.7 % increase	\$24,876.00
Leave Payout Assessment	1.60%	1.70%	6.3% increase	\$2,797.00
Workers Compensation	2.55%	2.22%	14.7% decrease	\$3,657.00
Life Insurance	\$4.50	\$4.51	0.25% increase	\$471.00
				<u>\$108,013.00</u>

Increase to Benefit Rates - FISCAL YEAR 2014-2015

Active Health Benefits	\$425.00	\$455.00	7.0 % increase	\$34,870.00
Annuitant Health Benefits	\$305.00	\$334.00	9.5% increase	\$47,502.00
SERS Pension Rate	15.12%	19.99%	32.2 % increase	\$34,516.00
Leave Payout Assessment	1.70%	1.85%	8.8% increase	\$3,194.00
Workers Compensation	2.22%	0.50%	77.5% decrease	\$863.00
Life Insurance	\$4.51	\$4.58	1.6% increase	\$478.00
				<u>\$121,423.00</u>

FY13-14 ANNUAL BENEFIT RATE for 4 FTE	FY14-15 ANNUAL BENEFIT RATE for 4 FTE	CHANGES IN BENEFIT RATES
\$31,842.00	\$34,870.00	\$3,028.00
\$44,370.00	\$47,502.00	\$3,132.00
\$24,876.00	\$34,516.00	\$9,640.00
\$2,797.00	\$3,194.00	\$397.00
\$3,657.00	\$863.00	(\$2,794.00)
\$471.00	\$478.00	\$7.00
<u>\$108,013.00</u>	<u>\$121,423.00</u>	<u>\$13,410.00</u>

	3/2011 through 2/2013	3/2013 through current date	Changes	Annual Increase
Operating Changes				
Acclaim Systems Inc - LD System Upgrades and Maintenance	\$25,192/mo	\$28,989/mo	\$3,796.50/mo	\$45,558.00

	FY10-FY11 (McKonly & Asbury LLP)	FY12-FY13 (Zelenkofske & Axelrod LLC)	Change
Lobbying Disclosure Audit (2 year contract)	\$168,000.00	\$126,030.00	(\$41,970.00)

Annex A

**TITLE 51. PUBLIC OFFICERS
PART III. LOBBYING DISCLOSURE
CHAPTER 53. REGISTRATION AND
TERMINATION**

§ 53.1. Biennial filing fee.

(a) Under section 13A10(a) of the act (relating to registration fees; fund established; system; regulations), a principal, lobbying firm or lobbyist required to be registered under the act shall pay a biennial filing fee of \$100 to the Department, made payable to the “Commonwealth of Pennsylvania.” As of January 1, 2011, the biennial filing fee will be \$200. As of January 1, 2015, the biennial filing fee will be \$300.

(1) The biennial filing fee shall be tendered to the Department with the filing of the principal’s, lobbying firm’s or lobbyist’s first registration statement in each registration period. However, if the Department receives the filing fee within 5 calendar days of the filing of a registration statement, the registration will not be considered delinquent, in compliance with § 51.4 (relating to delinquency).

(2) The biennial filing fee will be a flat fee for the registration period in which paid. A registrant will not be required to pay more than one biennial filing fee in any given biennial registration period, unless a registrant terminates and attempts to reregister during the same biennial registration period.

(3) A separate biennial filing fee shall be paid for each principal, lobbying firm or lobbyist required to be registered, even if employed by a firm, association, corporation, partnership, business trust or business entity that is also required to register and that has paid or will pay the fee.

(4) The biennial filing fee is nonrefundable and non-transferable.

(5) Filing fees expire at the end of each registration period, regardless of when paid.

(b) The failure to pay a biennial filing fee as required by the act and this section will constitute a failure to register as required by the act.

(c) Money received from biennial filing fees will be deposited in the Fund.

[Pa.B. Doc. No. 14-2551. Filed for public inspection December 12, 2014, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

**[58 PA. CODE CHS. 465a, 639a, 641a, 643a,
645a, 647a, 649a, 653a, 655a AND 657a]**

Table Games Rules of Play

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), amends Chapters 465a, 639a, 641a, 643a, 645a, 647a, 649a, 653a, 655a and 657a to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

This final-form rulemaking will add: an alternative to the daily counting of table inventory containers that were not open for gaming; the Five Card Hand Bonus Wager, as a linked progressive, to Caribbean Stud, Four Card Poker, Let It Ride Poker, Texas Hold ’Em Bonus Poker, Three Card Poker, Ultimate Texas Hold ’Em Poker, Mississippi Stud Poker and Crazy 4 Poker; the Five-Card Progressive Payout Wager to Three Card Poker; and a variation of Pai Gow Poker, EZ Pai Gow and four additional side wagers when EZ Pai Gow is being offered including the Queen’s Dragon Wager, Dynasty Wager, Protection Wager and the Red/Black Wager.

Explanation

Table inventories

The regulations formerly required that operators open and count table inventory containers on a daily basis. This final-form rulemaking allows operators to utilize an alternative procedure, provided that they update their internal controls, whereby a floorperson or above completes a Closed Table form instead of counting the table inventory container on a daily basis. This Closed Table form is necessary for revenue audit purposes to ensure that all table game drop boxes were, in fact, collected and counted daily.

Five Card Hand Bonus Wager

The Five Card Hand Bonus Wager is an optional side wager that the player’s five-card hand will contain a flush or better. This side wager may be offered on a single table (such as one Four Card Poker table), on multiple tables of the same type (a bank of Four Card Poker tables) or across multiple games within the same licensed facility (Four Card Poker, Crazy 4 Poker and Let It Ride Poker tables, for example). The purpose of linking multiple tables and games together is to increase the number of individuals contributing to and playing for the progressive jackpot amount.

With this final-form rulemaking, the Five Card Hand Bonus Wager may be played on any of the following games: Caribbean Stud Poker; Four Card Poker; Let It Ride Poker; Texas Hold ’Em Bonus Poker; Three Card Poker; Ultimate Texas Hold ’Em Poker; Mississippi Stud; and Crazy 4 Poker. For these games, definitions of “Magic Card Bonus” and “Lucky Bonus” are added. Language is added specifying that if a facility were to offer a linked progressive, the table game system must have an electronic wagering system and must comply with the requirements in § 605a.8 (relating to linked progressive table games). For those games that did not previously include a payout based on a five-card Poker hand, hand rankings are added. A description of the Five Card Hand Bonus Wager is added to the regulations regarding wagers. The procedure for dealing the cards are updated in the regulations concerning procedures and detail how the wager is to be settled and when it is to be settled. The payout odds and amounts are added to the regulations regarding payout odds.

Sections 647a.11 and 653a.11 (relating to procedure for completion of each round of play; and procedures for completion of each round of play) are amended by adding language to ensure that only the player’s two cards and the first three community cards (the Flop) may be used to form the best five-card Poker hand for purposes of the Five Card Hand Bonus Wager. This clarifying language is included because allowing players to create the best five-card Poker hand from the seven cards dealt (the player’s two cards and all five community cards) would

create an advantage to players at Ultimate Texas Hold 'Em Poker and Texas Hold 'Em Poker if those players were vying for the linked progressive jackpot against players at tables in which only the player's first five cards were used to create the best possible hand.

Amendments to §§ 649a.8—649a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) specify that if a player places a Five Card Hand Bonus Wager the dealer shall deal an additional two community cards face down on the table. The cards are not taken into account for any other wager placed on the table and are revealed only after all other wagers have been settled. This additional procedure is also applicable if the operator is offering the Five-Card Progressive Payout Wager.

EZ Pai Gow Poker

In Chapter 645a (relating to Pai Gow Poker), a variation of Pai Gow in which vigorish is not collected is added. If the certificate holder is offering EZ Pai Gow Poker, the layout must indicate that if the dealer's hand is a Queen's Dragon (all different ranks but does not contain a pair, straight, flush, straight flush or royal flush), the player's wager pushes and is returned. The definition of "Queen's Dragon" is added in § 645a.1 (relating to definitions). Layout requirements are added to § 645a.2 (relating to Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics). The hand rankings are added to § 645a.6 (relating to Pai Gow Poker rankings). A description of all wagers applicable to the play of EZ Pai Gow Poker is added to § 645a.7 (relating to wagers). Dealing procedures were updated in §§ 645a.8—645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). How the wager is to be settled and when it is to be settled is added to § 645a.11 (relating to procedures for completion of each round of play). The payout odds and amounts are added in § 645a.13 (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

Five-Card Progressive Payout Wager

The Five-Card Progressive Payout Wager is added to Chapter 649a (relating to Three Card Poker). This progressive side wager may be linked to Caribbean Stud Poker, Four Card Poker, Let It Ride Poker, Texas Hold 'Em Bonus Poker, Ultimate Texas Hold 'Em Poker, Mississippi Stud and Crazy 4 Poker.

Definitions of "Envy Bonus" and "Envy Bonus Qualifying Hand" are added to § 649a.1 (relating to definitions). In § 649a.2 (relating to Three Card Poker table physical characteristics), language is added specifying that if a facility were to offer a linked progressive, the table game system must comply with § 605a.8. A description of the Progressive Payout Wager is added in § 649a.7 (relating to wagers), how the wager is to be settled and when it is to be settled is added in § 649a.11 (relating to procedures for completion of each round of play) and the payout odds and amounts are added in § 649a.12 (relating to payout odds; Envy Bonus; rate of progression).

Comment and Response Summary

Notice of proposed rulemaking was published at 43 Pa.B. 2827 (May 25, 2013). The Board did not receive comments from the public or the regulated community. On July 24, 2013, the Independent Regulatory Review Commission (IRRC) submitted a comment specific to a

cross-reference in the proposed rulemaking to proposed § 605a.8. Section 605a.8 was adopted at 44 Pa.B. 5463 (August 16, 2014).

Revisions or amendments were not made to this final-form rulemaking.

Affected Parties

Slot machine licensees will be impacted by this final-form rulemaking as operators will have a greater number of side wagers and variations to offer at their facilities.

Fiscal Impact

Commonwealth. The Board does not expect that this final-form rulemaking will have fiscal impact on the Board or any other Commonwealth agency. Testing of local area progressive controllers and progressives and updates to Rules Submissions and internal control procedures will be reviewed by existing Board staff.

Political subdivisions. This final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector. This final-form rulemaking will provide certificate holders with additional operational options. If a certificate holder decides to offer the Five-Card Progressive Payout Wager, the Five Card Hand Bonus Wager, EZ Pai Gow Poker or linked progressive jackpots within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and may need to purchase new equipment which will allow for the placement of progressive wagers. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

Operators that elect to utilize the alternative procedure for counting table inventory containers that were not open for gaming should see some cost savings in that only one floorperson will be required to complete a Closed Table form instead of opening the inventory container and counting the contents.

General public. This final-form 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 submit an updated Rules Submission reflecting the changes. These forms are available and submitted to Board staff electronically. If a certificate holder elects to utilize the alternative table inventory procedure in this final-form rulemaking, the certificate holder will be required to submit updated internal controls to reflect the change.

Effective Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 15, 2013, the Board submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 2827, to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee 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 re-

quested. 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 October 22, 2014, 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 October 23, 2014, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code Chapters 465a, 639a, 641a, 643a, 645a, 647a, 649a, 653a, 655a and 657a, are amended by amending §§ 465a.36, 639a.1, 639a.2, 639a.7—639a.12, 641a.1, 641a.2, 641a.7—641a.12, 643a.1, 643a.2, 643a.7—643a.12, 645a.1, 645a.2, 645a.6—645a.11, 645a.13, 647a.1, 647a.2, 647a.7—647a.12, 649a.1, 649a.2, 649a.6—649a.12, 653a.1, 653a.2, 653a.7—653a.12, 655a.1, 655a.2, 655a.7—655a.12, 657a.1, 657a.2 and 657a.7—657a.12 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 certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

WILLIAM H. RYAN, Jr.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 7145 (November 8, 2014).)

Fiscal Note: Fiscal Note 125-170 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.36. Table inventories.

* * * * *

(e) Table Inventory Slips must be two-part forms upon which the following is recorded:

- (1) The date and identification of the shift ended.
- (2) The game and table number.
- (3) The total value of each denomination of value chips, coins and plaques remaining at the gaming table.
- (4) The total value of all denominations of value chips, coins and plaques remaining at the gaming table.

(5) The signatures of the dealer or boxperson and floorperson assigned to the gaming table who conducted the count of the table inventory when the gaming table was closed and when the gaming table was opened.

(f) Notwithstanding the requirements in subsection (c), a certificate holder may utilize the following alternative procedure for table games that are not open for gaming activity during the gaming day:

(1) A floorperson or above shall complete a Closed Table form for every table that was not open for gaming during the gaming day.

(2) The table inventory must remain locked during completion of the Closed Table form.

(3) The Closed Table form must contain:

- (i) The date and identification of the shift ended.
- (ii) The game and table number.

(iii) The date the table was last opened for gaming (the date on the Table Inventory Slip that is locked in the table inventory container).

(iv) The signature and Board-issued credential number of the floorperson or above who completed the Closed Table form.

(4) After completion, the Closed Table form shall be deposited into the drop box and forwarded to revenue audit at the conclusion of the count in accordance with § 465a.25 (relating to counting and recording of slot cash storage boxes and table game drop boxes).

(5) A Table Inventory Slip shall be completed on all tables, in accordance with §§ 465a.37 and 465a.42, every Saturday prior to the commencement of the table game drop for gaming day ending Sunday at 5:59:59 a.m.

Subpart K. TABLE GAMES

CHAPTER 639a. CARIBBEAN STUD POKER

§ 639a.1. Definitions.

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

Bet Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Envy Bonus—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Caribbean Stud Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better as defined in § 639a.6(b) (relating to Caribbean Stud Poker rankings).

Fold—The withdrawal of a player from a round of play by not making a Bet Wager.

Hand—The five-card hand that is held by each player and the dealer after the cards are dealt.

Hole card—Any of the four cards dealt face down to the dealer.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

- (i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the player's cards matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the dealer's cards matches the card randomly selected by the table game system.

Progressive Payout Hand—The term means either of the following:

(i) A player's five-card Poker hand with a rank of three-of-a-kind or better.

(ii) If included in the payable selected by the certificate holder, a two pair or better as defined in § 639a.6(b).

§ 639a.2. Caribbean Stud Poker table physical characteristics.

(a) Caribbean Stud Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

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

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

(2) Two separate betting areas designated for the placement of Ante and Bet Wagers for each player.

(3) If the certificate holder offers the optional Progressive Payout Wager authorized under § 639a.7(d)(2) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) If the certificate holder offers the optional Caribbean Stud Bonus Wager authorized under § 639a.7(d)(3), a separate area designated for the placement of the Caribbean Stud Bonus Wager for each player.

(5) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 639a.7(d)(4), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(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 Caribbean Stud Poker table.

(7) An inscription indicating that the Bet Wager will be returned if the dealer has less than an ace/king. If the information is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Caribbean Stud Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 639a.7(d)(2), the Caribbean Stud Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game

system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 639a.7(d)(4), the Caribbean Stud Poker table must have a table game system, in accordance with § 605a.7 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 Five Card Hand Bonus Wager. The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

(e) Each Caribbean Stud Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(f) Each Caribbean Stud Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 639a.7. Wagers.

(a) Wagers at Caribbean Stud Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Caribbean Stud Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Bet Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 639a.8, § 639a.9 or § 639a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 639a.11(b) (relating to procedure for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Caribbean Stud Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing an Ante Wager, then a Bet Wager, in accordance with § 639a.11(b).

(2) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Caribbean Stud Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Caribbean Stud Poker table the option to make an additional Caribbean Stud Bonus Wager that the player's cards will form a five-card Poker hand with a rank of a pair of 10s or better. After placing an Ante Wager, a player may make the additional Caribbean Stud Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(4) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Caribbean Stud Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand or the dealer's five-card Poker hand, or both, will contain a flush or better as defined in § 639a.6(b) (relating to Caribbean Stud Poker rankings). After placing an Ante Wager, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A player may not wager on more than one player position at a Caribbean Stud Poker table.

§ 639a.8. Procedure for dealing the cards from a manual dealing shoe.

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(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 639a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 639a.5 (relating to shuffle and cut of the cards) have been com-

pleted, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 639a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 639a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 639a.11. Procedure for completion of each round of play.

(a) After the dealing procedures required under § 639a.8, § 639a.9 or § 639a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Caribbean Stud Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep the five cards in full view of the dealer at all times.

(3) After each player has made a decision regarding the Bet Wager as required under subsection (b), the player's cards shall be placed face down on the appropriate area of the layout and the player may not touch the cards again.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask

each player if he wishes to make a Bet Wager in an amount equal to two times the amount of the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player has placed an Ante Wager and a Caribbean Stud Bonus Wager, a Progressive Payout Wager or a Five Card Hand Bonus Wager but does not make a Bet Wager, the player shall forfeit all wagers except the Five Card Hand Bonus Wager and does not forfeit the right to receive an Envy Bonus Payout, if applicable.

(c) After each player who has placed an Ante Wager has either placed a Bet Wager on the designated area of the layout or forfeited his wager and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's four hole cards and place the cards so as to form the highest possible ranking five-card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the five cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and form the highest possible ranking five-card Poker hand for each player.

(3) If the dealer's highest ranking five-card Poker hand:

(i) Is lower than an ace-king, the dealer shall return each player's Bet Wager and pay out the player's Ante Wager made by the player in accordance with the payout odds in § 639a.12(a) and (b) (relating to payout odds; rate of progression).

(ii) Is an ace-king or better, and the player's highest ranking five-card Poker hand:

(A) Is ranked lower than the dealer's five-card Poker hand, the dealer shall immediately collect the Ante and Bet Wagers made by the player.

(B) Is ranked higher than the dealer's five-card Poker hand, the dealer shall pay the Ante and Bet Wagers made by the player in accordance with the payout odds in § 639a.12(a) and (b).

(C) Is equal in rank to the dealer's five-card hand, the dealer shall return the Ante and Bet Wagers made by the player.

(4) The dealer shall settle any Caribbean Stud Bonus Wager made by the player by determining whether the player's five-card Poker hand qualifies for a payout in accordance with § 639a.12(c). A winning Caribbean Stud Bonus Wager shall be paid irrespective of whether the player's five-card Poker hand outranks the dealer's hand.

(5) After settling a player's Ante, Bet and Caribbean Stud Bonus Wagers, the dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's five-card Poker hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Verify that the appropriate light on the progressive table game system has been illuminated.

(iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 639a.12(d). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus won in accordance with § 639a.12(d)(6) if Paytable D in § 639a.12(d)(1) is selected by the certificate holder. Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Caribbean Stud Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(6) After settling a player's Ante, Bet and Caribbean Stud Bonus Wagers, the dealer shall settle the Five Card Hand Bonus Wager, if offered by the certificate holder, and any Magic Card or Lucky Bonus payouts. A winning Five Card Hand Bonus Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(iii) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 639a.12(e). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(d) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 639a.12. Payout odds; rate of progression.

* * * * *

(d) If a certificate holder offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B	Paytable C
Royal flush	100% of meter	100% of meter	100% of meter
Straight flush	5,000 for 1	10% of meter	10% of meter
Four-of-a-kind	500 for 1	500 for 1	200 for 1
Full house	100 for 1	100 for 1	50 for 1

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Flush	50 for 1	50 for 1	40 for 1
Straight	10 for 1	10 for 1	30 for 1
Three-of-a-kind	3 for 1	3 for 1	9 for 1
Two pair	2 for 1	2 for 1	N/A

<i>Hand</i>	<i>Paytable D</i>	<i>Paytable E</i>
Royal flush	100% of meter	100% of meter
Straight flush	10% of meter	10% of meter
Four-of-a-kind	300 for 1	500 for 1
Full house	50 for 1	100 for 1
Flush	40 for 1	50 for 1
Straight	30 for 1	N/A
Three-of-a-kind	9 for 1	N/A

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) Paytables A, B, C and E may not be selected by the certificate holder if the Progressive Payout Wager is offered on multiple linked games with a shared progressive jackpot.

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and may not be less than \$10,000.

(5) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 639a.11(c)(5) (relating to procedure for completion of each round of play).

(6) If the certificate holder selects Paytable D, Envy Bonus payouts shall be made according to the following payouts for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(e) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If

the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally among the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

CHAPTER 641a. FOUR CARD POKER

§ 641a.1. Definitions.

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

Aces Up Wager—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of whether the player's hand outranks the dealer's hand.

Five-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Five-Card Progressive Payout Wager when another player at the Four Card Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand.

Five-Card Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better, as defined in § 641a.6(d) (relating to Four Card Poker rankings).

Five-Card Progressive Payout Hand—A player's five-card Poker hand with a rank of three-of-a-kind or better as defined in § 641a.6(d).

Four-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Four-Card Progressive Payout Wager when another player at the Four Card Poker table is the holder of a Four-Card Envy Bonus Qualifying Hand.

Four-Card Envy Bonus Qualifying Hand—A player's Four Card Poker hand with a rank of four-of-a-kind or better or a straight flush or better, as defined in § 641a.6(b), depending on the payable selected by the certificate holder.

Four-Card Progressive Payout Hand—A player's Four Card Poker hand with a rank of three-of-a-kind or better as defined in § 641a.6(b).

Hand—The Four Card Poker hand that is held by each player and the dealer after the cards are dealt.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the player's cards matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the dealer's first five cards matches the card randomly selected by the table game system.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

§ 641a.2. Four Card Poker table physical characteristics.

(a) Four Card Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

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

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

(2) Three separate betting areas designated for the placement of Ante, Play and Aces Up Wagers for each player.

(3) If the certificate holder offers either the Four or Five-Card Progressive Payout Wager authorized under § 641a.7(d)(4) or (5) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) If the certificate holder offers the optional Bad Beat Bonus Wager authorized under § 641a.7(d)(6), a separate area designated for the placement of the Bad Beat Bonus Wager for each player.

(5) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 641a.7(d)(7), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Four Card Poker table.

(c) If a certificate holder offers either the Four or Five-Card Progressive Payout Wager in accordance with § 641a.7(d)(4) or (5), the Four Card Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 641a.7(d)(7), the Four Card Poker table must have a table game system, in accordance with § 605a.7 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). The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

(e) Each Four Card Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(f) Each Four Card Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 641a.7. Wagers.

(a) Wagers at Four Card Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Four Card Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 641a.8, § 641a.9 or § 641a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 641a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Four Card Poker:

(1) A player may compete solely against the dealer's Four Card Poker hand by placing an Ante Wager then a Play Wager, in accordance with § 641a.11(b), in an amount from one to three times the amount of the player's Ante Wager.

(2) A player may compete solely against a posted payable by placing an Aces Up Wager.

(3) A player may compete against both the dealer's Four Card Poker hand and the posted payable by placing an Ante Wager and an Aces Up Wager in accordance with paragraphs (1) and (2).

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Four Card Poker table the option to make an additional Four-Card Progressive Payout Wager that the player will receive a Four-Card Progressive Payout Hand. After placing an Ante Wager or an Aces Up Wager, or both, a player may make the additional Four-Card Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Four-Card Progressive Payout Wager has been accepted.

(5) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Four Card Poker table the option to make an additional Five-Card Progressive Payout Wager that the player will receive a Five-Card Progressive Payout Hand. After placing an Ante Wager or an Aces Up Wager, or both, a player may make the additional Five-Card Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Five-Card Progressive Payout Wager has been accepted.

(6) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Four Card Poker table the option to make an additional Bad Beat Bonus Wager that either the player's hand contains a two pair or better and the dealer's hand outranks the player's hand, or the dealer's hand contains a two pair or better and the player's hand outranks the dealer's hand. After placing an Ante Wager or an Aces Up Wager, or both, a player may make the additional Bad Beat Bonus Wager by placing a value chip onto the designated area of the layout for that player. Winning wagers shall be paid out based on the rank of the losing hand.

(7) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Four Card Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand or the dealer's five-card Poker hand, or both, will contain a flush or better as defined in § 641a.6(d) (relating to Four Card Poker rankings). After placing an Ante Wager, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play

§ 641a.8. Procedures for dealing the cards from a manual dealing shoe.

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(b) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the

progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 641a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 641a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 641a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 641a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 641a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 641a.8, § 641a.9 or § 641a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Four Card Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(b) After each player has examined his cards and placed the cards face down on the layout, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to make a Play Wager in an amount from one to three times the amount of the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player:

(1) Has placed an Ante Wager and an Aces Up Wager but does not make a Play Wager, the player shall forfeit the Ante Wager but may not forfeit the Aces Up Wager.

(2) Has placed an Ante Wager and a Four or Five-Card Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but may not forfeit the eligibility to receive an Envy Bonus under § 641a.12(d) or (e) (relating to payout odds; Envy Bonus; rate of progression).

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and select the four cards that form the highest possible ranking Four Card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the five cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and select the four cards that form the highest possible ranking Poker hand for each player.

(3) If a player's highest ranking Four Card Poker hand is ranked:

(i) Lower than the dealer's Four Card Poker hand, the dealer shall immediately collect the Ante and Play Wagers made by the player.

(ii) Higher than or equal to the dealer's Four Card Poker hand, the dealer shall pay the Ante and Play Wagers and any Ante Bonus in accordance with the payout odds in § 641a.12(a) and (b).

(4) After settling a player's Ante and Play Wagers, the dealer shall settle any Aces Up Wagers by determining whether the player's Four Card Poker hand qualifies for a payout in accordance with § 641a.12(c). A winning Aces Up Wager shall be paid irrespective of whether the player's Four Card Poker hand outranks the dealer's hand.

(5) The dealer shall then settle the player's Four or Five-Card Progressive Payout Wager, if offered by the certificate holder. For the Five-Card Progressive Wager, the dealer shall form the highest ranking five-card Poker hand from the five cards dealt to each player. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Verify that the appropriate light on the progressive table game system has been illuminated.

(iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning Four-Card Progressive Payout Wager in accordance with the payout odds in § 641a.12(d) or the winning Five-Card Progressive Payout Wager in accordance with the payout odds in § 641a.12(e). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus as follows:

(A) A player making a Four-Card Progressive Payout Wager shall receive a Four-Card Envy Bonus when another player at the same Four Card Poker table is the holder of a Four-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Four-Card Envy Bonuses if more than one other player is the holder of a Four-Card Envy Bonus Qualifying Hand. A player is not entitled to a Four-Card Envy Bonus for his own hand or the hand of the dealer. Four-Card Envy Bonus payouts shall be made in accordance with the payouts in § 641a.12(d)(5).

(B) A player making a Five-Card Progressive Payout Wager shall receive a Five-Card Envy Bonus when another player at the same Four Card Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Five-Card Envy Bonuses if more than one other player is the holder of a Five-Card Envy Bonus Qualifying Hand. A player is not entitled to a Five-Card Envy Bonus for his own hand or the hand of the dealer. Five-Card Envy Bonus payouts shall be made in accordance with the payouts in § 641a.12(e)(5).

(6) After settling any Aces Up Wagers, the dealer shall settle a player's Bad Beat Bonus Wager. A player shall win a Bad Beat Bonus payout, in accordance with § 641a.12(f), based on the rank of the losing hand if:

(i) The player's hand contains a two pair or better and the dealer's hand outranks the player's hand.

(ii) The dealer's hand contains a two pair or better and the player's hand outranks the dealer's hand.

(7) After settling a player's Aces Up Wagers, the dealer shall settle the Five Card Hand Bonus Wager, if offered by the certificate holder, and any Magic Card or Lucky Bonus payouts. The dealer shall form the highest ranking five-card Poker hand of the player and the dealer. For the dealer's hand, the dealer shall form the highest ranking five-card Poker hand from the first five cards dealt to the dealer. A winning Five Card Hand Bonus Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal

control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(iii) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 641a.12(g). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(d) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 641a.12. Payout odds; Envy Bonus; rate of progression.

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(f) If a certificate holder offers the Bad Beat Bonus Wager, the certificate holder shall pay out winning Bad Beat Wagers at the amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Four-of-a-kind	25,000 to 1	10,000 to 1
Straight flush	10,000 to 1	5,000 to 1
Three-of-a-kind	100 to 1	100 to 1
Flush	25 to 1	25 to 1
Straight	15 to 1	15 to 1
Two pair	4 to 1	4 to 1

(g) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally among the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the

certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

CHAPTER 643a. LET IT RIDE POKER

§ 643a.1. Definitions.

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

Community card—A card which is used by all players to form a five-card Poker hand.

Five-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Five-Card Progressive Payout Wager when another player at the Let It Ride Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand.

Five-Card Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better, as defined in § 643a.6(b) (relating to Let It Ride Poker rankings).

Five-Card Progressive Payout Hand—A player's five-card Poker hand with a rank of three-of-a-kind or better as defined in § 643a.6(b).

Hand—The five-card Poker hand formed for each player by combining the three cards dealt to the player and the two community cards.

Let It Ride—When a player does not withdraw a wager as permitted under § 643a.11(b) and (d) (relating to procedures for completion of each round of play).

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager if the player is seated in the position that is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager if one of the player's three cards or the two community cards match the card randomly selected by the table game system.

Three-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Three-Card Progressive Wager when another player at the Let It Ride Poker table is the holder of a Three Card Envy Bonus Qualifying Hand.

Three-Card Envy Bonus Qualifying Hand—A mini-royal, as defined in § 643a.6(d), formed using the three cards dealt to a player.

Three-Card Progressive Payout Hand—A player's three cards with a rank of a three-of-a-kind or better or a straight or better, as defined in § 643a.6(d), depending on the payable selected by the certificate holder.

§ 643a.2. Let It Ride Poker table physical characteristics.

(a) Let It Ride Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

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

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

(2) Three separate betting areas designated for the placement of the Let It Ride Poker Wagers required under § 643a.7(d) (relating to wagers) for each player.

(3) Separate areas designated for the placement of the cards of each player.

(4) A separate area designated for the placement of the community cards located directly in front of the table inventory container.

(5) If the certificate holder offers the optional Five Card Bonus Wager authorized under § 643a.7(e), a separate area designed for the placement of the Five Card Bonus Wager for each player.

(6) If a certificate holder offers the optional Three Card Bonus Wager authorized under § 643a.7(f), a separate area designated for the placement of the Three Card Bonus Wager for each player.

(7) If the certificate holder offers either the Three or Five-Card Progressive Payout Wager authorized under § 643a.7(g) or (h), a separate area designated for the placement of the Progressive Payout Wager for each player.

(8) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 643a.7(i), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(9) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Let It Ride Poker table.

(10) An inscription indicating the payout limit per hand established by the certificate holder under § 643a.12(e) (relating to payout odds; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Let It Ride Poker table.

(c) If a certificate holder offers the Five Card Bonus Wager in accordance with § 643a.7(e), the certificate holder may utilize a table game system, approved by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval), which includes:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Five Card Bonus Wager.

(2) A device that controls or monitors the placement of Five Card Bonus Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Five Card Bonus Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If a certificate holder offers either the Three or Five-Card Progressive Payout Wager in accordance with § 643a.7(g) or (h), the Let It Ride Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(e) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 643a.7(i), the Let It Ride Poker table must have a table game system, in accordance with § 605a.7 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 Five Card Hand Bonus Wager. The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

(f) Each Let It Ride Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(g) Each Let It Ride Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 643a.7. Wagers.

* * * * *

(h) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player the option to make an additional Five-Card Progressive Payout Wager that the player will receive a Five-Card Progressive Payout Hand. After placing the Let It Ride Poker Wagers, a player may make an additional Five-Card Progressive Payout Wager by placing a value chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Five-Card Progressive Payout Wager has been accepted.

(i) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Let It Ride Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand will contain a flush or better as defined in § 643a.6(b) (relating to Let It Ride Poker rankings). After placing an Ante Wager, a player may make the additional Five Card Hand Bonus Wager by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(j) A Five Card Bonus Wager, Three Card Bonus Wager, a Five Card Hand Bonus Wager and Progressive Payout Wager do not have a bearing on any other wagers made by the player.

(k) A certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

§ 643a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 643a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets” and:

(1) If the Five Card Bonus Wager is being offered utilizing a table game system, use the table game system to prevent the placement of any additional Five Card Bonus Wager. If any Five Card Bonus Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Five Card Bonus Wagers accepted by the table game system. The dealer shall then place the value chips into the table inventory container.

(2) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(3) If the Five Card Hand Bonus Wager is being offered, use the electronic wagering system to prevent the placement of additional Five Card Hand Bonus Wagers.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers).

(2) One card face down to the area designated for the placement of the community cards.

(3) A second card face down to each player who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(4) A second card face down to the area designated for the placement of the community cards, which card shall be placed to the right of the first card dealt to this area.

(5) A third card face down to each player who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(e) After three cards have been dealt to each player and two cards have been dealt to the area designated for the placement of the community cards, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designed for the placement of the community cards has more or less than 2 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 643a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer’s hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 643a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets” and:

(i) If the Five Card Bonus Wager is being offered utilizing a table game system, use the table game system to prevent the placement of any additional Five Card Bonus Wagers. If any Five Card Bonus Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Five Card Bonus Wagers accepted by the table game system. The dealer shall then place the value chips into the table inventory container.

(ii) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(iii) If the Five Card Hand Bonus Wager is being offered, use the electronic wagering system to prevent the placement of additional Five Card Hand Bonus Wagers.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers).

(2) One card face down to the area designated for the placement of the community cards.

(3) A second card face down to each player who placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(4) A second card face down to the area designated for the placement of the community cards, which card shall be placed to the right of the first card dealt to this area.

(5) A third card face down to each player who placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(c) After three cards have been dealt to each player and two cards have been dealt to the area designated for the placement of the community cards, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designated for the placement of the community cards has more or less than 2 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 643a.10. Procedure for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 643a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and:

(i) If the Five Card Bonus Wager is being offered utilizing a table game system, use the table game system to prevent the placement of any additional Five Card

Bonus Wagers. If any Five Card Bonus Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Five Card Bonus Wagers accepted by the table game system. The dealer shall then place the value chips into the table inventory container.

(ii) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(iii) If the Five Card Hand Bonus Wager is being offered, use the electronic wagering system to prevent the placement of any additional Five Card Hand Bonus Wagers.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed the three required wagers in accordance with § 643a.7(d). The dealer shall then deliver a stack of three cards face down to the area designated for the placement of the community cards and spread the stack within the designated area so that the top card is to the dealer's right and the bottom card is to the dealer's left. The dealer shall then remove the community card that is to his left and place that card in the discard rack without exposing the card.

(c) After each stack of three cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designated for the placement of the community cards has more or less than 2 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated

dealing shoe that automatically reshuffles the cards, the two community cards may be dispensed before the three cards are dispensed to each player.

§ 643a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 643a.8, § 643a.9 or § 643a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Let It Ride Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his three cards in full view of the dealer at all times.

(3) After each player has made a decision regarding Bet Number 2 as required under subsection (d), the player's cards shall be placed face down on the appropriate area of the layout as specified by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions). The player may not touch the cards again.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to withdraw Bet Number 1 or Let It Ride. If a player:

(1) Chooses to let Bet Number 1 ride, that bet must remain on the designated betting area of the layout until the end of the round of play.

(2) Chooses to withdraw Bet Number 1, the dealer shall move the value chips on the betting area designated for Bet Number 1 toward the player who shall then immediately remove the value chips from the betting area.

(c) After each player has made a decision regarding Bet Number 1, the dealer shall then turn the community card that is to the dealer's left face up and place it to the right of the remaining community card. The exposed card shall become the first community card.

(d) After the first community card is exposed, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to withdraw Bet Number 2 or Let It Ride. This decision shall be made by each player regardless of the decision made concerning Bet Number 1. If a player:

(1) Chooses to let Bet Number 2 ride, that bet must remain on the designated betting area of the layout until the end of the round of play.

(2) Chooses to withdraw Bet Number 2, the dealer shall move the value chips on the betting area designated for Bet Number 2 toward the player who shall then immediately remove the value chips from the betting area.

(e) The dealer shall then turn the second community card face up on the table.

(f) After the second community card is turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a

counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the three cards of the player face up on the layout. The two community cards and the three cards dealt to the player shall form the five-card Poker hand of that player.

(2) The dealer shall examine the cards of the player and form the highest ranking five-card Poker hand for each player.

(3) The dealer shall first settle all Let It Ride Poker Wagers of that player by collecting losing wagers and paying winning wagers in accordance with § 643a.12(a) (relating to payout odds; payout limitation). After settling the player's Let It Ride Poker Wagers, the dealer shall settle any Five Card Bonus Wagers, Three Card Bonus Wagers, Progressive Payout Wagers or Five Card Hand Bonus Wagers as follows:

(i) If a player placed a Five Card Bonus Wager and the two community cards and the three cards dealt to the player form a five-card Poker hand of two pair or better, or if included in the payable selected by the certificate holder, a pair of tens, jacks, queens, kings or aces or better, the dealer shall pay the winning Five Card Bonus Wager in accordance with § 643a.12(b).

(ii) If a player placed a Three Card Bonus Wager and the three cards dealt to the player form a three-card Poker hand of a pair or better as defined in § 643a.6(c) (relating to Let It Ride Poker rankings), the dealer shall pay the winning Three Card Bonus Wager in accordance with § 643a.12(c).

(iii) If a player placed a Three-Card Progressive Payout Wager and the three cards dealt to the player form a three-of-a-kind or better, as defined in § 643a.6(d), or a straight or better, depending on the payable selected by the certificate holder, the dealer shall:

(A) Verify that the hand is a winning hand.

(B) Verify that the appropriate light on the progressive table game system has been illuminated.

(C) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(D) Pay the winning Three-Card Progressive Payout Wager in accordance with the payout odds in § 643a.12(d)(1). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(E) Pay any Three-Card Envy Bonus won in accordance with § 643a.12(d)(5). Players making a Three-Card Progressive Payout Wager shall receive a Three-Card Envy Bonus when another player at the same Let It Ride Poker table is the holder of a Three-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of a Three-Card Envy Bonus Qualifying Hand. A player is not entitled to a Three-Card Envy Bonus for his own hand.

(iv) If a player placed a Five-Card Progressive Payout Wager and the player's three cards and the two community cards form a three-of-a-kind or better, as defined in § 643a.6(b), the dealer shall:

(A) Verify that the hand is a winning hand.

(B) Verify that the appropriate light on the progressive table game system has been illuminated.

(C) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(D) Pay the winning Five-Card Progressive Payout Wager in accordance with the payout odds in § 643a.12(e)(1). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(E) Pay any Five-Card Envy Bonus won in accordance with § 643a.12(e)(5). Players making a Progressive Payout Wager shall receive a Five-Card Envy Bonus when another player at the same Let It Ride Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of a Five-Card Envy Bonus Qualifying Hand. A player is not entitled to a Five-Card Envy Bonus for his own hand.

(v) If a player placed a Five Card Hand Bonus Wager, the dealer shall settle any Magic Card or Lucky Bonus payouts and any winning Five Card Hand Bonus wagers as follows:

(A) Verify that the hand is a winning hand.

(B) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(C) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 643a.12(f). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(g) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 643a.12. Payout odds; payout limitation.

(a) Subject to the payout limitation in subsection (g), a certificate holder shall pay out winning Let It Ride Poker Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

* * * * *

(e) If a certificate holder offers the Five-Card Progressive Payout Wager:

(1) A player placing a Five-Card Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$10,000.

(4) Winning Five-Card Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 643a.11(f)(3)(iv).

(5) Five-Card Envy Bonus payouts shall be made according to the following payouts for Five-Card Envy Bonus Qualifying Hands based upon the amount of the Five-Card Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(f) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

(g) Notwithstanding the payout odds in subsection (a), a certificate holder may establish in its Rules Submission

under § 601a.2 a maximum amount that is payable to a player on a single hand. The maximum amount shall be at least \$50,000 or the maximum amount that one patron could win per round when betting the minimum permissible wager, whichever is greater. Any maximum payout limit established by a certificate holder shall apply only to payouts of Let It Ride Poker Wagers placed under § 643a.7(d) (relating to wagers) but may not apply to payouts of Five Card Bonus Wagers placed under § 643a.7(e), Three Card Bonus Wagers placed under § 643a.7(f), Progressive Payout Wagers placed under § 643a.7(g) or (h) or Five Card Hand Bonus Wagers under § 643a.7(i).

CHAPTER 645a. PAI GOW POKER

§ 645a.1. Definitions.

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

Bank—A player who elects to have the other players and the dealer play against him and accepts the responsibility of paying all winning Pai Gow Poker Wagers.

Co-banking—When the bank and the dealer each cover 50% of all winning Pai Gow Poker Wagers.

EZ Pai Gow Poker—A variation of Pai Gow Poker in which vigorish is not collected.

Envy Bonus—An additional fixed sum payout made to a player who placed a Qualifying Wager when another player at the Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A player's Pai Gow Poker hand with a rank of a four-of-a-kind or better formed from the seven cards dealt to a player.

High hand—The five-card hand that is formed from the seven cards dealt so as to rank equal to or higher than the two-card low hand.

Low hand—The two-card hand that is formed from the seven cards dealt so as to rank equal to or lower than the five-card high hand.

Qualifying Wager—An Emperor's Treasure Wager, Fortune Bonus Wager or a Dynasty Bonus Wager of at least \$5 which may entitle a player to an Envy Bonus.

Queen's Dragon—The dealer's seven cards of different ranks which do not form a straight, a flush, a straight flush or a royal flush but contain a queen high card.

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

§ 645a.2. Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics.

(a) Pai Gow Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

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

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Pai Gow Poker Wager for each player.
- (3) Two separate areas designated for the placement of the high and low hands of each player.

(4) Two separate areas designated for the placement of the high and low hands of the dealer.

(5) If the certificate holder offers the optional Fortune Bonus Wager authorized under § 645a.7(e)(1) (relating to wagers), a separate area designated for the placement of the Fortune Bonus Wager for each player.

(6) If the certificate holder offers the optional Emperor's Treasure Wager authorized under § 645a.7(e)(2), a separate area designated for the placement of the Emperor's Treasure Wager for each player.

(7) If the certificate holder offers the optional Pai Gow Insurance Wager authorized under § 645a.7(e)(3), a separate area designated for the placement of the Pai Gow Insurance Wager for each player.

(8) If the certificate holder offers the optional Progressive Payout Wager authorized under § 645a.7(e)(4), a separate area designated for the placement of the Progressive Payout Wager for each player.

(9) If a certificate holder offers EZ Pai Gow Poker:

(i) Separate areas designated for the following optional wagers, if offered by the certificate holder:

(A) Queen's Dragon Wager authorized under § 645a.7(e)(5)(i).

(B) Dynasty Bonus Wager authorized under § 645a.7(e)(5)(ii).

(C) Protection Wager authorized under § 645a.7(e)(5)(iii).

(D) Red/Black Wager authorized under § 645a.7(e)(5)(iv).

(ii) Inscriptions that advise patrons that if the dealer's hand is a Queen's Dragon, the player's wager shall push and be returned to the player.

(10) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Pai Gow Poker table.

(11) An inscription indicating the payout limit per hand established by the certificate holder under § 645a.13(j) (relating to payout odds; Envy Bonus; rate of progression; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Pai Gow Poker table.

(c) To determine the starting position for the dealing or delivery of the cards, Pai Gow Poker may be played with:

(1) A Pai Gow Poker shaker, approved in accordance with § 601a.10(a), which shall be designed and constructed to maintain the integrity of the game. The Pai Gow Poker shaker shall be the responsibility of the dealer, may not be left unattended while at the table and must:

- (i) Be capable of housing three dice that when not being shaken must be maintained within the Pai Gow Poker shaker. Dice that have been placed in a Pai Gow Poker shaker for use in gaming may not remain on a table for more than 24 hours.
- (ii) Be designed to prevent the dice from being seen while being shaken.

(iii) Have the name or logo of the certificate holder imprinted or impressed thereon.

(2) A computerized random number generator which shall be submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use.

(3) A flat button which shall be approved in accordance with § 601a.10(a) prior to its use.

(d) If the certificate holder offers the optional Progressive Payout Wager in accordance with § 645a.7(e)(4), the Pai Gow Poker table must have a progressive table game system in accordance with § 605a.7 (relating to progressive table games) for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the placement of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(e) Each Pai Gow Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(f) Each Pai Gow Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 645a.6. Pai Gow Poker rankings.

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(f) If a certificate holder offers the optional Progressive Payout Wager under § 645a.7(e)(4), the following seven-card hands shall be used to determine the amount of the progressive payout to a winning player:

(1) Seven-card straight flush is a hand consisting of seven cards of the same suit in consecutive ranking, with or without a joker.

(2) Five aces, which is a hand consisting of four aces and a joker.

(3) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit or a king, queen, jack and 10 of the same suit and a joker.

(4) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking.

(5) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(6) A full house, which is a hand consisting of a three-of-a-kind and a pair.

(g) If the certificate holder offers the optional Dynasty Bonus Wager under § 645a.7(e)(5)(ii), in addition to the hands described in subsection (b), the following hands shall also be used to determine the amount of the Dynasty Bonus or Envy Bonus payout to a winning player:

(1) An ace/five natural straight flush and a natural ace/queen suited, which is a hand consisting of an ace, 2, 3, 4 and 5, without a joker, and an additional ace and queen of the same suit without a joker.

(2) A seven-card natural straight flush, which is a hand consisting of seven cards of the same suit in consecutive ranking, without a joker used to complete the straight flush.

(3) A natural royal flush and a natural ace/king suited, which is a hand consisting of an ace, king, queen, jack and a 10 of the same suit, without a joker, and an additional ace and queen of the same suit without a joker.

(4) A seven-card straight flush, which is a hand consisting of seven cards of the same suit in consecutive ranking, with a joker used to complete the straight flush.

(5) An ace/five natural straight flush, which is a hand consisting of an ace, 2, 3, 4 and 5, without a joker.

§ 645a.7. Wagers.

(a) Wagers at Pai Gow Poker shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate areas of the Pai Gow Poker layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Pai Gow Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers at Pai Gow Poker shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 645a.8, § 645a.9 or § 645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) To participate in a round of play and compete against the dealer's high and low hands, a player shall place a Pai Gow Poker Wager.

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Pai Gow Poker Wager, in accordance with subsection (d), the option of placing the following additional wagers:

(1) A Fortune Bonus Wager that the seven cards dealt to the player will form a seven-card Poker hand with a rank of a straight or better as described in § 645a.6(d) (relating to Pai Gow Poker rankings).

(2) An Emperor's Treasure Wager that the seven cards dealt to the player will form a seven-card Poker hand with a rank of a straight or better as described in § 645a.6(e).

(3) A Pai Gow Insurance Wager that the seven cards dealt to the player will form a seven-card Poker hand that does not contain a pair or better, as described in § 645a.6(b), but will contain a card ranked a nine-high or better.

(4) A Progressive Payout Wager that the seven cards dealt to the player will form a seven-card Poker hand with a rank of a full house or better as described in § 645a.6(f).

(5) If EZ Pai Gow Poker is being played, a certificate holder may offer the following additional wagers:

(i) The Queen's Dragon Wager that the dealer's hand will create a Queen's Dragon.

(ii) The Dynasty Bonus Wager that the seven cards dealt to the player will form a hand with a rank of a three-of-a-kind or better as described in § 645a.6(b) and (g).

(iii) The Protection Wager that the seven cards dealt to the player will form a hand that does not contain a pair or better, as described in § 645a.6(b), but contain a high card of a 9, 10, jack, queen, king or ace.

(iv) The Red/Black Wager that four or more of the cards in the player's hand will be of the player's chosen color.

(f) Except as provided in § 645a.12(f) (relating to player bank; co-banking; selection of bank; procedures for dealing), a certificate holder may, if specified in its Rules Submission under § 601a.2, permit a player to wager on two adjacent betting areas at a Pai Gow Poker table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

§ 645a.8. Procedures for dealing the cards from a manual dealing shoe.

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(b) Prior to dealing any cards, the dealer shall announce "no more bets" and:

(1) If the Fortune Bonus Wager, Emperor's Treasure Wager or Dynasty Bonus Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player's wager.

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§ 645a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 645a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the dealer shall place the deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand when holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and:

(i) If the Fortune Bonus Wager, Emperor's Treasure Wager or Dynasty Bonus Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player's wager.

(ii) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall then determine the starting position for dealing the cards using one of the procedures authorized under § 645a.5(i).

(c) The dealer shall then deal the first card to the starting position as determined in subsection (b) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has seven cards.

(d) After seven cards have been dealt to each position and the dealer, the dealer shall determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 645a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures under § 645a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and:

(i) If the Fortune Bonus Wager, Emperor's Treasure Wager or Dynasty Bonus Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player's wager.

(ii) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the

number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall determine the starting position for delivering the stacks of cards using one of the procedures authorized under § 645a.5(i).

(c) After the starting position for delivering the cards has been determined, the dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to that position. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other positions, regardless of whether there is a wager at the position, and the dealer.

(d) After seven cards have been dispensed and delivered to each position and the dealer, the dealer shall remove the remaining cards from the shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 645a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 645a.8, § 645a.9 or § 645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at a Pai Gow Poker table shall be responsible for setting his own hands and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player. If a player requests assistance in the setting of his hands, the dealer shall inform the player of the manner in which the certificate holder requires the hands of the dealer to be set in accordance with the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(2) Each player shall keep his seven cards in full view of the dealer at all times.

(3) Once each player has set a high and low hand and placed the two hands face down on the appropriate area of the layout, the player may not touch the cards again.

(b) Each player shall set his hands by arranging the cards into a high hand and a low hand. When setting the two hands, the five-card high hand must be equal to or higher in rank than the two-card low hand. For example, if the two-card hand contains a pair of sevens, the five-card hand must contain at least a pair of sevens and the three remaining cards.

(c) After all players have set their hands and placed the cards on the table, the seven cards of the dealer shall be turned over and the dealer shall set his hands by arranging the cards into a high and low hand. The certificate holder shall specify in its Rules Submission under § 601a.2 the manner in which the hands of the dealer shall be set. The dealer shall then place the two hands face up on the appropriate area of the layout. If a player is acting as the bank in accordance with § 645a.12 (relating to player bank; co-banking; selection of bank; procedures for dealing), after all players have set their hands and placed the cards on the table, the bank shall turn over his seven cards and set the two hands by arranging the cards in a high and low hand on the appropriate area of the layout.

(d) Unless a player has placed an optional wager authorized under § 645a.7(e)(1)—(5) (relating to wagers), a player may surrender his wager after the hands of the dealer or the bank have been set. The player shall announce his intention to surrender prior to the dealer exposing either of the two hands of that player as provided in subsection (e). Once the player has announced his intention to surrender, the dealer shall immediately collect the Pai Gow Poker Wager from that player and collect the seven cards dealt to that player without exposing the cards to anyone at the table. If any Qualifying Wagers have been placed, the cards of the player shall remain on the table until collected in accordance with subsection (h). The dealer shall verify that seven cards were collected by counting them face down on the layout prior to placing them in the discard rack.

(e) After the dealer has set a high hand and a low hand, the dealer shall reveal both hands of each player, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall compare the high and low hand of each player to the high and low hand of the dealer and shall announce if the Pai Gow Poker Wager of that player wins, loses or is a tie.

(f) A Pai Gow Poker Wager will:

(1) Lose and will immediately be collected if:

(i) The high hand of the player is lower in rank than the high hand of the dealer and the low hand of the player is lower in rank than the low hand of the dealer.

(ii) The high hand of the player is identical in rank to the high hand of the dealer or the low hand of the player is identical in rank to the low hand of the dealer and the other hand of the player is identical in rank or lower in rank than the other hand of the dealer.

(iii) The high hand of the player was not set so as to rank equal to or higher than the low hand of that player.

(iv) The two hands of the player were not otherwise set correctly in accordance with this chapter.

(v) Notwithstanding subparagraphs (i)—(iv), if the table is designated for play as an EZ Pai Gow Poker table in which vigorish is not collected and if the dealer has a Queen's Dragon, the player's Pai Gow Poker Wager shall push and be returned to the player.

(2) Tie and will be returned to the player if:

(i) The high hand of the player is higher in rank than the high hand of the dealer, but the low hand of the player is identical in rank to the low hand of the dealer or lower in rank than the low hand of the dealer.

(ii) The high hand of the player is identical in rank to the high hand of the dealer or lower in rank than the

high hand of the dealer, but the low hand of the player is higher in rank than the low hand of the dealer.

(iii) The dealer has a Queen's Dragon and the table is designated for play as an EZ Pai Gow Poker table in which vigorish is not collected.

(3) Win if the high hand of the player is higher in rank than the high hand of the dealer and the low hand of the player is higher in rank than the low hand of the dealer provided that if the table is designated for play as an EZ Pai Gow Poker table and the dealer has a Queen's Dragon, the player's Pai Gow Poker Wager shall push and be returned to the player. The dealer shall pay the winning Pai Gow Poker Wager in accordance with the payout odds in § 645a.13(a) (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

(g) Except as provided in subsection (h), after settling the player's Pai Gow Poker Wager, the dealer shall place the cards of the player in the discard rack.

(h) After settling the player's Pai Gow Poker Wager, the dealer shall rearrange the seven cards of any player who placed an optional wager, in accordance with § 645a.7(e)(1)–(5), to form the highest ranking hand and be responsible for creating the hand for purposes of all optional wagers offered by the certificate holder. If any player at the table has placed a Qualifying Wager, the dealer shall rearrange the cards of all players regardless of whether the player placed a Fortune Bonus, Emperor's Treasure or Dynasty Bonus Wager. After rearranging the player's seven cards, the dealer shall:

(1) Settle the player's Fortune Bonus Wager as follows:

(i) If a player:

(A) Does not have a straight or higher, as described in § 645a.6(d) (relating to Pai Gow Poker rankings), the dealer shall collect the Fortune Bonus Wager and place the cards of the player in the discard rack.

(B) Has a straight or higher, the dealer shall pay the winning Fortune Bonus Wager in accordance with § 645a.13(b) and shall place the cards of the player in the discard rack. If the player has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(C) Did not place a Fortune Bonus Wager but has an Envy Bonus Qualifying Hand, and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(ii) After all Fortune Bonus Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 645a.13(b) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(iii) After all Envy Bonuses have been paid, the dealer shall collect all remaining cards and place them in the discard rack.

(2) Settle the player's Emperor's Treasure Wager as follows:

(i) If a player:

(A) Does not have a straight or higher as described in § 645a.6(e), the dealer shall collect the Emperor's Treasure Wager and place the cards of the player in the discard rack.

(B) Has a straight or higher, the dealer shall pay the winning Emperor's Treasure Wager in accordance with § 645a.13(c) and place the cards of the player in the discard rack. If the player has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(C) Did not place an Emperor's Treasure Wager but has an Envy Bonus Qualifying Hand and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(ii) After all Emperor's Treasure Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 645a.13(c) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(iii) After all Envy Bonuses have been paid, the dealer shall collect all remaining cards and place them in the discard rack.

(3) Settle the player's Pai Gow Insurance Wager. If a player:

(i) Has a pair or better as described in § 645a.6(b), the dealer shall collect the Pai Gow Insurance Wager and place the cards of the player in the discard rack.

(ii) Does not have a pair or better, but has a card ranked a nine-high or better, the dealer shall pay the winning Pai Gow Insurance Wager in accordance with § 645a.13(d). The dealer shall then place the cards of the player in the discard rack.

(4) Settle the player's Progressive Payout Wager. If a player:

(i) Does not have a full house or better, as described in § 645a.6(f), the dealer shall collect the Progressive Payout Wager and place the cards of the player in the discard rack.

(ii) Has a full house or better, the dealer shall:

(A) Verify that the hand is a winning hand.

(B) Verify that the appropriate light on the progressive table game system has been illuminated.

(C) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(D) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 645a.13(e). If a player has won a progressive payout that is a percentage of the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory, the cards of that player shall remain on the table until the necessary documentation has been completed.

(5) Settle the player's Queen's Dragon Wager. If the dealer does not have Queen's Dragon, the dealer shall collect the Queen's Dragon Wager and place the cards of

the player in the discard rack. If the dealer has a Queen's Dragon, the dealer shall pay the winning wager in accordance with § 645a.13(f).

(6) Settle the player's Dynasty Bonus Wager as follows:

(i) If a player:

(A) Does not have a three-of-a-kind or better as described in § 645a.6(b) and (g), the dealer shall collect the Dynasty Wager and place the cards of the player in the discard rack.

(B) Has a three-of-a-kind or better, the dealer shall pay the winning Dynasty Wager in accordance with § 645a.13(g). If the player has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(C) Did not place a Dynasty Wager but has an Envy Bonus Qualifying Hand and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(ii) After all Dynasty Bonus Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 645a.13(g) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(7) Settle the player's Protection Wager. If the player's hand does not contain a high card of a 9, 10, jack, queen, king or ace, or the hand contains a pair or better, as described in § 645a.6(b), the dealer shall collect the Protection Wager and place the cards of the player in the discard rack. If the player's hand does not contain a pair or better but contains a high card of a 9, 10, jack, queen, king or ace, the dealer shall pay the winning wager in accordance with § 645a.13(h).

(8) Settle the player's Red/Black Wager. If the player wagered on red and the player's hand does not contain four or more red cards, or if the player wagered on black and the player's hand does not contain four or more black cards, the dealer shall collect the Red/Black Wager and place the cards of the player in the discard rack. If a player's hand does contain four or more of the cards of the player's chosen color, the dealer shall pay the winning Red/Black Wager in accordance with § 645a.13(i).

(i) Notwithstanding the requirements in subsection (h), if the certificate holder offers more than one optional wager, the dealer shall settle all of the player's optional wagers before placing the player's cards in the discard rack.

(j) All cards removed from the table shall be placed in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 645a.13. Payout odds; Envy Bonus; rate of progression; payout limitation.

(a) A certificate holder shall pay each winning Pai Gow Poker Wager at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won, provided that if EZ Pai Gow Poker is being played, vigorish may not be collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next

highest multiple of 25¢. A certificate holder shall collect the vigorish from a player at the time the winning payout is made.

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(e) If the certificate holder offers the Progressive Payout Wager:

(1) The certificate holder shall pay out winning Progressive Payout Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Seven-card straight flush	100%
Five aces	10%
Royal flush	500 for 1
Straight flush	100 for 1
Four-of-a-kind	75 for 1
Full house	4 for 1

(2) The initial and reset amount must be in the certificate holder's Rules Submission filed in accordance with § 601a.2 and be at least \$2,000.

(3) Winning Progressive Payout Wagers shall be paid the amount on the meter when it is the player's turn to be paid in accordance with § 645a.11(h)(4) (relating to procedures for completion of each round of play) irrespective of the amount that was on the meter when the player placed the wager or when the dealer dealt the player's cards.

(f) The certificate holder shall pay out winning Queen's Dragon Wagers at odds of 50 to 1.

(g) The certificate holder shall pay out winning Dynasty Bonus Wagers and Envy Bonus payouts at the odds and amounts in the following payable:

<i>Hand</i>	<i>Payout</i>	<i>Envy Bonus</i>
Ace/five natural straight flush and a natural ace/queen suited	2,000 to 1	\$500
Seven-card natural straight flush	2,000 to 1	\$400
Natural royal flush and natural ace/queen suited	1,000 to 1	\$300
Seven-card straight flush	1,000 to 1	\$200
Five aces	500 to 1	\$100
Ace/five natural straight flush	120 to 1	\$75
Royal flush	120 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

(h) The certificate holder shall pay out winning Protection Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Ace/five natural straight flush	120 to 1
Nine-high	100 to 1
Ten-high	25 to 1
Jack-high	15 to 1
Queen-high	7 to 1
King-high	5 to 1
Ace-high	3 to 1

(i) The certificate holder shall pay out winning Red/Black Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Seven cards of the chosen color	5 to 1
Six cards of the chosen color	1 to 1
Five cards of the chosen color	1 to 1
Four cards of the chosen color	1 to 1

(j) Notwithstanding the payout odds in subsections (b)—(i), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum payout amount shall be at least \$50,000 or the maximum amount that one player could win per round when betting the minimum permissible wager, whichever is greater. Any maximum payout limit established by a certificate holder may not apply to Envy Bonus payouts.

CHAPTER 647a. TEXAS HOLD 'EM BONUS POKER

§ 647a.1. Definitions.

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

Burn—To remove the top or next card from the deck and place it face down in the discard rack without exposing the card to anyone.

Community card—A card which may be used by each player and the dealer to form the best possible five-card Poker hand.

Envy Bonus—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Texas Hold 'Em Bonus Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better as defined in § 647a.6(b) (relating to Texas Hold 'Em Bonus Poker rankings).

Flop—The first three community cards dealt during a round of play.

Flop Wager—The second wager that a player shall make prior to the Flop being dealt to continue participation in the round of play.

Fold—The withdrawal of a player from a round of play by not making a Flop Wager.

Hand—The five-card Poker hand formed from the two cards of the player or the dealer and any of the five community cards.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the cards in the player's hand or the three-card Flop matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the cards in the dealer's hand or the three-card Flop matches the card randomly selected by the table game system.

Progressive Payout Hand—A player's five-card Poker hand with a rank of three-of-a-kind or better as defined in § 647a.6(b).

River card—The fifth and final community card dealt during a round of play.

River Wager—The fourth wager that a player may place prior to the River card being dealt.

Turn card—The fourth community card dealt during a round of play.

Turn Wager—The third wager that a player may place prior to the Turn card being dealt.

§ 647a.2. Texas Hold 'Em Bonus Poker table physical characteristics.

(a) Texas Hold 'Em Bonus Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

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

- (1) The name or logo of the certificate holder.
- (2) Four separate betting areas designated for the placement of Ante, Flop, Turn and River Wagers for each player.
- (3) A separate area designated for the placement of the five community cards located directly in front of the table inventory container.
- (4) A separate area designated for the placement of the dealer's two cards.
- (5) If the certificate holder offers the optional Texas Hold 'Em Bonus Wager authorized under § 647a.7(d)(2) (relating to wagers), a separate area designated for the placement of the Texas Hold 'Em Bonus Wager for each player.
- (6) If a certificate holder offers the optional Progressive Payout Wager authorized under § 647a.7(d)(3), a separate area designated for the placement of the Progressive Payout Wager for each player.
- (7) If a certificate holder offers the optional Five Card Hand Bonus Wager authorized under § 647a.7(d)(4), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(8) Inscriptions that advise patrons of the payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for all permissible wagers shall be posted at each Texas Hold 'Em Bonus Poker table.

(9) Inscriptions indicating the following:

(i) The Ante Wager will be returned if the player's winning hand is not a straight or better or a flush or better as specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(ii) The payout limit per hand established by the certificate holder under § 647a.12(c) (relating to payout odds; payout limitation) or a generic inscription indicating that the game is subject to the posted payout limit.

(10) If the information required under paragraph (8) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Texas Hold 'Em Bonus Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 647a.7(d)(3), the Texas Hold 'Em Bonus Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering the Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with the requirements in § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 647a.7(d)(4), the Texas Hold 'Em Bonus Poker table must have a table game system, in accordance with § 605a.7 (relating to progressive table games) 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 Five Card Hand Bonus Wager. The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

(e) Each Texas Hold 'Em Bonus Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(f) Each Texas Hold 'Em Bonus Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 647a.7. Wagers.

(a) Wagers at Texas Hold 'Em Bonus Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Texas Hold 'Em Bonus Poker table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All Ante, Texas Hold 'Em Bonus, Five Card Hand Bonus and Progressive Payout Wagers shall be placed

prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 647a.11(b), (d) and (f) (relating to procedure for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Texas Hold 'Em Bonus Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing an Ante Wager then a Flop, Turn and River Wager in accordance with § 647a.11(b), (d) and (f).

(2) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Texas Hold 'Em Bonus Poker table the option to make an additional Texas Hold 'Em Bonus Wager that the player's first two cards will qualify for a payout in accordance with § 647a.12(b) (relating to payout odds; payout limitation). A Texas Hold 'Em Bonus Wager shall have no bearing on any other wager made by the player.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Texas Hold 'Em Bonus Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing the Ante Wager, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Texas Hold 'Em Bonus Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand formed from the player's two cards and the three-card Flop, the dealer's five-card Poker hand formed from the dealer's two cards and the three-card Flop, or both, will contain a flush or better as defined in § 647a.6(b) (relating to Texas Hold 'Em Bonus Poker rankings). After placing an Ante Wager, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A player may not wager on more than one player position at a Texas Hold 'Em Bonus Poker table.

§ 647a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 647a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards and after all Ante and Texas Hold 'Em Bonus Wagers have been placed, the dealer shall announce "no more bets" and, if the Progress-

sive Payout Wager or Five Card Hand Bonus Wager is being offered, use the progressive table game system or electronic wagering system to prevent the placement of additional Progressive Payout or Five Card Hand Bonus Wagers. If Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time, face down, to each player who placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed an Ante Wager and the dealer have two cards.

(e) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 647a.11(c), (e) and (g) (relating to procedure for completion of each round of play). After all community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 647a.9. Procedure for dealing the cards from the hand.

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(b) The dealer shall announce "no more bets" and, if the Progressive Payout Wager or Five Card Hand Bonus Wager is being offered, use the progressive table game system or electronic wagering system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container. The dealer shall then deal each card by holding the deck of cards in the chosen hand

and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed an Ante Wager and the dealer have two cards.

* * * * *

§ 647a.10. Procedure for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 647a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or Five Card Hand Bonus Wager is being offered, use the progressive table game system or electronic wagering system to prevent the placement of additional Progressive Payout Wagers. If Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 647a.11. Procedure for completion of each round of play.

(a) After the dealing procedures required under § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Texas Hold 'Em Bonus Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to place a Flop Wager prior to the dealing of the Flop. The player may either fold or place a Flop Wager equal to twice the amount of the player's Ante Wager. If a player:

(1) Places a Flop Wager, the wager shall be placed in the area designated for the Flop Wager.

(2) Folds, the player's Ante Wager shall be collected by the dealer and placed in the table inventory container. If the player:

(i) Has also placed:

(A) A Texas Hold 'Em Bonus Wager, the dealer shall place the cards of the player face down underneath the Texas Hold 'Em Bonus Wager pending its resolution at the conclusion of the round of play.

(B) A Progressive Payout Wager, the player is not eligible to receive a Progressive Payout. The player's cards shall remain face down on the table pending resolution of the Envy Bonus in accordance with subsection (i)(5).

(C) A Five Card Hand Bonus Wager, the dealer shall place the cards of the player face down on the table pending resolution of the Five Card Hand Bonus Wager in accordance with subsection (j).

(ii) Has not placed a Texas Hold 'Em Bonus Wager, Five Card Hand Bonus Wager or a Progressive Payout Wager, the dealer shall immediately collect the player's cards and place them in the discard rack provided that if another player at the table placed a Progressive Payout Wager, the player's cards shall remain on the table pending the resolution of the Progressive Payout Wager in accordance with subsection (i).

(c) After each player has either placed a Flop Wager or folded, the dealer shall burn the next card. The dealer shall then deal the Flop face up to the designated area for the community cards.

(d) After the Flop has been dealt, the dealer shall, beginning with the player farthest to the dealer's left who has placed a Flop Wager and moving clockwise around the table, ask each player who has placed a Flop Wager if he wishes to place a Turn Wager prior to the dealing of the Turn card. The player may either check and remain in the game or place a Turn Wager in an amount equal to the player's Ante Wager.

(e) Once all remaining players have either placed a Turn Wager or checked, the dealer shall burn the next card. The dealer shall then deal the Turn card face up to the designated area for the community cards.

(f) After the Flop and Turn cards have been dealt, the dealer shall, beginning with the player farthest to the dealer's left who has placed a Flop Wager and moving clockwise around the table, ask each player if he wishes to place a River Wager prior to the dealing of the River card. The player may either check and remain in the game or place a River Wager in an amount equal to the player's Ante Wager.

(g) Once all remaining players have either placed a River Wager or checked, the dealer shall burn the next card face down. The dealer shall then deal the River card face up to the designated area for the community cards.

(h) After the five community cards have been dealt, the dealer shall remove the cover card on top of the dealer's cards and turn his two cards face up on the layout. The dealer shall then select five cards using the dealer's two cards and the five community cards to form the highest ranking five-card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right who has placed a Flop Wager and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the two cards of each player who has placed a Flop Wager face up on the layout.

(2) The dealer shall examine the cards of the player and select the five cards using the player's two cards and the five community cards to form the highest ranking five-card Poker hand. The wagers of each player shall be resolved one player at a time regardless of outcome. If a player's five-card Poker hand:

(i) Is ranked lower than the dealer's five-card Poker hand, the dealer shall immediately collect the Ante, Flop, Turn and River Wagers made by the player.

(ii) Is ranked higher than the dealer's five-card Poker hand, the dealer shall pay the Ante, Flop, Turn and River Wagers in accordance with the payout odds in § 647a.12 (relating to payout odds; payout limitation). The player's Ante Wager will be returned if the player's winning hand is not a straight or higher or a flush or higher as specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(iii) Is equal in rank to the dealer's five-card hand, the dealer shall return the player's Ante, Flop, Turn and River Wagers.

(3) After settling a player's Ante, Flop, Turn and River Wagers, the dealer shall settle any Texas Hold 'Em Bonus Wager made by the player by determining whether the player's two cards qualify for a payout in accordance with § 647a.12(b).

(i) The dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand and be based on the rank of the player's two cards and the three-card Flop. If a player has won a progressive payout, the dealer shall:

(1) Verify that the hand is a winning hand.

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(4) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 647a.12(d). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(5) Pay any Envy Bonus won in accordance with § 647a.12(d). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Ultimate Texas Hold 'Em Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(j) The dealer shall settle the Five Card Hand Bonus Wager, if offered by the certificate holder, and any Magic Card or Lucky Bonus payouts. A winning Five Card Hand Bonus shall be paid irrespective of whether the player's hand outranks the dealer's hand and based on the rank of the player's or the dealer's two cards and the three-card Flop. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

(1) Verify that the hand is a winning hand.

(2) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(3) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 647a.12(e). If a

player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(k) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 647a.12. Payout odds; payout limitation.

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(d) If a certificate holder offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$10,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 647a.11(i) (relating to procedure for completion of each round of play).

(5) Envy Bonus payouts shall be made according to the following payouts for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(e) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally amongst the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

CHAPTER 649a. THREE CARD POKER

§ 649a.1. Definitions.

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

Five-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Five-Card Progressive Payout Wager when another player at the Three Card Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand.

Five-Card Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better, as defined in accordance with § 649a.6(d) (relating to Three Card Poker rankings).

Five-Card Progressive Payout Hand—A player's five-card Poker hand with a rank of a three-of-a-kind or better as defined in § 649a.6(d).

Hand—The Three Card Poker hand that is held by each player and the dealer after the cards are dealt.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the cards in the player's hand or the two additional community cards matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the cards in the dealer's hand or the two additional community cards matches the card randomly selected by the table game system.

Pair Plus Wager—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player's hand against the dealer's hand.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Three-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Three-Card Progressive Payout Wager when another player at the Three Card Poker table is the holder of a Three-Card Envy Bonus Qualifying Hand.

Three-Card Envy Bonus Qualifying Hand—A player's Three Card Poker hand of an ace, king and queen of the same suit.

Three-Card Progressive Payout Hand—A player's Three Card Poker hand with a rank of a three-of-a-kind or better, as defined in § 649a.6 or a straight or better depending on the paytable selected by the certificate holder.

§ 649a.2. Three Card Poker table physical characteristics.

(a) Three Card Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

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

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

(2) Three separate betting areas designed for the placement of Ante, Play and Pair Plus Wagers for each player.

(3) If the certificate holder offers the optional Three-Card Progressive Payout Wager authorized under § 649a.7(d)(4) (relating to wagers) or the Five-Card Progressive Payout Wager authorized under § 649a.7(d)(6), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) If the certificate holder offers the optional Six Card Bonus Wager authorized under § 649a.7(d)(5), a separate area designated for the placement of the Six Card Bonus Wager for each player.

(5) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 649a.7(d)(7), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder and the phrase "Dealer Plays with Queen High or Better." If payout odds or amounts are not inscribed on the layout, a sign indicating the payout odds or amounts for all permissible wagers shall be posted at each Three Card Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 649a.7(d)(4) or (6), the Three Card Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 649a.7(d)(7), the Three Card Poker table must have a table game system, in accordance with § 605a.7 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 Five Card Hand Bonus Wager. The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8.

(e) Each Three Card Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(f) Each Three Card Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 649a.6. Three Card Poker rankings.

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(d) If a certificate holder offers a payout based on the rank of a five-card Poker hand, the rank of the hands shall be:

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§ 649a.7. Wagers.

(a) Wagers at Three Card Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Three Card Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 649a.8, § 649a.9 or § 649a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 649a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Three Card Poker:

(1) A player may compete solely against the dealer's Three Card Poker hand by placing an Ante Wager then a Play Wager, in accordance with § 649a.11(b), in an amount equal to the player's Ante Wager.

(2) A player may compete solely against a posted payable by placing a Pair Plus Wager.

(3) A player may compete against both the dealer's Three Card Poker hand and the posted payable by placing an Ante Wager and a Pair Plus Wager in accordance with paragraphs (1) and (2).

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Three Card Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(5) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Three Card Poker table the option to make an additional Six Card Bonus Wager that the three cards dealt to the dealer and the three cards dealt to the player will form a five-card Poker hand with a rank of a three-of-a-kind or better. If the certificate holder has selected payable E in § 649a.12(f) (relating to payout odds; Envy Bonus; rate of progression), the three cards dealt to the dealer and the three cards dealt to the player shall be used to form a six-card Poker hand for purposes of the Super Royal payout. After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Six Card Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(6) If specified in its Rules Submission under § 601a.2, certificate holder may offer to each player at a Three Card Poker table the option to make an additional Five-Card Progressive Payout Wager that the player will receive a Five-Card Progressive Payout Hand. After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Five-Card Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Five-Card Progressive Payout Wager has been accepted.

(7) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Three Card Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand or the dealer's five-card Poker hand, or both, will contain a flush or better as defined in § 649a.6(d) (relating to Three Card Poker rankings). After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) Notwithstanding subsection (d)(1)–(3), a certificate holder may offer a version of Three Card Poker requiring:

(1) As a precondition to the placement of a Pair Plus Wager, the placement of an Ante Wager in an amount equal to or greater than the Pair Plus Wager.

(2) As a precondition to the placement of a Pair Plus Wager, the placement of an Ante Wager in an amount equal to at least 1/2 the Pair Plus Wager.

(3) The compulsory placement of an Ante Wager and a Pair Plus Wager, provided that one wager may be placed in an amount up to a maximum of five times the amount of the other wager without regard to which wager is the greater of the two.

(f) A certificate holder shall specify in its Rules Submission under § 601a.2, the number of adjacent boxes on which a player may place a wager in one round of play.

§ 649a.8. Procedures for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 649a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce "no more bets" and, if a Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 649a.7 (relating to wagers) and to the dealer until each player who placed a wager and the dealer have three cards. All cards shall be dealt face down. If a player has placed a Five Card Hand Bonus Wager or a Five-Card Progressive Payout Wager, the dealer shall deal an additional two cards face down on the table to a dedicated area to the right of the dealer.

(e) After three cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 649a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 649a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if a Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 649a.7 (relating to wagers) and to the dealer until each player who placed a wager and the dealer have three cards. All cards shall be dealt face down. If a player has placed a Five Card Hand Bonus Wager or a Five-Card Progressive Payout Wager, the dealer shall deal an additional two community cards face down on the table to a dedicated area to the right of the dealer.

(c) After three cards have been dealt to each player and the dealer, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer

shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 649a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 649a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if a Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed a wager in accordance with § 649a.7 (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with § 649a.7. The dealer shall then deliver a stack of three cards face down to the area designated for the placement of the dealer's cards.

(c) After each stack of three cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards. If a player has placed a Five Card Hand Bonus Wager or a Five-Card Progressive Payout Wager, after removing the stub from the automated dealing shoe, the dealer shall deal an additional two community cards face down on the table to a dedicated area to the right of the dealer. Except as provided in subsection (d), the dealer shall then place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards is still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 649a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 649a.8, § 649a.9 or § 649a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Three Card Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his three cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to make a Play Wager in an amount equal to the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player:

(1) Has placed an Ante Wager and a Pair Plus Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager.

(2) Has placed an Ante Wager and a Three or Five-Card Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but may not forfeit the eligibility to receive an Envy Bonus under § 649a.12(e) or (h) (relating to payout odds; Envy Bonus; rate of progression).

(3) Has placed an Ante Wager, a Pair Plus Wager and a Six Card Bonus or Five Card Hand Bonus Wager, but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager but does not forfeit the Six Card Bonus or Five Card Hand Bonus Wager.

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated cards, except for the cards of those players who placed a Six Card Bonus or Five Card Hand Bonus Wager, and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and place the cards so as to form the highest possible ranking Three Card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the three cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and form the highest possible ranking Three Card Poker hand for each player.

(3) If the dealer's highest ranking Three Card Poker hand:

(i) Is lower than a queen high, the dealer shall pay each player's Ante Wager and return the player's Play Wager.

(ii) Is a queen high or better, and the player's highest ranking Three Card Poker hand is ranked:

(A) Lower than the dealer's Three Card Poker hand, the dealer shall immediately collect the Ante and Play Wagers made by the player.

(B) Higher than the dealer's Three Card Poker hand, the dealer shall pay the Ante and Play Wagers and any Ante Bonus in accordance with the payout odds in § 649a.12(a) and (b).

(C) Equally with the dealer's Three Card Poker hand, the dealer shall return the player's Ante and Play Wagers.

(4) After settling the player's Ante and Play Wagers, the dealer shall settle any Pair Plus Wagers by determining whether the player's Three Card Poker hand qualifies for a payout in accordance with § 649a.12(d). A winning Pair Plus Wager shall be paid irrespective of whether the player's Three Card Poker hand outranks the dealer's hand.

(5) The dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Verify that the appropriate light on the progressive table game system has been illuminated.

(iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 649a.12(e). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus won in accordance with § 649a.12(e). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Three Card Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(6) The dealer shall then settle the Six Card Bonus Wager, if offered by the certificate holder. A winning Six Card Bonus Wager shall be paid irrespective of the outcome of the player's Ante Wager or Pair Plus Wager. The dealer shall arrange the dealer's three cards and the player's three cards to form the highest ranking five-card Poker hand for each player. If a player has a three-of-a-kind or better, as described in § 649a.6(d) (relating to

Three Card Poker rankings), the dealer shall pay the winning Six Card Bonus Wager in accordance with the payout odds in § 649a.12(f). If the certificate holder has selected payable E in § 649a.12(f), the three cards dealt to the dealer and the three cards dealt to the player shall be used to form a six-card Poker hand for purposes of the Super Royal payout.

(7) If the certificate holder offers the Five-Card Progressive Payout Wager, after settling all other wagers, the dealer shall expose the two additional community cards dealt in accordance with §§ 649a.8(d), 649a.9(b) and 649a.10(c) and form the highest ranking five-card Poker hand of the player from the player's three cards and the two community cards. If a player has won a progressive payout, the dealer shall:

- (i) Verify that the hand is a winning hand.
- (ii) Verify that the appropriate light on the progressive table game system has been illuminated.
- (iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning Five-Card Progressive Payout Wager in accordance with the payout odds in § 649a.12(h)(1). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Five-Card Envy Bonus won in accordance with § 643a.12(h)(5). Players making a Progressive Payout Wager shall receive a Five-Card Envy Bonus when another player at the same Three Card Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of a Five-Card Envy Bonus Qualifying Hand. A player is not entitled to a Five-Card Envy Bonus for his own hand.

(8) If the certificate holder offers the Five Card Hand Bonus Wager, after settling all other wagers, the dealer shall then settle the Five Card Hand Bonus Wager and any Magic Card or Lucky Bonus payouts. The dealer shall expose the two additional community cards dealt in accordance with §§ 649a.8(d), 649a.9(b) and 649a.10(c) and form the highest ranking five-card Poker hand of the player and the dealer from the player's or dealer's three cards and the two community cards. A winning Five Card Hand Bonus Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

- (i) Verify that the hand is a winning hand.
- (ii) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).
- (iii) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 649a.12(i). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game

account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(d) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 649a.12. Payout odds; Envy Bonus; rate of progression.

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(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.

(h) If a certificate holder offers the Five-Card Progressive Payout Wager:

(1) A player placing a Five-Card Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

(4) Winning Five-Card Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 649a.11(c)(7).

(5) Five-Card Envy Bonus payouts shall be made according to the following payouts for Five-Card Envy Bonus Qualifying Hands based upon the amount of the Five-Card Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(i) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally amongst the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

CHAPTER 653a. ULTIMATE TEXAS HOLD 'EM POKER

§ 653a.1. Definitions.

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

Burn—To remove the top or next card from the deck and place it face down in the discard rack without exposing the card to anyone.

Check—Waiving the right to place a Play Wager but remaining in the round of play.

Community card—A card which may be used by all players and the dealer to form the best possible five-card Poker hand.

Envy Bonus—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Ultimate Texas Hold 'Em Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better as defined in § 653a.6(b) (relating to Ultimate Texas Hold 'Em Poker rankings).

Flop—The first three community cards dealt during a round of play.

Fold—The withdrawal of a player from a round of play by not making a Play Wager.

Hand—The five-card Poker hand formed from the two cards of the player or the dealer and any of the five community cards.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the cards in the player's hand or the three-card Flop matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the cards in the dealer's hand or the three-card Flop matches the card randomly selected by the table game system.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Progressive Payout Hand—A player's five-card Poker hand with a rank of three-of-a-kind or better as defined in § 653a.6(b).

Trips Wager—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player's hand against the dealer's hand.

§ 653a.2. Ultimate Texas Hold 'Em Poker table physical characteristics.

(a) Ultimate Texas Hold 'Em Poker shall be played on a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

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

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

(2) Four separate betting areas designated for the placement of Ante, Blind, Play and Trips Wagers for each player. The Blind Wager betting area must be located to the right of the Ante Wager betting area and separated by an "=" symbol.

(3) A separate area designated for the placement of the five community cards located directly in front of the table inventory container.

(4) A separate area designated for the placement of the dealer's two cards.

(5) If a certificate holder offers the optional Progressive Payout Wager authorized under § 653a.7(d)(3) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(6) If a certificate holder offers the optional Five Card Hand Bonus Wager authorized under § 653a.7(d)(4), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(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 Ultimate Texas Hold 'Em Poker table.

(8) Inscriptions indicating the following:

(i) An Ante Wager will push if the dealer has less than a pair.

(ii) A Blind Wager will push if the player's winning hand is not a straight or better or a flush or better, depending on the payable selected by the certificate holder.

(iii) The rules governing the required amount of a Play Wager as a multiple of the player's Ante Wager.

(iv) The payout limit per hand established by the certificate holder under § 653a.12(e) (relating to payout odds; Envy Bonus; rate of progression; payout limitation) or a generic inscription indicating that the game is subject to the posted payout limit.

(9) If the information required under paragraph (8) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Ultimate Texas Hold 'Em Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 653a.7(d)(3), the Ultimate Texas Hold 'Em Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering the Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 653a.7(d)(4), the Ultimate Texas Hold 'Em Poker table must have a table game system, in accordance with § 605a.7 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 Five Card Hand Bonus Wager. The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

(e) Each Ultimate Texas Hold 'Em Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(f) Each Ultimate Texas Hold 'Em Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 653a.7. Wagers.

(a) Wagers at Ultimate Texas Hold 'Em Poker shall be made by placing value chips or plaques on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at an Ultimate Texas Hold 'Em Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 653a.8, § 653a.9 or § 653a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 653a.11(b), (d) or (f) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Ultimate Texas Hold 'Em Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing both an Ante Wager and a Blind Wager in equal amounts, then a Play Wager, in accordance with § 653a.11(b), (d) or (f).

(2) In addition to the Ante Wager and Blind Wager, a player may compete against a posted payable by placing a Trips Wager.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at an Ultimate Texas Hold 'Em Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing the Ante and Blind Wagers, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at an Ultimate Texas Hold 'Em Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand formed from the player's two cards and the three-card Flop or the dealer's five-card Poker hand formed from the dealer's two cards and the three-card Flop, or both, will contain a flush or better as defined in § 653a.6(b) (relating to Ultimate Texas Hold 'Em Poker rankings). After placing an Ante and a Blind Wager, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A player may not wager on more than one player position at an Ultimate Texas Hold 'Em Poker table.

§ 653a.8. Procedure for dealing the cards from a manual dealing shoe.

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(b) Prior to dealing the cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 653a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer’s hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 653a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 653a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 653a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the

progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 653a.11. Procedures for completion of each round of play.

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(j) The dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player’s hand outranks the dealer’s hand and be based on the rank of the player’s two cards and the three-card Flop. If a player has won a progressive payout, the dealer shall:

- (1) Verify that the hand is a winning hand.
- (2) Verify that the appropriate light on the progressive table game system has been illuminated.
- (3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder’s approved internal control procedures.

(4) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 653a.12(d). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(5) Pay any Envy Bonus won in accordance with § 653a.12(d). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Ultimate Texas Hold ‘Em Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(k) The dealer shall settle the Five Card Hand Bonus Wager, if offered by the certificate holder, and any Magic Card or Lucky Bonus payouts. A winning Five Card Hand Bonus shall be paid irrespective of whether the player’s hand outranks the dealer’s hand and based on the rank of the player’s or the dealer’s two cards and the three-card Flop. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

- (1) Verify that the hand is a winning hand.
- (2) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(3) Credit the player’s game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 653a.12(e). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player’s game account. If a player has won a payout that is not being paid to the player’s game account, the winning hand must remain on the table until the necessary documentation has been completed.

(l) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table

and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 653a.12. Payout odds; Envy Bonus; rate of progression; payout limitation.

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(d) If a certificate holder offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed from the player's two cards and the three-card Flop.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$10,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 653a.11(j) (relating to procedures for completion of each round of play).

(5) Envy Bonus payouts shall be made according to the following payouts for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(e) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and

the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally among the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

(f) Notwithstanding the payout odds in subsections (a)–(c), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum amount shall be at least \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. Any maximum payout limit established by the certificate holder shall apply only to payouts of Ultimate Texas Hold 'Em Poker Wagers placed under § 653a.7(d)(1) and (2) (relating to wagers) but does not apply to payouts for Progressive Payout Wagers placed under § 653a.7(d)(3) or the Five Card Hand Bonus Wager under § 653a.7(d)(4).

CHAPTER 655a. MISSISSIPPI STUD

§ 655a.1. Definitions.

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

Bet Wager—A 3rd Street, 4th Street or 5th Street Wager made by a player.

Community card—A card which is used by all players to form the best possible five-card Poker hand.

Envy Bonus—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Mississippi Stud table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A Mississippi Stud hand with a rank of a royal flush or a straight flush as defined in § 655a.6(b) (relating to Mississippi Stud hand rankings).

5th Street Wager—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the second community card is revealed by the dealer.

Fold—The withdrawal of a player from a round of play by not making a Bet Wager.

4th Street Wager—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the first community card is revealed by the dealer.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager if the player is seated in the position that is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager if one of the player's two cards or the three community cards matches the card randomly selected by the table game system.

Progressive Payout Hand—A Mississippi Stud hand formed using the two player cards and three community cards with a rank of a three-of-a-kind or better as defined in § 655a.6(b).

Push—A player's hand that results in neither payment on nor collection of the player's wagers.

3rd Street Wager—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the player has been dealt the initial two cards.

§ 655a.2. Mississippi Stud table physical characteristics.

(a) Mississippi Stud shall be played on a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

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

- (1) The name or logo of the certificate holder.
- (2) Four separate betting areas designated for the placement of the wagers required under § 655a.7(d)(1) and (2) (relating to wagers) for each player.
- (3) Separate areas designated for the placement of the three community cards located directly in front of the table inventory container. One area shall be inscribed 3rd Street, a second area inscribed 4th Street and a third area inscribed 5th Street.
- (4) If the certificate holder offers the optional Progressive Payout Wager authorized under § 655a.7(d)(3), a separate area designated for the placement of the Progressive Payout Wager for each player.
- (5) If the certificate holder offers the optional Three Card Bonus Wager authorized under § 655a.7(d)(4), a separate area designated for the placement of the Three Card Bonus Wager for each player.
- (6) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 655a.7(d)(5), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.
- (7) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers and the rules governing the required amount of the 3rd Street, 4th Street or 5th Street Wager as a multiple of the player's Ante Wager. If the information is not inscribed on the layout, a sign that sets forth the required information must be posted at each Mississippi Stud table.

(c) If a certificate holder offers the Progressive Payout Wager, in accordance with § 655a.7(d)(3), the Mississippi Stud table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering the Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 655a.7(d)(5), the Mississippi Stud table must have a table game system, in accordance with § 605a.7 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 Five Card Hand Bonus Wager. The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

(e) Each Mississippi Stud table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite side of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

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

§ 655a.7. Wagers.

(a) Wagers at Mississippi Stud shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate betting areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Mississippi Stud table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All Ante, Progressive Payout, Three Card Bonus and Five Card Hand Bonus Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 655a.8, § 655a.9 or § 655a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 655a.11(b), (d) and (f) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer announces "no more bets" and begins dealing the cards.

(d) The following wagers may be placed in the game of Mississippi Stud:

(1) A player shall place an Ante Wager to participate in a round of play.

(2) In accordance with § 655a.11(b), (d) and (f), 3rd Street, 4th Street and 5th Street Wagers.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Mississippi Stud table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager, a player may make an additional Progressive Payout Wager by placing a value chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Mississippi Stud table the option to make an additional Three Card Bonus Wager that the three community cards will form a three-card Poker hand of a pair or better as defined in § 655a.6(c) (relating to Mississippi Stud hand rankings).

(5) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Mississippi Stud table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand will contain a flush or better as defined in § 655a.6(b). After placing an Ante Wager, a player may make the additional Five Card Hand Bonus Wager by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A player may not wager on more than one player position at a Mississippi Stud table.

§ 655a.8. Procedure for dealing the cards from a manual dealing shoe.

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(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 655a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 655a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that

round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall then collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 655a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 655a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the dealing shoe dispensing any stacks, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 655a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 655a.8, § 655a.9 or § 655a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards, subject to the following limitations:

(1) Each player who wagers at Mississippi Stud shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(3) A player may not exchange or communicate information regarding his hand prior to the dealer revealing all of the community cards. Any violation shall result in a forfeiture of all wagers on that round by such person.

(b) After each player has examined his cards and replaced them face down on the layout, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to place a 3rd Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager or fold. If a player

folded, the Ante Wager shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout, Three Card Bonus or Five Card Hand Bonus Wager in which case the cards shall be left on the table until all wagers are resolved in accordance with subsection (i).

(c) Once all players have either placed a 3rd Street Wager or folded, the dealer shall turn over and reveal the first community card.

(d) Each player shall then either place a 4th Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager in the designed 4th Street betting area or fold. If a player folds, the Ante Wager and 3rd Street Wager shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout, Three Card Bonus or Five Card Hand Bonus Wager in which case the cards shall be left on the table until all wagers are resolved in accordance with subsection (i).

(e) Once all remaining players have either placed a 4th Street Wager or folded, the dealer shall turn over and reveal the second community card.

(f) Each player shall then either place a 5th Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager in the designed 5th Street betting area or fold. If a player folds, the Ante Wager and the 3rd Street and 4th Street Wagers shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout, Three Card Bonus or Five Card Hand Bonus Wager in which case the cards shall be left on the table until all wagers are resolved in accordance with subsection (i).

(g) Once all remaining players have either placed a 5th Street Wager or folded, the dealer shall turn over and reveal the third community card.

(h) If a player has placed an Ante Wager and a Progressive Payout or Three Card Bonus Wager but does not make a 3rd Street, 4th Street or 5th Street Wager, the player shall forfeit the Ante Wager, the Progressive Payout Wager and, if applicable, the 3rd Street and 4th Street Wagers but may not forfeit the eligibility to receive an Envy Bonus under § 655a.12(c)(5) (relating to payout odds; Envy Bonus; rate of progression), a Three Card Bonus payout under § 655a.12(d) or a Five Card Hand Bonus payout under § 655a.12(e).

(i) Beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, the dealer shall turn over and reveal the player's cards. The dealer shall then evaluate and announce the best possible five-card Poker hand that can be formed using the player's two cards and the three community cards. The wagers of each remaining player shall be resolved one player at a time regardless of outcome. All wagers shall be settled as follows:

(1) All losing wagers shall immediately be collected by the dealer and placed in the table inventory container and the player's cards shall be collected and placed in the discard rack.

(2) If the player's five-card Poker hand is a pair of 6s, 7s, 8s, 9s or 10s, the player's hand is a push. The dealer may not collect or pay the wagers, but shall immediately collect the cards of that player.

(3) All winning Mississippi Stud wagers shall be paid in accordance with the payout odds in § 655a.12(a).

(4) After settling the player's Mississippi Stud Wager, the dealer shall settle the Progressive Payout, Three Card Bonus or Five Card Hand Bonus Wager, if offered by the certificate holder, as follows:

(i) If a player has won the progressive payout, the dealer shall:

(A) Verify that the hand is a winning hand.

(B) Verify that the appropriate light on the progressive table game system has been illuminated.

(C) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(D) Pay the winning Progressive Payout Wager in accordance with § 655a.12(c)(1). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(E) Pay any Envy Bonus won in accordance with § 655a.12(c)(5). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Mississippi Stud table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand.

(ii) If a player has won the Three Card Bonus, the dealer shall pay the winning Three Card Bonus Wager in accordance with § 655a.12(d).

(iii) If a player placed a Five Card Hand Bonus Wager, the dealer shall settle any Magic Card or Lucky Bonus payouts and any winning Five Card Hand Bonus wagers as follows:

(A) Verify that the hand is a winning hand.

(B) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(C) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 655a.12(e). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(j) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 655a.12. Payout odds; Envy Bonus; rate of progression.

* * * * *

(d) A certificate holder shall pay each winning Three Card Bonus Wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B
Mini-royal	40 to 1	40 to 1
Straight flush	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1
Straight	6 to 1	5 to 1
Flush	4 to 1	4 to 1
Pair	1 to 1	1 to 1

Hand	Paytable C	Paytable D
Mini-royal	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1
Straight	5 to 1	6 to 1
Flush	4 to 1	3 to 1
Pair	1 to 1	1 to 1

(e) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

Hand	Payout
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

Hand	Payout
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

CHAPTER 657a. CRAZY 4 POKER

§ 657a.1. Definitions.

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

Five-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Five-Card Progressive Payout Wager when another player at the Crazy 4 Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand.

Five-Card Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better, as defined in § 657a.6(d) (relating to Crazy 4 Poker rankings).

Five-Card Progressive Payout Hand—A player's five-card Poker hand with a rank of three-of-a-kind or better as defined in § 657a.6(d).

Four-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Four-Card Progressive Payout Wager when another player at the Crazy 4 Poker table is the holder of a Four-Card Envy Bonus Qualifying Hand.

Four-Card Envy Bonus Qualifying Hand—A player's four-card Poker hand with a rank of four-of-a-kind or, if included in the payable selected by the certificate holder, a straight flush, as defined in § 657a.6(b).

Four-Card Progressive Payout Hand—A player's four-card Poker hand with a rank of three-of-a-kind or better as defined in § 657a.6(b).

Hand—The four-card Poker hand that is held by each player and the dealer after the cards are dealt.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the player's cards matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the dealer's cards matches the card randomly selected by the table game system.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Queens Up Wager—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player's hand against the dealer's hand.

§ 657a.2. Crazy 4 Poker table physical characteristics.

(a) Crazy 4 Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Crazy 4 Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

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

(2) Four separate betting areas designated for the placement of the Ante, Play, Super Bonus and Queens Up Wagers for each player. The Super Bonus betting area must be located to the right of the Ante Wager betting area and be separated by an "≡" symbol.

(3) If the certificate holder offers either the Four or Five-Card Progressive Payout Wager authorized under § 657a.7(d)(3) or (4) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 657a.7(d)(5), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Crazy 4 Poker table.

(6) Inscriptions that advise patrons of the following:

- (i) The best four-card hand plays.
- (ii) The dealer qualifies with a king or better.

(iii) A player who has a pair of aces or better may place a Play Wager in an amount up to three times the player's Ante Wager.

(iv) The player's Super Bonus Wager shall be returned if the player beats or ties the dealer with a hand that is not a straight or better.

(7) If the information in paragraph (6) is not on the layout, a sign which sets forth the required information must be posted at each Crazy 4 Poker table.

(c) If a certificate holder offers either a Four or Five-Card Progressive Payout Wager in accordance with § 657a.7(d)(3) or (4), the Crazy 4 Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 657a.7(d)(5), the Crazy 4 Poker table must have a table game system, in accordance with § 605a.7 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 Five Card Hand Bonus Wager. The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

(e) Each Crazy 4 Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(f) Each Crazy 4 Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 657a.7. Wagers.

(a) Wagers at Crazy 4 Poker shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Crazy 4 Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 657a.8, § 657a.9 or § 657a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 657a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Crazy 4 Poker:

(1) A player shall compete against the dealer's four-card Poker hand by placing both an Ante Wager and a Super Bonus Wager in equal amounts, then a Play Wager, in accordance with § 657a.11(b).

(2) In addition to the Ante and Super Bonus Wagers, a player may compete against a posted payable by placing a Queens Up Wager.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Crazy 4 Poker table the option to make an additional Four-Card Progressive Payout Wager that the player will receive a Four-Card Progressive Payout Hand. After placing the Ante and Super Bonus Wagers, a player may make the additional Four-Card Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Crazy 4 Poker table the option to make an additional Five-Card Progressive Payout Wager that the player will receive a Five-Card Progressive Payout Hand. After placing the Ante and Super Bonus Wagers, a player may make the additional Five-Card Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Five-Card Progressive Payout Wager has been accepted.

(5) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Crazy 4 Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand or the dealer's five-card Poker hand, or both, will contain a flush or better as defined in § 657a.6(d) (relating to Crazy 4 Poker rankings). After placing Ante and Super Bonus Wagers, a player may make the additional Five

Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A player may not wager on more than one player position at a Crazy 4 Poker table.

§ 657a.8. Procedure for dealing the cards from a manual dealing shoe.

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(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 657a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 657a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 657a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 657a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is

being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 657a.11. Procedures for completion of each round of play.

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(e) After settling a player's Ante, Play, Super Bonus and Queens Up Wagers, the dealer shall then settle the Four-Card or Five-Card Progressive Payout Wager, if offered by the certificate holder. For the Five-Card Progressive Payout Wager, the dealer shall form the highest ranking five-card Poker hand from the five cards dealt to each player. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

(1) Verify that the hand is a winning hand.

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(4) Pay the winning Four-Card Progressive Payout Wager in accordance with the payout odds in § 657a.12(d)(1) or the winning Five-Card Progressive Payout Wager in accordance with the payout odds in § 657a.12(e)(1). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(5) Pay any Envy Bonus as follows:

(i) Players making a Four-Card Progressive Payout Wager shall receive a Four-Card Envy Bonus when another player at the same Crazy 4 Poker table is the holder of a Four-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Four-Card Envy Bonuses if more than one other player is the holder of a Four-Card Envy Bonus Qualifying Hand. A player is not entitled to a Four-Card Envy Bonus for his own hand or the hand of the dealer. Four-Card Envy Bonus payouts shall be made in accordance with the payouts in § 657a.12(d)(5).

(ii) Players making a Five-Card Progressive Payout Wager shall receive a Five-Card Envy Bonus when another player at the same Crazy 4 Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Five-Card Envy Bonuses if more than one other player is the holder of a Five-Card Envy Bonus Qualifying Hand. A player is not entitled to a Five-Card Envy Bonus for his own hand or the hand of the dealer. Five-Card Envy Bonus payouts shall be made in accordance with the payouts in § 657a.12(e)(5).

(f) After settling a player's Ante, Play, Super Bonus and Queens Up Wagers, the dealer shall then settle the Five Card Hand Bonus Wager, if offered by the certificate

holder, and any Magic Card or Lucky Bonus payouts. A winning Five Card Hand Bonus Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

- (1) Verify that the hand is a winning hand.
- (2) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(3) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 657.12(f). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(g) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 657a.12. Payout odds; Envy Bonus; rate of progression.

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(e) If a certificate holder offers the Five-Card Progressive Payout Wager:

(1) A player placing a Five-Card Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

(4) Winning Five-Card Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 657a.11(e).

(5) Five-Card Envy Bonus payouts shall be made according to the following payouts for Five-Card Envy Bonus Qualifying Hands based upon the amount of the Five-Card Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(f) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally among the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

[Pa.B. Doc. No. 14-2552. Filed for public inspection December 12, 2014, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 47]

Display of Registration Plates

The Department of Transportation (Department), under the authority in 75 Pa.C.S. § 1332 (relating to display of registration plate), amends §§ 47.2 and 47.4 (relating to location; and validating stickers) to read as set forth in Annex A.

Purpose of this Chapter

The purpose of Chapter 47 (relating to display of registration plates) is to designate the manner in which registration plates are to be displayed on vehicles as prescribed by 75 Pa.C.S. § 1332.

Purpose of this Final-Form Rulemaking

The purpose of this final-form rulemaking is to update the location and manner of attachment requirements with

respect to persons with disability, disabled veterans and severely disabled veterans registration plates. The final-form rulemaking establishes the required location of a second registration plate, if one is issued. In addition, the act of November 25, 2013 (P. L. 974, No. 89) amended 75 Pa.C.S. § 1332(d) as follows: "Validating registration stickers shall not be issued or required to be displayed." The amendment will become effective December 31, 2016. Consequently, as of December 31, 2016, § 47.4 will be rendered null and void. An Editor's Note is added to that effect.

Summary of Comments and Changes in the Final-Form Rulemaking

Notice of proposed rulemaking was published at 44 Pa.B. 2642 (May 3, 2014). The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees.

Comments or objections were not received from the public, the House and Senate Transportation Committees or IRRC. Consequently, substantive changes have not been made. A change was made to § 47.2 to add clarity following a publication error. Furthermore, a change was made to the Editor's Note to § 47.4 to clarify that the Department will promulgate a regulation in the future to formally rescind this section.

Persons and Entities Affected

This final-form rulemaking affects a vehicle owner who has a person with disability, disabled veteran or severely disabled veteran registration plate who intends to mount a second plate on a carrier attached to the rear of his vehicle for the purpose of transporting a wheelchair or similar personal assistive mobility equipment.

The elimination of the requirement for the Department to issue and the registrant to display a validating registration sticker will have a positive effect on all registrants due to the significant cost savings achieved by the elimination.

Fiscal Impact

The cost to the Commonwealth for § 47.2(c) is estimated to be \$2.73 to mail each double plate configuration to vehicle owners who request them, as well as \$3.60 to produce each double plate configuration and approximately \$37,500 for system updates to record the issuance of these plates. Since it is not known how many vehicle owners will request the plates available under § 47.2(c), a total cost impact cannot be provided. The fiscal impact to vehicle owners is limited to those vehicle owners who choose to apply for the dual plate configuration. These vehicle owners will pay fees as established in 75 Pa.C.S. (relating to Vehicle Code).

By eliminating validation stickers, the Department will annually save approximately \$1 million. Customers will no longer need to apply for replacement validation stickers at a cost of \$7.50 per replacement sticker.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 22, 2014, the Department submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 2642, to IRRC and the Chairpersons of the House and Senate Transportation 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 October 22, 2014, 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 October 23, 2014, and approved the final-form rulemaking.

Sunset Provisions

The Department is not establishing a sunset date for the amendment to § 47.2(c) because this section needed to administer provisions required under 75 Pa.C.S. The Department, however, will continue to closely monitor the regulation for its effectiveness. However, by operation of the amendment to 75 Pa.C.S., § 47.4 will sunset as of December 31, 2016.

Contact Person

The contact person for this regulation is Kristen Singer, Manager, Customer Service Division, Department of Transportation, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 787-2171.

Findings

The Department 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 the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and the comments were considered.

(3) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 47, are amended by amending §§ 47.2 and 47.4 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

BARRY J. SCHOCH, PE,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 7145 (November 8, 2014).)

Fiscal Note: Fiscal Note 18-450 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE III. REGISTRATION

CHAPTER 47. DISPLAY OF REGISTRATION PLATES

§ 47.2. Location.

(a) *Single plate.* A single registration plate shall be located on the rear of the vehicle so as to be illuminated by the license plate light required by 75 Pa.C.S. § 4303(b) (relating to general lighting requirements), except that the registration plate of a truck-tractor shall be located on the front of the vehicle.

(b) *Two plates.* If two registration plates are issued for a single vehicle, one registration plate shall be located on the rear of the vehicle as prescribed in subsection (a), and the other on the front of the vehicle.

(c) *Two plates and an attached carrier.* If two person with disability, disabled veteran or severely disabled veteran registration plates are issued for a vehicle which

has a carrier attached to the rear for the purposes of transporting a wheelchair or similar personal assistive device, one plate shall be affixed to the rear of the vehicle as prescribed by subsection (a) and the other shall be affixed to the rear of the carrier instead of affixing the plate to the front of the vehicle.

§ 47.4. Validating stickers.

(Editor's Note: The act of November 25, 2013 (P. L. 974, No. 89) amended 75 Pa.C.S. § 1332(d) (relating to display of registration plate) as follows: "Validating registration stickers shall not be issued or required to be displayed." The amendment is effective December 31, 2016. As of December 31, 2016, this section is rendered null and void and the Department will promulgate a regulation to formally rescind § 47.4).

(a) *Issuance.* The Department of Transportation will issue validating stickers upon renewal of a vehicle registration or, if the vehicle registered had a temporary registration, to indicate that registration has been completed and the temporary registration status terminated.

* * * * *

[Pa.B. Doc. No. 14-2553. Filed for public inspection December 12, 2014, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Addendum to the Order of Quarantine; Spotted Lanternfly

Recitals

A. Spotted lanternfly, *Lycorma delicatula*, is a new pest to the United States and has been detected in the Commonwealth. This is a dangerous insect to forests, ornamental trees, orchards and grapes and not widely prevalent or distributed within or throughout the Commonwealth or the United States. Spotted lanternfly, has been detected in the Commonwealth and has the potential to spread to uninfested areas by natural means or through the movement of infested articles.

B. The Plant Pest Act (Act) (3 P. S. §§ 258.1—258.27) empowers The Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. A plant pest is defined as, an organism, including other plants, causing or capable of causing injury or damage to plants or plant products (3 P. S. § 258.2). These powers include the authority, set forth at section 258.21 of the Act (3 P. S. § 258.21), to establish quarantines to prevent the spread of plant pests within this Commonwealth.

C. Under the authority of section 258.20 of the Act (3 P. S. § 258.20) the Department may declare a pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraph A above, the Department declares Spotted lanternfly, *Lycorma delicatula*, to be a public nuisance.

D. Consistent with the Order of Quarantine published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, where the Department detects or confirms any of the plant pests established in this Order of Quarantine—

Spotted lanternfly, *Lycorma delicatula*—the place or area in which any of these plant pests are detected or confirmed shall be subject to the provisions of that Order of Quarantine published at 44 Pa.B. 6947 issued Saturday, November 1, 2014.

E. The place or area in which the plant pest is detected or confirmed shall be added to the Order of Quarantine, published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, through an addendum delineating the specific location and geographic parameters of the area or place. Such Addendum shall be published in the *Pennsylvania Bulletin* and enforcement of the Addendum to the Order of Quarantine, published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, with regard to that place or area shall become effective immediately.

Order

Under authority of section 21 of the act (3 P. S. § 258.21), and with the Recitals previously listed incorporated into this Addendum to the Order of Quarantine published at 44 Pa.B. 6947 issued Saturday, November 1, 2014 by reference, the Department orders the following:

1. *Establishment of Quarantine.*

A quarantine is hereby established with respect to Earl Township, Berks County. This is in addition to townships and areas already subject to the Spotted Lanternfly Quarantine Order published at 44 Pa.B. 6947 issued Saturday, November 1, 2014.

2. *All Provisions Apply.*

All of the provisions established in the Spotted Lanternfly Quarantine Order published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, are hereby incorporated herein and made a part hereof this Addendum as if fully set forth herein and shall hereby be made applicable to Earl Township, Berks County.

GEORGE D. GREIG,
Secretary

[Pa.B. Doc. No. 14-2554. Filed for public inspection December 12, 2014, 9:00 a.m.]

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 May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the Act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 2, 2014.

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

Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-24-2014	<p><i>From:</i> Phoenixville Federal Bank & Trust Phoenixville Chester County</p> <p><i>To:</i> Phoenixville Federal Bank & Trust Phoenixville Chester County</p> <p>Application for approval to convert from a Federally-chartered Savings Association to a Pennsylvania State-chartered Savings Bank.</p>	Filed

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-1-2014	<p>Farmers & Merchants Bancorp of Western PA, Inc. Kittanning Armstrong County</p> <p>Approval for Farmers & Merchants Bancorp of Western PA, Inc., Kittanning, to acquire 100% of NexTier, Inc., Butler.</p>	Effective
11-24-2014	<p>Wesbanco, Inc. Wheeling Ohio County, WV</p> <p>Approval for Wesbanco, Inc., Wheeling, to acquire 100% of ESB Financial Corporation, Ellwood City.</p>	Filed
11-25-2014	<p>Univest Corporation of Pennsylvania Souderton Montgomery County</p> <p>Application for approval to acquire 100% of Valley Green Bank, Philadelphia.</p>	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-25-2014	<p>Univest Bank and Trust Co. Souderton Montgomery County</p> <p>Application for approval to merge Valley Green Bank, Philadelphia, with and into Univest Bank and Trust Co., Souderton.</p>	Approved

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-28-2014	<p>PeoplesBank, A Codorus Valley Company York York County</p>	<p>3100 Market Street Camp Hill Cumberland County</p>	Opened

Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-14-2014	<p>Wayne Bank Honesdale Wayne County</p>	<p><i>Into:</i> 308 Stroud Mall Road Stroudsburg Monroe County</p> <p><i>From:</i> 334 North Ninth Street Stroudsburg Monroe County</p>	Effective

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
12-2-2014	<p>Citizens Bank of Pennsylvania Philadelphia Philadelphia County</p> <p>Amendment to Article II of the institution's Articles of Incorporation provides for a change in principal place of business from 1701 John F. Kennedy Boulevard, Philadelphia, Philadelphia County, PA 19103 to One Logan Square, 130 North 18th Street, Philadelphia, Philadelphia County, PA 19103.</p>	Effective

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 14-2555. Filed for public inspection December 12, 2014, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of January 2015

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of January, 2015, is 5 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.71 to which was added 2.50 percentage points for a total of 5.21 that by law is rounded off to the nearest quarter at 5 1/4%.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 14-2556. Filed for public inspection December 12, 2014, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Manufactured Housing Installation Program; Approved Training Curriculum for Construction Code Officials

Under 12 Pa. Code § 149.5(d) (relating to building code official training), the Department of Community and Economic Development (Department) publishes the list of approved training curriculum for those code officials who inspect the installation of manufactured homes. Persons that have successfully completed the training curriculum listed will have satisfied the requirement in 12 Pa. Code § 149.5(e).

IRC 103—How to Inspect Manufactured and Modular Housing, administered by the Pennsylvania Construction Codes Academy.

BCO 101—Building Code Official Course and Exam-Day 3, administered by the Pennsylvania Construction Codes Academy.

BCO 111—The ABC's of Permitting Manufactured and Industrialized Structures, administered by the Pennsylvania Construction Codes Academy.

BCO 116—Relocated Manufactured Housing, Habitability and Installation, administered by the Pennsylvania Construction Codes Academy.

BCO 117—Proper Handling of Factory Built Houses and Buildings, administered by the Pennsylvania Construction Codes Academy.

Manufactured Housing Program and Basic Installer Training, administered by Department of Community and Economic Development, Housing Standards Division.

Manufactured Housing Installer Update Training, administered by Department of Community and Economic Development, Housing Standards Division.

In addition to the approved training programs listed, the Department may provide a workshop for code officials who request training. Code officials may contact the Department to request more information on scheduling a workshop.

Program inquiries should be directed to Mark Conte, Chief, Housing Standards Division, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7416, mconte@pa.gov.

C. ALAN WALKER,
Secretary

[Pa.B. Doc. No. 14-2557. Filed for public inspection December 12, 2014, 9:00 a.m.]

Manufactured Housing Installation Program; Approved Training Curriculum for Installers

Under 12 Pa. Code § 149.4(a)(4) (relating to installer training and certification), the Department of Community and Economic Development publishes the list of approved training curriculum for those persons seeking certification as installers of manufactured homes. Persons that have successfully completed the training curriculum listed will be eligible to apply for certification as an installer as defined in section 3 of the Manufacturing Housing Improvement Act (35 P. S. § 1658.3).

Manufactured Housing Program and Basic Installer Training, administered by the Department of Community and Economic Development, Housing Standards Division.

Persons already certified as installers are required to complete a specified training curriculum every 3 years as provided for in 12 Pa. Code § 149.4(b)(3). The following training curriculum is approved for those installers:

Manufactured Housing Installer Update Training, administered by Department of Community and Economic Development, Housing Standards Division.

Manufactured Housing Program and Basic Installer Training, administered by Department of Community and Economic Development, Housing Standards Division.

Program inquiries should be directed to Mark Conte, Chief, Housing Standards Division, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7416, mconte@pa.gov.

C. ALAN WALKER,
Secretary

[Pa.B. Doc. No. 14-2558. Filed for public inspection December 12, 2014, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Request for Bids

The Department of Conservation and Natural Resources is soliciting bids for the following projects. Bid documents can be obtained from the Administrative Services Section, Bureau of Facility Design and Construction at (717) 787-5055:

FDC-450-6095.1—Cuttalossa Culvert Repair, Bridge No. 6450-4925.1, Delaware Canal State Park, Bucks County. Work included under this contract includes demolition of existing structure #09-7935-6450-4925 located outside of the Department of Transportation's right-of-way consisting of an existing reinforced concrete box culvert with a 12'-7" clear span and 4'-2" rise. It will be replaced with a precast concrete rigid frame with cast-in-place footing and wingwalls. The rigid frame consists of 13'-0" clear span and 4'-6" rise. Replacement also includes stabilized turf trail surface, temporary crossing, rock lining, guiderail, temporary shoring and clay lining.

Responsive bidders must hold a current small business certification from the Department of General Services (DGS).

FDC-205-101407.1—Rehabilitate Campground Roads, Keystone State Park, Westmoreland County. Work included under this contract consists of maintenance and protection of traffic, 5,600 square yards of modified full depth road reclamation, 1,210 tons of subbase material, 7,200 square yards of bituminous prime coat and 7,200 square yards of bituminous surface treatment.

Responsive bidders must hold a current small business certification from DGS.

FDC-422-7157.1—General Construction, Lease Septic Replacement, 29 Old Bethlehem Road, Nockamixon State Park, Bucks County. Work included under this contract consists of the complete construction and start-up of a new individual residential spray irrigation system within Nockamixon State Park.

Responsive bidders must hold a current small business certification from DGS.

FDC-309-101004.1—Replace Guiderail, Warriors Path State Park, Bedford County. Work included under this contract consists of removing and disposing of 1,540 linear feet of cable guiderail including wooden cable support posts. Work also includes the complete construction to install 1,640 linear feet of used guide rails, posts, fasteners and end treatments.

Bid documents will be available on or after December 17, 2014. The bid opening will be held on January 15, 2015.

ELLEN FERRETTI,
Secretary

[Pa.B. Doc. No. 14-2559. Filed for public inspection December 12, 2014, 9:00 a.m.]

DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

Pennsylvania Advisory Council on Drug and Alcohol Abuse Meeting

The Pennsylvania Advisory Council on Drug and Alcohol Abuse (Council) will hold a public meeting on December 16, 2014, from 1 p.m. to 3:30 p.m. at the Giant Food Store—Blue Mountain Commons, 2nd Floor, 2300 Linglestown Road, Harrisburg, PA. The meeting is open to the public. Free public parking is available. For additional information, visit the Department of Drug and Alcohol Programs' (Department) web site at www.ddap.pa.gov.

The primary focus of this Council meeting is for the Council members to meet to discuss current drug and alcohol issues and challenges facing this Commonwealth and to serve in an advisory capacity to the Department on these issues.

For additional information, visit the Department's previously listed web site or contact Roseann Deutsch at (717) 214-1937.

Persons with disabilities who wish to attend the meeting and requiring an auxiliary aid, service or other accommodation should contact Roseann Deutsch at (717) 214-1937.

This meeting is subject to cancellation without notice.

GAROLD E. TENNIS,
Secretary

[Pa.B. Doc. No. 14-2560. Filed for public inspection December 12, 2014, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0088846— CAFO	Hershey Ag— Aspen Perry Farm 138 Airport Road Marietta, PA 17547	Perry County/ Oliver Township	UNT Buffalo Creek/ HQ-CWF/12-B	Y

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0248274— CAFO	Doug Woglemuth Fairview Farms 2914 Orchard Road Mount Joy, PA 17552	Lancaster County/ Mount Joy Township	UNT Donegal Creek/ CWF/7-G	Y

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0228133 (IW)	PA DOT Cameron County Maintenance Bldg 21013 CCC Memorial Highway Emporium, PA 15834	Cameron County Lumber Township	Driftwood Branch Sinnemahoning Creek (8-A)	Y
PA0209261 (Sewage)	Moorestburg Wastewater Treatment Plant 197 Mooreburg Road Danville, PA 17821-7030	Montour County Liberty Township	Mausers Creek (5-E)	N
PA0113719 (Sewage)	Perry Township Municipal Authority Wastewater Treatment Plant Cluck Ridge Road Mt Pleasant Mills, PA 17853	Snyder County Perry Township	North Branch Mahantango Creek (6-C)	Y
PA0029068 (Sewage)	Valley Township Municipal Authority Sewer System 1125 Continental Boulevard Danville, PA 17821	Montour County Valley Township	Mausers Creek (5-E)	Y
PA0043419 (Sewage)	Coudersport Area Municipal Authority Wastewater Treatment Plant 23 Toles Hollow Road Coudersport, PA 16915	Potter County Coudersport Borough	Allegheny River (16-C)	Y

Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0217417 (Sewage)	Kiski Area School District South Primary School STP 200 Poplar Street Vandergrift, PA 15690	Westmoreland County Washington Township	Unnamed Tributary of Beaver Run (18-B)	N

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N?
PA0102181 (Sewage)	Two Mile Run County Park 471 Beach Road Franklin, PA 16323	Venango County Sugarcreek Borough	Two Mile Run (16-E)	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. Telephone 484-250-5970

PA0051934, Sewage, SIC Code 4952, **Limerick Township Montgomery County**, 646 West Ridge Pike, Limerick, PA 19468. Facility Name: King Road STP. This existing facility is located in Limerick Township, **Montgomery 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), Schuylkill River, is located in State Water Plan watershed 3-D and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of 1.7 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	284	425	XXX	20	30	40
CBOD ₅ Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
BOD ₅ Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	425	638	XXX	30	45	60
Total Suspended Solids Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	2,500
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
UV Transmittance (%)	XXX	XXX	Report Min	Geo Mean XXX	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	114	XXX	XXX	8	XXX	16
Total Phosphorus	Report	XXX	XXX	Report	XXX	Report
Total Copper	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Total Zinc	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
PCBs (Dry Weather) (pg/L)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
(Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of an average storm event.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Monthly</i>		<i>Average Monthly</i>	<i>Average Monthly</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
CBOD ₅	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	Report

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

- No stormwater to sanitary sewers
- Necessary property rights
- Proper sludge disposal
- Notification of designation of responsible operator
- Fecal coliform reporting requirement
- Operations and maintenance plan
- Whole Effluent Toxicity Testing
- Stormwater requirements
- PCB monitoring and pollutant minimization plan

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 not in effect.

PA0244465, Storm Water, SIC Code 5171, **Oehlert Brothers, Inc.**, 1203 South Township Line Road, P. O. Box 699, Royersford, PA 19468-0699. Facility Name: Royersford PA Bulk Petroleum Storage Plant. This existing facility is located in Limerick Township, **Montgomery 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 Mingo Creek, is located in State Water Plan watershed 3-D and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on average stormwater flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Daily Maximum</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15	XXX	30
TRPH	XXX	XXX	XXX	15	XXX	30

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. Applicable BAT/BCT Standards
- D. TMDL/WLA Analysis
- E. Small Stream Discharge
- F. Requirements for Stormwater
- G. EDMR Requirement
- H. Requirements for Petroleum Marketing Terminals

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.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

PA0275719, Stormwater, SIC Code 3273, **Rock Hill Concrete, Inc.**, 339 School Street, Suite 1, Catasauqua, PA 18032-1832. Facility Name: Rock Hill Catasauqua Plant. This facility is located in Catasauqua Borough, **Lehigh County**.

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of stormwater.

The receiving stream, Catasauqua Creek, is located in State Water Plan watershed 2-C and is classified for High Quality Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- Other requirements applicable to stormwater outfalls, including: PPC plan, stormwater BMPs, annual inspection and compliance evaluation.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

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

PA0261386, Sewage, SIC Code 4952, **Albert C Kuhn**, PO Box 121, Carlisle, PA 17013. Facility Name: Lot 11 Kendor Summit. This existing facility is located in North Middleton Township, **Cumberland 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), Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average	Daily	Minimum	Average	Daily	Instant.
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		

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

The EPA Waiver is in effect.

PA0010201, Industrial Waste, SIC Code 4941, **Columbia Water Company**, 220 Locust Street, Columbia, PA 17512. Facility Name: Walnut Street Water Treatment Facility. This existing facility is located in Columbia Borough, **Lancaster County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.08 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average	Daily	Minimum	Average	Daily	Instant.
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.50	XXX	1.0
Total Suspended Solids	Report	Report	XXX	30	60	75
Total Aluminum	Report	Report	XXX	4.0	8.0	10.0
Total Iron	Report	Report	XXX	2.0	4.0	5.0
Total Manganese	Report	Report	XXX	1.0	2.0	2.5

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.

PA0085740, Sewage, SIC Code 4952, **Mill Creek Area Municipal Authority**, PO Box 4, Mill Creek, PA 17060-0004. Facility Name: Mill Creek Area STP. This existing facility is located in Mill Creek Borough, **Huntingdon 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), Juniata River, is located in State Water Plan watershed 12-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.12 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average	Daily	Minimum	Average	Weekly	Instant.
	Monthly	Maximum		Monthly	Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	25	40	XXX	25	40	50
		Wkly Avg				

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Influent BOD ₅	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	30	45	XXX	30	45	60
Influent Total Suspended Solids	Report	Wkly Avg Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl 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.

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900

WQM Permit No. 2314407, Sewage, **The Children's Hospital of Philadelphia**, 34th Street & Civic Center Boulevard, CTRB 13, Philadelphia, PA 19104.

This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a wastewater pumping station.

WQM Permit No. WQG02461420, Sewage, **Righter's Ferry Associates, LP**, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406.

This proposed facility is located in Lower Merion Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a pump station for 593 luxury apartments.

WQM Permit No. 0995418, Sewage, Amendment, **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912.

This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Action/Activity: Construction of an interconnection force main to allow for the disposal of treated effluent. Increase the facility capacity of additional spray irrigation fields.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 02481401, Sewage, **Bethlehem City Northampton County**, 10 East Church Street, Bethlehem, PA 18018.

This proposed facility is located in Bethlehem City, **Northampton County**.

Description of Proposed Action/Activity: This project will upgrade the existing pump station to increase pumping capacity.

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Dr, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

WQM Permit No. 6371405 A-1, Sewage, **Peters Creek Sanitary Authority**, 3502 Lincoln Avenue, PO Box 3, Finleyville, PA 15332

This existing facility is located in Union Township, **Washington County**.

Description of Proposed Action/Activity: Removal of approximately 500 linear feet of 24-inch PVC and VCP pipe and replacement with 500 linear feet of 24-inch PVC pipe.

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

WQM Permit No. 2714401, Sewage, **Steven Kashmer**, 330 Main Street, Imperial, PA 15126.

This proposed facility is located in Howe Township, **Forest County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1514034	Poplar Realty, LP 543 Mulberry Lane Haverford, PA 19041	Chester	Honey Brook Township	Brandywine Creek HQ—TSF—MF
PAI01 1514033	Pennsylvania Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057	Chester	Tredyffrin Township	Trout Creek WWF
PAI01 1514039	RicMar Real Estate, LP 5010 Horseshoe Pike Honey Brook, PA 19344	Chester	Honey Brook Township	Unnamed Tributary to West Branch Brandywine Creek HQ—TSF—MF
PAI01 2314006	Rose Tree Media School District 308 N. Olive Street Media, PA 19063	Delaware	Middletown Township	Ridley Creek HQ—TSF—MF
PAI01 5114011-4	Liberty Property/Synterra Limited Partnership 1628 John F. Kennedy Boulevard Suite 1100 Philadelphia, PA 19103	Philadelphia	City of Philadelphia	Delaware River WWF—MF

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Carbon County Conservation District, 5664 Interchange Road, Lehighton, PA 18235-5114

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021309005R	Phase III Environmental N.J. Zinc Co. 1120 Mauch Chunk Palmerton, PA 18071	Carbon	Palmerton Borough	Lehigh River (TSF)

Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd, Allentown, PA 18104

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023914018	David M. Jaindl Jaindl Land Company 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)

Luzerne County Conserve District, 485 Smith Pond Rd, Shavertown, PA 18708

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024014011	Hazleton City Authority 400 East Arthur Gardner Parkway Hazleton, PA 18201	Luzerne	Hazleton City & Hazle Township	UNT to Hazle Creek (HQ-CWF, MF)

Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg PA 18360-0917

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024514012	St. Luke's Hospital of Bethlehem 801 Ostrum Street Bethlehem, PA 18015	Monroe	Stroud Township	Unnamed Tributary to Pocono Creek (HQ-CWF, MF)

Northampton County Conservation District, 14 Gracedale Avenue, Greystone Bldg, Nazareth, PA 18064-9211

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024814012	Richard L. Kanaskie Bethlehem Township 4225 Easton Road Bethlehem, PA 18020	Northampton	Bethlehem Township	Monocacy Creek (HQ-CWF, MF)

Pike County Conservation District, 556 Route 402, Hawley PA 18428

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025211003(1)	Pennsylvania Department of Transportation 55 Keystone Industrial Park Dunmore, PA 18512	Pike	Delaware Township, Lehman Township, Blooming Grove Township	Blooming Grove Creek (HQ-CWF, MF) Hornbecks Creek (HQ-CWF, MF) UNT Hornbecks Creek (HQ-CWF, MF) UNT to Delaware River (Spackmans Creek) (HQ-CWF, MF) UNT to Delaware River (Briscoe Creek) (HQ-CWF, MF) UNT to Delaware River (Alicias Creek) (HQ-CWF, MF) Toms Creek (EV, MF) UNT to Toms Creek (EV, MF) UNT to Toms Creek (Bear Road Run) (EV, MF)

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041414006	NVSCRE LLC 19 Colonade Way P. O. Box 261 State College PA 16803	Centre	Patton Township	UNT Buffalo Run HQ-CWF

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050414002	Beaver Valley Slag 100 BET-Tech Drive Aliquippa, PA 15001	Beaver	Midland Borough	Ohio River (WWF)
PAI056514010	North Huntingdon Township Municipal Authority 11265 Center Highway North Huntingdon, PA 15642	Westmoreland	North Huntingdon Township	Long Run (HQ)

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

Erie County Conservation District, 1927 Wager Road, Erie PA 16509

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062514002	Citadel Development Co P. O. Box 8328 Erie PA 16505	Erie	Millcreek Township	UNT Thomas Run HQ; WWF; MF

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

PAG-12 CAFOs

CAFO Notices of Intent Received

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

PAG123795, CAFO, Pigeon Hill Farms, LLC, 9078 Orchard Road, Spring Grove, PA 17362.

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

Description of Size and Scope of Proposed Operation/Activity: Operation of a 365.57 AEUs poultry/pullets and 365.57 AEUs/Acres.

The receiving stream, UNT Bunch Creek, is in watershed 7-H, 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.

APPLICATIONS

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>
Jason Fox 15629 Trough Creek Valley Pike Huntingdon, PA 16652	Huntingdon	352.6	610.69 AEU's 1.73 AEU's/ac	Swine	NA	Renewal
Robert & Michael Shearer 806 Anderson Ferry Road Mount Joy, PA 17552	Lancaster	350	714.08	Swine	None	R
Elvin Martin, 980 Little Mountain Road, Myerstown, PA 17067	Berks	137.6	367.18	Finishing Swine, Beef Cows, Dairy Heifers, Laying Hens	N/A	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the

30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401

Permit No. 0914522, Public Water Supply

Applicant	Warminster Municipal Authority
City	Bucks
Township	Warminster
Responsible Official	Timothy Hagey, General Manager 415 Gibson Avenue Warminster, PA 18974
Type of Facility	PWS
Consulting Engineer	Joseph Nolan, P.E. CKS Engineers 88 South Main Street Doylestown, PA 18901
Application Received Date	11/10/2014
Description of Action	Installation of activated carbon filter vessels at Well Nos. 10, 13 and 26.

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Application No. 6414508, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 1775 North Main Street Honesdale, PA 18431
[Township or Borough]	Lehigh Township Wayne County
Responsible Official	Roswell S. McMullen Manager, Special Projects Aqua Pennsylvania, Inc. 1775 North Main Street Honesdale, PA 18431
Type of Facility	PWS
Consulting Engineer	Christopher E. Hannum, P.E. Entech Engineering, Inc. 4 South Fourth Street P. O. Box 32 Reading, PA 19603
Application Received Date	November 18, 2014
Description of Action	This application proposes construction of a new water storage tank and replacement of booster pumps for existing Well No. 1, in the Gouldsboro Water System.

Central Office: Bureau Director, Safe Drinking Water, PO Box 8467, Harrisburg, PA 17105-8467

Permit No. [9996128], Public Water Supply.

Applicant	[The Distillata Company]
[Township or Borough]	[Cleveland, OH]
Responsible Official	[Chris Carpenter, Plant Manager]
Type of Facility	[Out of State Bottled Water System]
Application Received Date	[November 20, 2014]
Description of Action	[Applicant requesting public water supply permit amendment to sell a new drinking bottled water product in Pennsylvania. The following brands will be sold in Pennsylvania: Koldrock Spring Water, Koldrock Distilled Water, Koldrock Drinking Water, Herrmann's Drinking Water, Herrmann's Distilled Water, Herrmann's Spring Water and Old Time Coffee Inc. Water.]

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Application No. 4814508 Minor Amendment, Public Water Supply.

Applicant	PA American Water 800 W. Hershey Park Drive Hershey, PA. 17033
[Township or Borough]	Lower Mt. Bethel Township Northampton County
Responsible Official	Mr. David Kaufman Vice President-Engineering
Type of Facility	Public Water Supply
Consulting Engineer	Mr. Jeremy A. Nelson, PE PA American Water Scranton, PA 18505
Application Received Date	November 7, 2014
Description of Action	This project is to install new contact main to meet 4-log treatment of viruses for groundwater sources at the Berry Hollow Water System.

Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Application No. 365W12-T1-MA3, Minor Amendment.

Applicant	Fryburg Water Company
Township or Borough	Washington Township
Responsible Official	Blaine Rhodes

Type of Facility	Public Water Supply
Consulting Engineer	Richard J. Cotter, P.E. Richard J. Cotter Consulting Services, LLC 1 Plainview Drive Coraopolis, PA 15108
Application Received Date	October 31, 2014
Description of Action	Cleaning of Well No. 1 utilizing the "Aqua Freed" process.

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:

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

Bellefonte Waterfront Development Project, 129 & 130 Dunlap Street and 315 West High Street, Bellefonte Borough, **Centre County**. Buchart Horn, Inc., 445 W. Philadelphia Street, York, PA 17404, on behalf of Borough of Bellefonte, 236 W. Lamb Street, Bellefonte, PA 16823, has submitted a Notice of Intent to Remediate. The properties that make up the site were formerly used for a variety of purposes that included warehousing, coal yard, silk mill, lumber yard, foundry, trucking repair shop, restaurant, horse stable and hotel. Volatile and semi-volatile organic compounds as well as metals have been observed in both soil and groundwater across the site. The intended future use of the site is a mixed use development. The proposed cleanup standard for the site is the Site-specific Standard. The Notice of Intent to Remediate was published in *Centre Daily Times* on June 25, 2014.

E. L. McCollum/Montandon Trailer Park, 110 Vindale Avenue, West Chillisquaque Township, **Northumberland County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of E.L., McCollum/Montandon Trailer Park, P. O. Box 60, Montandon, PA 17850 submitted a Notice of Intent to Remediate. The site was impacted with approximately 150 gallons of #2 heating oil. The release area was contained and cleaned up. The site has been restored to the project pre-incident specifications. The Notice of Intent to Remediate was published in the *Sunbury The Daily Item* on July 9, 2014.

XTO Energy Inc. William T Mahaffey Heirs 8131 well site, Camp Corbly Road, Bell Township, **Clearfield County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of XTO Energy, Inc., 395 Airport Road, Indiana, PA 15701 has submitted a Notice of Intent to Remediate. A release of produced water occurred on June 17, 2014 due to a pipe on a production tank that became kinked. The primary contaminant is chloride and other production water constituents. The site is expected to remain a natural gas production well for the foreseeable future. The Notice of Intent to Remediate was published in *The Progress of Clearfield* on October 31, 2014.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Advantage Tank Lines, LLC, I-76 Incident, MM 158.2 Eastbound, PA Turnpike-Eastbound Lane Mile Marker 158.2, West Providence Township, **Bedford County**. Environmental Remediation & Recovery, 4250 Rt. 6N, Edinboro, PA, on behalf of Advantage Tank Lines, LLC, 4366 Mt. Pleasant Street NW, Canton, OH and PA Turnpike Commission, PO Box 67676, Harrisburg, PA submitted a Notice of Intent to Remediate site soils and groundwater contaminated with motor oil due to an overturned vehicle. The site will be remediated to the

Residential and Non-Residential Statewide Health Standards. Future use of the site is to remain a public, limited-access interstate highway. The Notice of Intent to Remediate was published in the *Bedford Gazette* on November 14, 2014.

RESIDUAL WASTE GENERAL PERMIT

Application(s) received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.

General Permit Application Number WMGR150. Matt Canestrale Contracting, Inc., P. O. Box 234, Belle Vernon, PA 15012-0234.

On March 29, 2013, the Department of Environmental Protection, Bureau of Waste Management received an application for the renewal of General Permit No. WMGR083 that authorized the placement of dredged material, containing no free liquids, for beneficial use as final cover and as a soil additive or soil substitute for reclamation of a the LaBelle Refuse Site located in Luzerne Township, **Fayette County**. General Permit No. WMGR083 expired on August 27, 2013, before the Department issued a final decision on the renewal application. Therefore, the renewal application is being processed as a new application, General Permit Application No. WMGR150. The Department determined the application to be administratively complete on October 16, 2014.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGM150" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone 412-442-4000.

General Permit Application No. WMGR144SW001. Aliquippa Metal Recovery, LLC, 100 Bet-Tech Drive Aliquippa, PA 15001, for the facility located in Center

Hopewell Township, **Beaver County**. Determination of Applicability (DOA) under the General Permit for the beneficial use of blast furnace slag and steel slag, generated by steelmaking operations or from historic slag placement areas, of use as construction material sub-base, hot or warm mix pavement aggregate, ready mix concrete ingredient, and for use in Marcellus shale pad construction and well annular material. The DOA was administratively complete by Southwest Regional Office on November 21, 2014.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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 general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

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

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State

Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P. S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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.

PLAN APPROVALS

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

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

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

48-00006A: NRG REMA LLC (Portland Generating Station) (121 Champion Way, Suite 200, Canonsburg, PA 15317-7625) for the modification to their existing Unit 1 & 2 boilers to use fuel oil and apply for a Plantwide Applicability Limit (PAL) for emissions at their facility located in Upper Mount Bethel Twp., **Northampton County**.

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

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

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

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a Plan Approval # 39-00006B to American Craft Brewery, 7880 Penn Drive, Breinigsville, PA 18031-1508, for their plant located in Upper Macungie Township, Lehigh County. The facility currently has Title V Permit No. 39-00006. This plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 39-00006B is for the replacement of Packaging-Bottle Filler No. 2 (Bottle Filler No. 2) with a new bottle filler to fill malt beverage products. The new bottle filler is capable of filling bottles with any products without deteriorating the bottling equipment. The new Bottle Filler No. 2 will have a maximum capacity of 1,200 bottles per minute. The bottle filler will be operated 24 hours/day, 7 days /week and 8,760 hour/year.

Only VOC emissions are expected to increase due to this project. The new operational conditions will result in a higher VOC potential to emit (PTE) for the bottle filler compared to current operations. The increased filling capacity for Bottle Filler No. 2 is to allow for filler equipment flexibility only and does not increase any brewing, pasteurizing or packaging capacity at the facility. Therefore, the project will not affect production or capacity at any other sources or units at the facility. VOC emission increases related to this project will be offset by buying emissions reduction credits.

This plan approval will also approve the transfer and use of use of 55 tons of VOC Emission Reduction Credits (ERCs) for emissions offset purposes from Quad/Graphics, Inc., LLC, in Depew, New York to American Craft Brewery's facility in Breinigsville, PA in accordance with the provisions of Title 25, Chapter 127, Section 127.208. These ERCs will be used to offset de minimis VOC emission increases as required under Section 127.205(3) that have been previously permitted and those proposed for approval by PA DEP in this notice.

A review of the information submitted by the company indicates that the proposed project will meet all applicable state and Federal air quality requirements. Based upon these findings, DEP plans to approve the application and issue a permit for the facility.

The following table summarizes the VOC emissions from the new bottle line.

<i>Sources</i>	<i>VOC Emissions TPY</i>
Bottling line #2	16.21

The emissions of these pollutants are within all applicable emissions limitations.

In order to assure compliance with the applicable standards, DEP will place conditions in the plan approval.

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.: 39-00006B 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 Raymond Kempa, P.E., Environmental Group Manager, Air Quality

Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone # 570-826-2511 within 30 days after publication date.

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

Contact: Barbara. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

03-00263A: In accordance with 25 Pa. Code §§ 127.44—127.46, the Pennsylvania Department of Environmental Protection (DEP) is providing notice that it intends to issue an Air Quality Plan Approval to **Allegheny Mineral Corporation** (P. O. Box 1022 One Glade Park East, Kittanning, PA 16201) to authorize the construction and temporary operation of the Bison Mine Preparation Plant to process a variety of limestone products at their facility located in West Franklin Township, **Armstrong County**.

Sources at the existing facility include a Rock Breaker, Cone Crushers, 3-Deck Screen, 4-Deck Screen, Blade Mills, Wet Cyclones, Air Heaters, Storage Piles, Various Conveyors and Stackers, Truck load out, Front-end loader, and Roadways. Roadways are controlled by paving, water sprays, and water trucks. Fugitive emissions from the process are controlled by water sprays and fabric filters.

Upon authorization of this plan approval the facility potential to emit will not exceed 39 tons of PM, 20 tons of PM₁₀, 5 tons of NO_x, 4 tons of CO, and 1 tons of VOC on an annual basis. The throughput restriction, monitoring, testing, recordkeeping, reporting and work practice conditions of the Plan Approval have been derived from the applicable requirements of 40 CFR Part 60 Subpart OOO and 25 Pa. Code Chapters 121—143.

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 Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review may be made by calling 412-442-4000.

Any person may submit comments or object to the plan approval or a proposed condition thereof by filing a written protest with the Department at the Southwest Regional Office. A 30-day comment period, from the date of this publication, will exist for the submission of comments.

A protest to a proposed action shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.44 (relating to public notice). A protest shall include the following:

The name, address and telephone number of the person filing the protest; Identification of the proposed plan approval issuance being opposed (Plan Approval 03-00263A); and, a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons who have properly filed a protest under 25 Pa. Code § 127.46 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Written comments, protests, and requests for a public hearing should be directed to Jesse Parihar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the plan approval or the issuance procedure, contact Mr. Parihar at 412-442-4030.

OPERATING PERMITS

Intent to Issue Title V Operating Permits 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 Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

41-00082: PPL Renewable Energy, LLC (Two North Ninth Street Allentown, PA 18101) to issue a Title V Operating Permit for their landfill gas to energy plant at the Lycoming County Landfill located in Brady Township, **Lycoming County**. The facility was constructed pursuant to plan approval 41-00082A. The facility's main sources include four (4) 1,600 kW Caterpillar model G3520C landfill gas fired internal combustion engines.

The facility has potential annual emissions of 249.00 tons per year of carbon monoxide, 86.24 tons per year of nitrogen oxides, 67.96 tons per year of sulfur oxides, 90.84 tons per year of particulate matter, 46.52 tons per year of volatile organic compounds, and 31.08 tons per year of formaldehyde. The terms and condition of Plan Approval 41-00082A are being incorporated into TVOP 41-00082. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 40 CFR Part 63 Subpart ZZZZ, 40 CFR Part 60 Subpart JJJJ, 40 CFR Part 60 Subpart WWW and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

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

40-00043: Crestwood Membranes, Inc. (755 Oakhill Road, Crestwood Industrial Park, Mountaintop, PA 18707) for the operation of a plastics manufacturing facility in Wright Township, **Luzerne County**. The sources consist of boilers, calenders, laminator, and a rotogravure press. The calenders and laminators emissions are controlled by inertial separators and the press is controlled by a regenerative thermal oxidizer (RTO). This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeep-

ing and reporting requirements designed to keep the facility operating within applicable air quality requirements.

48-00054: Praxair, Inc. (145 Shimersville Road, Bethlehem, PA 18015) The Department intends to issue a renewal State only operating permit for a gas cylinder filling and repackaging facility in Bethlehem City, **Northampton County**. The proposed operating permit contains all applicable Federal and State regulations including emissions, monitoring, record keeping, reporting and work practice requirements.

48-00067: Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA. 18034-9467) The Department intends to issue a renewal operating permit for a stone crushing facility located in Lower Nazareth Township, **Northampton County**. The facility has the potential to emit particulate matter (PM) above Title V emission thresholds and is taking site level restrictions on production/throughput rate and using a water spray control device to maintain synthetic minor operating permit status. The proposed State Only (Synthetic Minor) Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

54-00043: Ashland Foundry and Machine Works, Inc. (500 East Centre Street, Ashland, PA 17921) The Department intends to issue a renewal State Only operating permit for a casting/machining facility located in Ashland Borough, **Schuylkill County**. The proposed operating permit contains all applicable Federal and State regulations including emissions, monitoring, record keeping, reporting and work practice requirements.

48-00038: Specialty Minerals, Inc. (640 N. 13th Street, Easton, PA 18042-1431) for commercial physical research services in Easton, **Northampton County**. The primary sources are boilers and machine shops. The control devices are baghouses. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. This is a renewal of the State-Only Natural Minor operating permit. The State-Only operating permit includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

48-00075: Crayola, LLC, Bethlehem Plant (1100 Church Lane, P. O. Box 431, Easton, PA 18040-0431) for painting and coating manufacturing in Bethlehem Township, **Northampton County**. The primary sources consist of a boiler, paint and pre-mixing kettles, and mixers. The control devices are dust collectors. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), particulate matter (PM₁₀), 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.

39-00013: Kraft Foods Group, Inc. (7352 Industrial Blvd., Allentown, PA 18106-9344 for dressing and other prepared sauce, coffee and tea manufacturing in Upper Macungie Township, **Lehigh County**. The sources consist of boilers, emergency generators, and mustard seed silo and transfers. The control devices for the mustard seed

silo and transfers are baghouses. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. This is a renewal of the State-Only Synthetic Minor operating permit. The State-Only operating permit includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

06-03126: Lehigh Cement Co. (204 Windsor Avenue, Hamburg, PA 19526) for a specialty cement manufacturing facility in Windsor Township, **Berks County**. Potential emissions from the facility are estimated to be 21.9 tpy PM, 21.9 tpy PM₁₀ and 6.6 tpy PM_{2.5}. 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.

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

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

49-00036: Anthracite Industries, Inc. (P. O. Box 112, Sunbury, PA 17801-0112) to issue a renewal State Only Operating Permit for their Sunbury facility located in Upper Augusta Township, **Northumberland County**. The facility is currently operating under State Only Operating Permit 49-00036. The facility's main sources include one 12 MMBtu/hr natural-gas fired rotary dryer, two natural-gas fired dryers (with a total combined heat input of 8.4 MMBtu/hr), and various carbon (coal/coke/graphite) product processing equipment, which are controlled by baghouses.

The facility has potential annual emissions of 5.37 tons of carbon monoxide, 6.68 tons of nitrogen oxides, 1.07 ton of sulfur oxides, 99.9 tons of particulate matter (including particulate matter less than 10 microns in size), 3.06 tons of volatile organic compounds, less than 10 tons of any single hazardous air pollutant, less than 25 tons of any multiple hazardous air pollutants, and 8,023 tons of carbon dioxide equivalent. The facility has incorporated a 99.9 tons of particulate matter (including particulate matter less than 10 microns in size) facility-wide emission limitation to ensure synthetic minor status. The dryer heat input ratings and equipment-baghouse associations have been updated based on more accurate data. Additionally, the facility has replaced #2-fuel oil with natural gas as fuel in their dryers, which greatly reduces sulfur oxide emissions.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's North Central Regional office, 208 West Third Street, Suite 101, Williams-

port, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

53-00016: Tennessee Gas Pipeline Company, LLC (1001 Louisiana Street, Suite 1446C, Houston, TX 77002) to issue a renewal State Only Operating Permit for their Ellisburg Booster Station/Station 313A facility located in Genesee Township, **Potter County**. The facility is currently operating under State Only Operating Permit 53-00016. The facility's sources include two compressor engines, emergency generator engine, and fugitive losses due to pipeline maintenance activities and operation.

The facility has potential emissions as follows: NO_x equal to 34.2 tpy; CO equal to 30.7 tpy; SO_x equal to 0.1 tpy; PM₁₀/PM_{2.5} equal to 1.5 tpy; VOC equal to 34.2 tpy; GHG (reported as CO_{2e}) equal to 28600 tpy and combined HAP less than 12.0 tpy. This renewal operating permit incorporates the requirements that became applicable during the permit term.

The new emissions restrictions, throughput limitations, and work practice standards along with testing, monitoring, record keeping and reporting conditions that verify compliance with the applicable standards have been included in the operating permit conditions to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 63 Subpart ZZZZ.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's North Central Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

65-00595: Excelsior Health (532 W. Pittsburgh St., Greensburg, PA, 15601-2282), for renewal of an Air Quality Natural Minor State Only Operating Permit (SOOP) to authorize the operation of the Westmoreland Regional Hospital located in the city of Greensburg, **Westmoreland County**. Equipment at this facility includes two large heating boilers, three emergency generators, a "summer" boiler, and several small hot water boilers. Potential emissions from the facility are as follows: 33.2 tons per year of NO_x, 13.1 tons per year of CO, 47.2 tons per year of SO₂, 3.7 tons per year of particulate matter, and 0.7 ton per year of VOC. No emission or equipment changes are being proposed by this action. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed SOOP renewal includes conditions relating to applicable emissions restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

03-00238: Curran-Shaffer Funeral Home & Crematory, Inc. (100 Owens View Ave., Apollo, PA 15613) for their Funeral Home & Crematory in Kiskiminetas Township, **Armstrong County**. This is a State-Only Operating Permit renewal application submittal.

65-01027: Leedsworld, Inc. (400 Hunt Valley Road, New Kensington, PA 15068) for the operation of a logo printing facility located in Upper Burrell and Washington

Township, **Westmoreland County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and is providing public notice that it intends to issue an initial Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of approximately 200 printing machines, natural gas-fired building heat, and an emergency generator. The facility is a synthetic minor and is not permitted to exceed 50 tons tpy VOC on a 12-month rolling basis. Potential emissions from the facility are provided by the company as follows: 5.96 tpy NO_x, 5.01 tpy CO, 0.04 tpy SO_x, 4.42 tpy PM, 1.25 tpy PM₁₀, 49.91 tpy VOC, 2.46 tpy Toluene, 1.84 tpy Methanol and 5.0 tpy cumulative HAPs. The facility is required to maintain purchases and use records of all inks, solvents, alcohols, and any other product used containing VOC or HAP on a 12-month rolling basis and must annually report emissions from all emitting sources. The proposed authorization is subject to State and Federal Regulations. The permit includes additional operational requirements, monitoring requirements, and recordkeeping 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 the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing with the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Operating Permit 65-01027) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Written comments, protests and requests for a public hearing should be directed to Sheila Shaffer, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Sheila Shaffer at (412) 442-5227.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

37-00322: Joseph A. Tomon Jr. Funeral Home and Crematory, (97 Grim Avenue, P. O. Box 188, Ellwood City, PA 16117-0188). The Department intends to re-issue the Natural Minor Operating Permit for the crematory operations at this facility in Ellport Borough, **Lawrence County**. This re-issuance incorporates a second crematory unit that was authorized through a General Permit (GP-14) that was issued by the Department on March 26, 2014. All applicable requirements from GP-14 have been attached to the newly created Source ID: 200—Crematory #2. Potential emissions from this facility are as follows: Particulate Matter = 0.82 TPY (tons per year), CO = 0.07 TPY, NO_x = 2.22 TPY, VOC = 0.02 TPY, and SO₂ = 0.65 TPY.

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

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

61090103. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface mine in Irwin Township, **Venango County** affecting 58.5 acres. This renewal is for reclamation only. Receiving streams: Two unnamed tributaries to North Branch Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 21, 2014.

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

Correction to acres from November 10, 2014 submittal:

63130103 and NPDES Permit No. PA0252433. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Application for commencement, operation and restoration of bituminous surface mine and auger mining, located in Deemston Borough, **Washington County**, affecting 67.3 acres. Receiving streams: Fishpot Run and unnamed tributaries to Fishpot Run, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: PA American Water. Application received: October 22, 2014.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, 570-621-3118

Permit No. 49990201R3. Black Diamond Mining, Inc., (PO Box 81, Mt. Carmel, PA 17851), renewal of an existing anthracite coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 124.8 acres, receiving stream: North Branch Shamokin Creek, classified for the following use: cold water fishes. Application received: October 28, 2014.

Permit No. 54773017R6. KK Coal, LLC, (PO Box 8, Cumbola, PA 17930), renewal of an existing anthracite surface mine operation in East Norwegian and Blythe Townships, **Schuylkill County** affecting 259.0 acres, receiving stream: Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: October 29, 2014.

Noncoal Applications Received

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

61090301. Schiffer Excavating, Inc. d/b/a Coopers-town Sand & Gravel (P. O. Box 4, Cooperstown, PA 16317) Renewal of NPDES Permit No. PA0258717 in Jackson Township, **Venango County**. Receiving streams: Two unnamed tributaries to Wolf Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 21, 2014.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, 570-621-3118

Permit No. 58140807 and NPDES Permit No. PA0225525. Eric Diaz, (1612 Lewis Road, Montrose, PA 18801), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in New Milford Township,

Susquehanna County affecting 5.0 acres, receiving streams: East Lake Creek to Salt Lick Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: October 22, 2014.

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

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E52-244. Edwards Family Limited Trust, 204 State Route 435, Elmhurst Township, PA 18444, in Greene Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a 26-foot wide multi-span steel beam bridge across Wallenpaupack Creek (HQ-CWF, MF) having a 75-foot span and a 4.3-foot underclearance for the purpose of accessing to a Stone Quarry. Fill will be placed within the floodway for the new roadway approaches. The existing roadway within the floodway will be removed and area restored to existing grades. The project is located approximately 0.25 mile south of the intersection of State Route 191 and Huckleberry Road (Newfoundland, PA Quadrangle, Latitude: 41°16'48.2"; Longitude: -75°19'58.5").

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E36-933: Transcontinental Gas Pipe Line Company, LLC, 2800 Post Oak Boulevard, Houston, Texas, 77056 in Drumore and Fulton Townships, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District

To install and maintain the following:

Description of Impact	Resource Name (Chapter 93 Designation)	Impact Dimensions (Length x Width) (Feet)		Permanent Impact Area (acres)	Temporary Impact Area (acres)	Latitude	Longitude
		(Permanent)	(Temporary)				
20.0-inch steel natural gas utility line stream crossing	Unnamed tributary to Fishing Creek (EV, MF)	40	3	0.003	0.002	39° 48' 39"	-76° 14' 31"
		35	3				
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Fishing Creek	40	125	0.15	0.20	39° 48' 39"	-76° 14' 31"
		74	125				
20.0-inch steel natural gas utility line stream crossing	Fishing Creek (EV, MF)	40	25	0.03	0.04	39° 48' 23"	-76° 14' 27"
		63	25				
20.0-inch steel natural gas utility line floodway crossing	Floodway of Fishing Creek	40	107	0.05	0.10	39° 48' 23"	-76° 14' 27"
		55	107				

<i>Description of Impact</i>	<i>Resource Name (Chapter 93 Designation)</i>	<i>Impact Dimensions (Length x Width) (Feet)</i>		<i>Permanent Impact Area (acres)</i>	<i>Temporary Impact Area (acres)</i>	<i>Latitude</i>	<i>Longitude</i>
Temporary access road floodway crossing	Floodway of unnamed tributary to Fishing Creek	0 (Permanent) 20 (Temporary)	0 (Permanent) 18 (Temporary)	0.00	0.01	39° 48' 22"	-76° 14' 24"
20.0-inch steel natural gas utility line stream crossing	Unnamed tributary to Susquehanna River (HQ-CWF, MF)	40 (Permanent) 58 (Temporary)	5 (Permanent) 5 (Temporary)	0.01	0.01	39° 47' 02"	-76° 14' 11"
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Susquehanna River	40 (Permanent) 55 (Temporary)	48 (Permanent) 48 (Temporary)	0.05	0.10	39° 47' 02"	-76° 14' 11"
20.0-inch steel natural gas utility line wetland crossing	PEM wetland (EV)	10 (Permanent) 85 (Temporary)	53 (Permanent) 53 (Temporary)	0.01	0.11	39° 47' 02"	-76° 14' 11"
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Susquehanna River	0 (Permanent) 26 (Temporary)	0 (Permanent) 77 (Temporary)	0.00	0.05	39° 47' 01"	-76° 14' 10"
Temporary access road floodway crossing	Floodway of unnamed tributary to Susquehanna River	0 (Permanent) 20 (Temporary)	0 (Permanent) 79 (Temporary)	0.00	0.04	39° 47' 01"	-76° 14' 10"
20.0-inch steel natural gas utility line stream crossing	Peters Creek (HQ-WWF, MF)	40 (Permanent) 56 (Temporary)	30 (Permanent) (Temporary)	0.03	0.04	39° 46' 11"	-76° 12' 54"
20.0-inch steel natural gas utility line floodway crossing	Floodway of Peters Creek	40 (Permanent) 55 (Temporary)	100 (Permanent) 100 (Temporary)	0.08	0.14	39° 46' 11"	-76° 12' 54"
20.0-inch steel natural gas utility line stream crossing	Puddle Duck Creek (HQ-WWF, MF)	40 (Permanent) 66 (Temporary)	15 (Permanent) 15 (Temporary)	0.01	0.03	39° 45' 27"	-76° 12' 27"
20.0-inch steel natural gas utility line floodway crossing	Floodway of Puddle Duck Creek	40 (Permanent) 55 (Temporary)	108 (Permanent) 108 (Temporary)	0.09	0.20	39° 45' 27"	-76° 12' 27"
20.0-inch steel natural gas utility line wetland crossing	PEM wetland (EV)	10 (Permanent) 122 Temporary)	4 (Permanent) 4 (Temporary)	0.001	0.02	39° 45' 26"	-76° 12' 27"

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<i>Description of Impact</i>	<i>Resource Name (Chapter 93 Designation)</i>	<i>Impact Dimensions (Length x Width) (Feet)</i>		<i>Permanent Impact Area (acres)</i>	<i>Temporary Impact Area (acres)</i>	<i>Latitude</i>	<i>Longitude</i>
20.0-inch steel natural gas utility line stream crossing	Unnamed tributary to Puddle Duck Creek (HQ-WWF, MF)	40 (Permanent) 101 (Temporary)	4 (Permanent) 4 (Temporary)	0.004	0.01	39° 44' 48"	-76° 12' 11"
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Puddle Duck Creek	40 (Permanent) 55 (Temporary)	114 (Permanent) 114 (Temporary)	0.09	0.23	39° 44' 48"	-76° 12' 11"
Temporary access road floodway crossing	Floodway of unnamed tributary to Conowingo Creek	0 (Permanent) 20 (Temporary)	0 (Permanent) 107 (Temporary)	0.00	0.05	39° 43' 55"	-76° 11' 33"
20.0-inch steel natural gas utility line stream crossing	Unnamed tributary to Conowingo Creek (HQ-CWF, MF)	40 (Permanent) 106 (Temporary)	3 (Permanent) 3 (Temporary)	0.002	0.01	39° 43' 47"	-76° 11' 46"
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Conowingo Creek	40 (Permanent) 55 (Temporary)	185 (Permanent) 185 (Temporary)	0.15	0.15	39° 43' 47"	-76° 11' 46"
20.0-inch steel natural gas utility line wetland crossing	PEM wetland (EV)	0 (Permanent) 27 (Temporary)	0 (Permanent) 49 (Temporary)	0.00	0.07	39° 43' 46"	-76° 11' 46"
20.0-inch steel natural gas utility line wetland crossing	PFO wetland (EV)	0 (Permanent) 36 (Temporary)	0 (Permanent) 18 (Temporary)	0.00	0.02	39° 43' 29"	-76° 11' 29"
20.0-inch steel natural gas utility line stream crossing	Unnamed tributary to Conowingo Creek (HQ-CWF, MF)	40 (Permanent) 80 (Temporary)	3 (Permanent) 3 (Temporary)	0.01	0.01	39° 43' 29"	-76° 11' 28"
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Conowingo Creek	40 (Permanent) 55 (Temporary)	126 (Permanent) 126 (Temporary)	0.12	0.18	39° 43' 29"	-76° 11' 28"
Temporary access road stream crossing	Unnamed tributary to Conowingo Creek (HQ-CWF, MF)	0 (Permanent) 20 (Temporary)	0 (Permanent) 3 (Temporary)	0.00	0.002	39° 43' 29"	-76° 11' 28"
Temporary access road floodway crossing	Floodway of unnamed tributary to Conowingo Creek	0 (Permanent) 20 (Temporary)	0 (Permanent) 112 (Temporary)	0.00	0.05	39° 43' 29"	-76° 11' 28"

<i>Description of Impact</i>	<i>Resource Name (Chapter 93 Designation)</i>	<i>Impact Dimensions (Length x Width) (Feet)</i>		<i>Permanent Impact Area (acres)</i>	<i>Temporary Impact Area (acres)</i>	<i>Latitude</i>	<i>Longitude</i>
Temporary access road wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.0005	39° 43' 26"	-76° 11' 11"
		4 (Temporary)	5 (Temporary)				
Temporary access road wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.03	39° 43' 32"	76° 11' 10"
		20	56				
Temporary access road wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.01	39° 43' 33"	76° 11' 10"
		20	21				
Temporary access road wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.01	39° 43' 34"	76° 11' 10"
		20	30				
Temporary access road floodway crossing	Floodway of Conowingo Creek	0 (Permanent)	0 (Permanent)	0.00	0.05	39° 43' 31"	76° 11' 10"
		20	114				
20.0-inch steel natural gas utility line wetland crossing	PFO wetland (EV)	30 (Permanent)	268 (Permanent)	0.19	0.76	39° 43' 19"	76° 10' 58"
		30	129				
20.0-inch steel natural gas utility line wetland crossing	PSS wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.55	39° 43' 17"	76° 10' 58"
		133	147				
20.0-inch steel natural gas utility line stream crossing	Conowingo Creek (CWF, MF)	40 (Permanent)	49 (Permanent)	0.04	0.64	39° 43' 18"	76° 10' 55"
		649	49				
20.0-inch steel natural gas utility line floodway crossing	Floodway of Conowingo Creek	40 (Permanent)	116 (Permanent)	0.44	1.11	39° 43' 18"	76° 10' 55"
		649	116				
20.0-inch steel natural gas utility line wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.08	39° 43' 16"	76° 10' 56"
		92	31				
20.0-inch steel natural gas utility line wetland crossing	PFO wetland (EV)	30 (Permanent)	100 (Permanent)	0.06	0.32	39° 43' 17"	76° 10' 54"
		104	100				
Temporary access road wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.01	39° 43' 16"	76° 10' 56"
		20	20				

The purpose of the project is to provide natural gas services for a proposed upgrade to the existing Wildcat Point electric generating facility located in Cecil County, Maryland. The project proposes to permanently impact 418.41 linear feet of stream channel, 1.26 acre of floodway, and 0.26 acre of wetlands. Although 0.26 acre of wetlands will be impacted through maintenance of the right-of-way, no wetland acreage loss is anticipated, and onsite replacement is not required. Peters Creek, Puddle Duck Creek and their unnamed tributaries contain naturally reproducing wild brown trout populations, and instream construction time-of-year restrictions will be implemented to avoid impacts to trout spawning.

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

E02-1703. Speedway, 500 Speedway Drive, Enon, PA 45323; Municipality of Monroeville, **Allegheny County**; ACOE: Pittsburgh District

The applicant is proposing to construct and maintain a 19.5 ft wide by 60 ft long box culvert, having a minimum underclearance of 4 foot, with a drainage area of 1.3 square miles, across an unnamed tributary to Turtle Creek (WWF), for the purpose of providing access to a Speedway Gas Station, located approximately 400 feet northwest of the intersection of State Routes 48 and 130 (Braddock, PA USGS topographic quadrangle, N: 4.5 inches; W: 2.5 inches; Latitude: 40° 23' 53.9988"; Longitude: -79° 46' 8.025"), in the Municipality of Monroeville, Allegheny County.

E32-504. PennDOT District 10-0, 2550 Oakland Avenue Indiana, PA 15701; East Wheatfield Township, **Indiana County**; ACOE: Pittsburgh District

The applicant is proposing to remove the existing SR 56 two lane, 12 foot wide by 38 foot long single span concrete slab bridge having a minimum underclearance of 5.79 feet; construct and maintain a replacement two lane, 14 foot wide by 79 foot long reinforced concrete box culvert having a minimum underclearance of 10 feet in Mardis Run (CWF) with a drainage area of 2.12 square miles; fill and maintain 405 feet of Mardis Run; construct and maintain 292 feet of replacement channel; maintain fill in a de minimis 0.014 acre of PSS wetland; temporarily impact 0.056 acre of PSS wetland and 405 feet of Mardis Run for the construction of the replacement structure, including a temporary road for the purpose of maintaining traffic during construction.

In addition construct and maintain stormwater outfalls and on-site stream mitigation for the purpose of improving the SR 56 bridge and approach roads. The project is associated with the realignment of SR 56 near United High School, approximately one half mile north of the SR 22 Interchange (New Florence Quadrangle, N 15.5 inches; W 5.25 inches; Latitude: 40° 27' 36"; Longitude: -79° 2' 17") in East Wheatfield Township, Indiana County.

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

E5729-076: Regency Marcellus Gas Gathering, LLC, 101 West Third Street, Williamsport, PA 17701, Fox Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a timber mat bridge, a 24 inch diameter steel gas line, and a 12 inch HDPE water line impacting 3,672 square feet of an exceptional value palustrine emergent (EV-PEM) wetland

and 1,231 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Grover, PA Quadrangle 41°34' 27"N, 76°48' 17"W);

2) a temporary road crossing using a timber mat bridge, a 24 inch diameter steel gas line, a 12 inch diameter HDPE water line impacting 61 linear feet of an unnamed tributary to Schrader Creek (EV) and 51 linear feet of an unnamed tributary to Schrader Creek (EV) (Grover, PA Quadrangle 41°34' 27"N, 76°48' 14"W);

3) a temporary road crossing using a timber mat bridge, a 24 inch diameter steel gas line, and a 12 inch diameter HDPE water line impacting 105 linear feet of an unnamed tributary to Schrader Creek (EV) (Grover, PA Quadrangle 41°34' 14"N, 76°47' 31"W);

4) a 24 inch diameter steel gas line and a 12 inch diameter HDPE water line crossing by way of horizontal directional drill impacting 3 linear feet of an unnamed tributary to Schrader Creek (EV) and 39 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Grover, PA Quadrangle 41°34' 10"N, 76°47' 18"W);

5) a 24 inch diameter steel gas line and a 12 inch diameter HDPE water line crossing by way of horizontal directional drill impacting 259 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Grover, PA Quadrangle 41°34' 11"N, 76°47' 17"W);

6) a 24 inch diameter steel gas line and a 12 inch diameter HDPE water line crossing by way of horizontal directional drill impacting 3 linear feet under an unnamed tributary to Schrader Creek (EV) and 428 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Grover, PA Quadrangle 41°34' 11"N, 76°47' 15"W);

7) a temporary road crossing using a timber mat bridge, a 24 inch diameter steel gas line, and a 12 inch diameter HDPE water line impacting 4,424 square feet of a palustrine forested (PFO) wetland and 1,542 square feet of a palustrine emergent (PEM) wetland (Grover, PA Quadrangle 41°34' 12"N, 76°47' 02"W);

8) a temporary road crossing using a timber mat bridge, a 24 inch diameter steel gas line, and a 12 inch diameter HDPE water line impacting 10,513 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Grover, PA Quadrangle 41°34' 12"N, 76°46' 49"W);

9) a 24 inch diameter steel gas line and a 12 inch diameter HDPE water line crossing by way of horizontal directional drill impacting 1,944 square feet of an exceptional value palustrine forested (EV-PFO) wetland, 582 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, and 3 linear feet of an unnamed tributary to Schrader Creek (EV) (Grover, PA Quadrangle 41°34' 13"N, 76°46' 32"W);

10) a 24 inch diameter steel gas line and a 12 inch diameter HDPE water line crossing by way of horizontal directional drill impacting 3 linear feet of an unnamed tributary to Schrader Creek (EV), 3 linear feet of an unnamed tributary to Schrader Creek (EV), 1,422 square feet of an exceptional value palustrine forested (EV-PFO) wetland, 270 square feet under an exceptional value palustrine emergent (EV-PEM) wetland, and 3 linear feet of an unnamed tributary to Schrader Creek (EV) (Grover, PA Quadrangle 41°34' 13"N, 76°46' 25"W);

11) a temporary road crossing using a timber mat bridge, a 16 inch diameter steel gas line, and a 12 inch diameter HDPE water line impacting 61 linear feet of an unnamed tributary to Schrader Creek (EV) and 4,208

square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°34'52"N, 76°44'34"W);

12) a temporary road crossing using a timber mat bridge, a 16 inch diameter steel gas line, and a 12 inch diameter HDPE water line impacting 5,083 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland, 6 linear feet of an unnamed tributary to Schrader Creek (EV), and 21 linear feet of an unnamed tributary to Schrader Creek (EV) (Shunk, PA Quadrangle 41°34'53"N, 76°43'41"W);

13) a temporary road crossing using a timber mat bridge impacting 18 square feet of an exceptional value palustrine forested (EV-PFO) wetland, 1,112 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, and 99 linear feet of an unnamed tributary to Schrader Creek (EV) (Grover, PA Quadrangle 41°34'17"N, 76°47'27"W);

14) a temporary road crossing using a timber mat bridge impacting 3,291 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 5,362 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Grover, PA Quadrangle 41°34'13"N, 76°46'35"W);

15) a temporary road crossing using a timber mat bridge impacting 32 linear feet of an unnamed tributary to Schrader Creek (EV), 3,133 square feet of an exceptional value palustrine forested (EV-PFO) wetland, 5,057 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, and 30 linear feet of an unnamed tributary to Schrader Creek (EV) (Grover, PA Quadrangle 41°34'16"N, 76°46'33"W);

16) a temporary road crossing using a timber mat bridge impacting 27 linear feet of an unnamed tributary to Schrader Creek (EV) (Shunk, PA Quadrangle 41°34'41"N, 76°44'33"W);

17) a temporary road crossing using a timber mat bridge impacting 26 linear feet of an unnamed tributary to Schrader Creek (EV) and 803 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Shunk, PA Quadrangle 41°34'45"N, 76°44'33"W);

18) a permanent road crossing using a 20 foot long 12 inch diameter Smooth Lined Corrugated Plastic Pipe impacting 20 linear feet of an unnamed tributary to Schrader Creek (EV) and 8 evenly spaced 6 inch diameter HDPE pipes impacting 845 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°34'36"N, 76°44'20"W);

19) a permanent road crossing using 6 evenly spaced 6 inch diameter HDPE pipes impacting 508 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°34'35"N, 76°44'00"W);

20) a permanent road crossing using 6 evenly spaced 6 inch diameter HDPE pipes impacting 19 linear feet of an

unnamed tributary to Schrader Creek (EV) and 1,003 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°34'35"N, 76°43'51"W).

A total of 25,769 square feet (0.59 acre) of permanent wetland impacts, 30,980 square feet (0.71 acre) of temporary wetland impacts, 39 linear feet of permanent stream impacts, and 527 linear feet of temporary stream impacts will result from the installation of a steel gas line, a HDPE water line, and associated access roadways in Fox Township, Sullivan County. The permittee will provide 1.04 acre of compensatory wetland mitigation at the Tunkhannock Viaduct Mitigation Site (Factoryville, PA Quadrangle 41°37'11"N 75°46'22"W) in Nicholson Township, Wyoming County.

E4129-095: Range Resources—Appalachia, LLC, 100 Throckmorton Street, Suite 1200, Fort Worth, TX 76102, Cummings Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) an 80-foot long, 73 x 52-inch pipe arch culvert and associated fill impacting 110 linear feet of an unnamed tributary to First Fork Larrys Creek (EV) (Waterville, PA Quadrangle 41°20'37"N 77°18'39"W).

The project will result in a total of 110 linear feet of stream impacts all for the purpose of installing a permanent access roadway to a natural gas well site for Marcellus well development.

Southwest Region: Oil and Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

[Permit # E30-07-011]. CNX Gas Company, LLC, 200 Evergreene Drive, Waynesburg, PA 15370. To replace an existing ford crossing with two 27-foot long, 48-inch diameter HDPE culverts with 5-foot high, 18-foot wide cement wing walls and a 16-foot long riprap apron along an existing access road access the Weimer #2 Well Pad that crosses Tributary 32575 to South Fork Dunkard Fork (TSF); to construct and maintain a 2 inch gas pipeline under Tributary 32575 to South Fork Dunkard Fork; to install and maintain 4 temporary road crossings of 2 streams and 2 wetlands in accordance with the Department's General Permit No. 8; and to remove 2 existing tanks located within the floodway of UNT 32575 to South Fork Dunkard Fork, in Aleppo Township, **Greene County**, Pittsburgh ACOE District, State Water Plan Basin 20-G, (New Freeport, PA Quadrangle; Latitude: N 39°49'41"; Longitude: W -80°26'55") The culverts will result in approximately 27 linear feet of permanent stream impact and 123 linear feet of temporary stream impact. The pipeline will cross the same UNT to South Fork Dunkard Fork, which will result in 30 linear feet of permanent impact. The temporary road crossings will result in 82 linear feet of temporary stream impact and 958 square feet of temporary wetland impact.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0083623—IW	TB Wood's Foundry, Inc. 440 North First Avenue Chambersburg, PA 17201	Franklin County/ Chambersburg Borough	UNT Falling Spring Branch / 13-C	Y
PA0081442—SEW	South Eastern School District 377 Main Street Fawn Grove, PA 17321	York County/ Fawn Township	Falling Branch/7-I	Y

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0113883 (Sewage)	Bittners MHP Bittner Park Road Trout Run, PA 17771	Lycoming County Lewis Township	Lycoming Creek (10-A)	Y

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0252468	Kittanning Suburban Joint Water Authority Tarrtown Road Adrian, PA 16210	Armstrong County East Franklin Township	Unnamed Tributary to Allegheny River (17-E)	Y

Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 13, P O Box 9205, Harrisburg, PA 17106-9205

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI-103514004	DEP—BAMR P. O. Box 69205 Harrisburg, PA 17106-9205 717-783-1311	Lackawanna County	Carbondale City & Carbondale Township	Upper/Middle Susquehanna Sub-basin, Lackawanna River (HQ-CWF), Powderly Creek (CWF)

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970

NPDES Permit No. PA0011274, Industrial, **Aqua Pennsylvania Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3402.

This proposed facility is located in Middletown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge industrial wastewater from a facility known as Neshaminy Falls Water Treatment Plant to Neshaminy Creek in Watershed 2-F.

The following notice reflects changes to the notice published in the October 18th, 2014 edition of the *Pennsylvania Bulletin*:

Outfall 002 effluent limits were revised based on the facility's change of the operations. The sedimentation basins are removed and Outfall 002 serves as alternative outfall for Outfall 001 during maintenance and emergency activities only.

NPDES Permit No. PA0244635 Amendment No. 1, Storm Water, **Morton Salt, Inc.**, 123 North Wacker Drive, Chicago, IL 60606.

This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the transfer an NPDES permit from International Salt Co. LLC to Morton Salt Inc. to discharge storm water from a facility known as Morton Salt Fairless Hills Facility to Delaware River in Watershed 2-E.

NPDES Permit No. PA0013463, Industrial, **U.S. Steel Corporation**, One Ben Fairless Drive, Fairless Hills, PA 19030.

This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated industrial waste from a facility known as U.S. Steel Fairless Hills Facility to Delaware River and Biles Creek in Watershed 2-E.

NPDES Permit No. PA0026701, Sewage, **Municipal Authority of Borough of Morrisville**, 35 Union Street, Morrisville, PA 19067.

This proposed facility is located in Morrisville Borough, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Morrisville Borough STP to Delaware River in Watershed 2-E.

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

PA0272876, Sewage, SIC Code 8800, **Hull Donald**, 58 Hamlin Street, Smethport, PA 16749. Facility Name: Donald Hull SRSTP.

This proposed facility is located in Keating Township, **McKean County**.

Description of Proposed Activity: New NPDES permit for a new discharge of treated sewage from a single family dwelling.

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

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

WQM Permit No. 5000405 Amendment #1, Sewerage, **TJ's Restaurant, Inc.**, 800 Shady Lane, Enola, PA 17025.

This proposed facility is located in Buffalo Township, **Perry County**.

Description of Proposed Action/Activity: Permit amendment approval of the construction and operation of sewage facilities consisting of a 3,000 gallon, precast concrete flow equalization tank.

WQM Permit No. 3876401 Amendment #1, Sewerage, **Oliver's Upper Lawn MHC**, 23 Mockingbird Lane, Palmyra, PA 17078-9159.

This proposed facility is located in South Londonderry Township, **Lebanon County**.

Description of Proposed Action/Activity: Amendment approval for the construction of sewage facilities consisting of a 12,000 gallon equalization tank downstream of the existing aeration tanks. Effluent from the equalization tank will be conveyed by three submersible grinder pumps (20 gpm, 17.57 ft TDH each) controlled by float switches within the equalization tank. The equalization tank will utilize coarse bubble aeration to facilitate mixing and to prevent septic conditions from forming.

WQM Permit No. 0107202, Amendment #1, CAFO, **Hillandale Gettysburg, LP**, Site 2, 370 Spicer Road, Gettysburg, PA 17325.

This proposed facility is located in Tyrone Township, **Adams County**.

Description of Proposed Action/Activity: The construction of a 60 mil HDPE-lined egg washwater storage lagoon at the Hillandale Gettysburg LP-site 2 Farm in Tyrone Township, Adams County. The HDPE liner will be placed on a 12 oz geotextile layer. The lagoon will be 250' x 140' x 12' deep with a storage capacity of 1,795,150 gallons at a 2-foot freeboard. The storage lagoon will be provided with footer drains and a leak detection drain equipped with a shut off valve. A concrete pump out ramps will also be added for manure removal.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

WQM Permit No. 1714401, Sewage, SIC Code 4952, **Seth Cowder**, 46 Mullens Road, Woodland, PA 16881.

This proposed facility will be located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: Issuance of a permit authorizing the construction and operation of a small flow treatment facility.

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

WQM Permit No. 0290207, Industrial Waste, SIC Code 4111, **Allegheny County Port Authority**, 345 Sixth Avenue, Pittsburgh, PA 15222-2527.

This existing facility is located in Harmar Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the installation of two grit-removal systems, 15,000 gallons oil/water separator and 20,000 gallons oil/water separator.

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

WQM Permit No. WQG01421402, Sewage, **Robert D. Williams, Jr.**, P.O. Box 483, Bradford, PA 16701.

This proposed facility is located in Foster Township, **McKean County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

WQM Permit No. 2703403, Sewage, Amendment No. 1, **Pennsylvania Department of Corrections**, 153 Woodland Dr, Marienville, PA 16239.

This existing facility is located in Jenks Township, **Forest County**.

Description of Proposed Action/Activity: Upgrade of pre-treatment pump station at Forest-SCI.

WQM Permit No. 4214401, Sewage, **Donald Hull**, 58 Hamlin Street, Smethport, PA 16749.

This proposed facility is located in Keating Township, **McKean County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

WQM Permit No. 4314401, Sewage, **Darlene T. Kimmel**, 8638 North Fredrick Pike, Cross Junction, VA 22025.

This proposed facility is located in Lackawannock Township, **Lawrence County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAG133620	North Codorus Township 1986 Stoverstown Road Spring Grove, PA 17362	York	North Codorus Township	Codorus Creek, UNT of Codorus Creek, UNT to South Branch Codorus Creek/WWF and MF
PAG133694	Strasburg Township 400 Bunker Hill Road Strasburg, PA 17579-9501	Lancaster	Strasburg Township	Pequea Creek & UNT to Pequea Creek/WWF and MF

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 1508078-R	Joel Brown 301 Duck Farm Road Oxford, PA 19363	Chester	Upper Oxford Township	Unnamed Tributary to East Branch Big Elk Creek HQ-TSF-MF

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026414004	UGI Utilities, Inc. 1 UGI Center Wilkes-Barre, PA 18711	Wayne & Lackawanna County	Canaan Township Carbondale Township Fell Township	Van Auken Creek (HQ-TSF, MF) Lackawanna River (HQ-CWF, MF) and Racket Brook (CWF, MF)
PAI023914009	Kay Builders, Inc. 5930 Hamilton Boulevard, Suite 210 Wescosville, PA 18106	Lehigh	Upper Macungie Township	Cedar Creek (HQ-CWF, MF)
PAI023914006	Ms. Lori Schoeneman 3060 Fairfield Drive Allentown, PA 18103	Lehigh	Salisbury Township	Little Lehigh Creek (HQ-CWF, MF)

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Crawford, Section Chief, Telephone 717.705.4802.

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032114004 Issued	Dawn Ridge LP 229 Huber Village Boulevard, Suite 100 Westerville, OH 43081	Cumberland	Carlisle Borough and South Middleton Township	LeTort Spring Run (HQ-CWF, MF)
PAI034413003 Issued	Ames True Temper 465 Railroad Avenue Camp Hill, PA 17011	Mifflin	Decatur Township	UNT Meadow Creek (CWF, MF) EV Wetlands
PAI030613015 Issued	Berks County Parks & Recreation Department 2201 Tulpehocken Road Wyomissing, PA 19601	Berks	Alsace and Lower Alsace Townships	UNT Antietam Creek (CWF, MF) Antietam Creek (CWF, MF) Bingaman Run (CWF, MF) EV Wetlands
PAI033609004(2)R Issued	PPL Holtwood, LLC Two North 9th Street Allentown, PA 18101-1179	Lancaster	Martic Township	Susquehanna River (WWF, MF)
PAI030708003R Issued	Frankstown Development Partnership, LLC 809 Tel Power Road Hollidaysburg, PA 16648 D.C. Venture & Sons, Inc. 315 1st Avenue Duncansville, PA 16635 D.O. Rittenhouse General Contracting 114 West Poplar Street Mount Union, PA 17066	Blair	Frankstown Township	Old Town Creek (WWF, MF) EV Wetlands

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041414001	Bellefonte Industrial Dev Auth 236 W Lamb St Bellefonte, PA 16826	Centre	Bellefonte Borough	Spring Creek HQ-CWF

Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041714001	Robert A Swales Clearfield Eco Dev Corp 511 Spruce St Ste 5 Clearfield, PA 16830	Clearfield	Clearfield Borough	WB Susquehanna River WWF

Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041814005	Cello Partnership d/b/a Verizon Wireless 4642 Jonestown Rd Ste 200 Harrisburg PA 17109	Clinton	Gallagher Township	UNT to Craig Run EV

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056514007	Harvest Associates, LP 772 Pine Valley Drive Pittsburgh, PA 15239	Westmoreland	Municipality of Murrysville	UNT of Haymakers Run (HQ-CWF)

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

Lawrence County Conservation District, 430 Court Street, New Castle, PA 16101

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063714001	Borough of Enon Valley Attn: Mr. Tyrone Petrich 341 Cherry Alley Enon Valley, PA 15120	Lawrence	Enon Valley Borough	UNT North Fork Little Beaver HQ

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Radnor Township Delaware County	PAG0200 2314021	David Hoplamazian 20 Kinterra Road Saint Davids, PA 19087	Unnamed Tributary to Little Darby Creek CWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Middletown Township Delaware County	PAG0200 2314031	Alan Mancill Builders 1140 N. Providence Road P.O. Box 243 Wallingford, PA 19086	Chester Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Ridley Township Delaware County	PAG0200 2314027	The Boeing Company P.O. Box 16858, MC P29-95 Philadelphia, PA 19142	Crum Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Hanover Township Montgomery County	PAG0200 4614084	Traynor Holdings, LLC 5416 Reppert Lane Allentown, PA 18106	Macoby Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAG0200 4614058	S. H. R. Harleysville, L.P. 527 Main Street Harleysville, PA 19438	Tributaries of the Skippack Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAG0200 4614022	DJC Development Company 404 N. Sumneytown Pike Suite 200 North Whales, PA 19454	Unnamed Tributary to East Branch Perkiomen Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plymouth Township Montgomery County	PAG0200 4614037	Dominic L. Conicelli 1100 Ridge Pike Conshohocken, PA 19428	Plymouth Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511424-1	Girard Squarer, A NY LP 900 Seventh Street NW Suite 900 Washington, DC 20001	Delaware River WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Upper Saucon Township Lehigh County	PAG02003914014	Patrick Thornton 208 Lenni Trail Pocono Pines, PA 18350 Keith Hoeing 2260 Bishop Road Allentown, PA 18103	Saucon Creek (Laurel Run) (CWF, MF)	Lehigh County Conservation District 610-391-9583
Whitehall Township & North Whitehall Township Lehigh County	PAG02003914016	Tony Sayegh UGI Utilities, Inc. 2121 City Line Road Bethlehem, PA 18017	Coplay Creek (CWF, MF)	Lehigh County Conservation District 610-391-9583
Smithfield Township Monroe County	PAG02004514001	Neptune Spear, LLC P. O. Box 122 Stroudsburg, PA 18360 Jim Dellavalle 469 Beaconhill Road East Stroudsburg, PA 18301	UNT Brodhead Creek (CWF, MF)	Monroe County Conservation District 570-629-3060
Williams Township Northampton County	PAG02004809008R	C. Scott Van Cleef Country Classics Legacy at Morgan Hill, LLC 36 Brower Lane Hillsborough, NJ 08844	Delaware River (WWF, MF)	Northampton County Conservation District 610-746-1971

NOTICES

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Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3636

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Bradford County	PAG02000814013	Chris Wissel Tyson Beaver Dam Energy, LLC 6051 Wallace Rd Ext Ste 100 Wexford, PA 15090	Towanda Creek CWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6
Bradford County	PAG02000814016	Tiffany Midgett Washita Valley Enterprises 1705 SE 59th St Oklahoma City, OK 73129	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6
Centre County	PAG02001414017	Donald Slike PO Box 292 Camp Hill PA 17011 James Miller 950 E Main St Schuylkill Haven PA 17972	Nittany Creek CWF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Northumberland County	PAG02004914008	Nottingham Village Retirement Ctr Assoc LP 58 Neitz Rd Northumberland PA 17857	UNTs to Susquehanna River CWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
Northumberland County	PAG02004914010	Aqua PA Inc 208 E Sunbury St Shamokin, PA 17872	UNTs to Shamokin Creek CWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4

Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Harmar Township Allegheny County	PAG02000214091	910 Properties II, LLC 15 27th Street Pittsburgh, PA 15222-4729	Deer Creek (CWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Jefferson Hills Borough Allegheny County	PAG02000214017	Robert Nix 1200 Cochran Mill Road, Pittsburgh, PA 15236	Lick Run (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Indiana Township Allegheny County	PAG02000214101	Trumbull Corporation 225 North Shore Drive Pittsburgh, PA 15212	Long Run (CWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
West Deer Township & Richland Township Allegheny County	PAG02000214088	Marathon Partners, LP 433 Hartman Road Evans City, PA 16033	UNT Deer Creek (CWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
West Mifflin Borough Allegheny County	PAG02000214086	West Mifflin Area School District 3000 Lebanon Church Road, Ste 300 West Mifflin, PA 15132	UNT Monongahela River (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645

NOTICES

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Ross Township Allegheny County	PAG02000214087	James W. McCarthy Real Estate Development Assoc. 550 Washington Ave Carnegie, PA 15106	Girty's Run (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Findlay Township Allegheny County	PAG02000214052	HVL, LLC dba Atrium Innovations 112 Technology Drive, Pittsburgh, PA 15275	Montour Run (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Upper St. Clair Township & Bridgeville Borough Allegheny County	PAG02000214095	Pennsylvania American Water 300 Galley Road McMurray, PA 15317	UNT Chartiers Creek (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Moon Township Allegheny County	PAG02000214100	Carl H. Griffith 2414 Emma Lane Coraopolis, PA 15108	Montour Run (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Findlay Township Allegheny County	PAG02000214071	Sahrista Development, Inc. 104 Keyon Road Pittsburgh, PA 15205	Montour Run (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Plum Borough Allegheny County	PAG02000214081	Plum Borough 4575 New Texas Road, Pittsburgh, PA 15239	UNT Abers Creek (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Moon Township Allegheny County	PAG02000214083	Autumn Woods Partnership, L.P. 3026 Fallbrook Drive Moon Township, PA 15108	Flaugherty Run (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Frazer Township Allegheny County	PAG02000214075	Peoples TWP, LLC 205 North Main Street, Butler, PA 16001	UNT Bull Creek (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Jefferson Hills Borough Allegheny County	PAG02000214093	EQT 625 Liberty Avenue Suite 1700 Pittsburgh, PA 15222	UNT Peters Run (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
West Mifflin Borough Allegheny County	PAG02000214094	The Wendy's Co. One Dave Thomas Boulevard— Dublin, OH 43017	UNT Lewis Run & Peters Creek (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Marshall Township Allegheny County	PAG02000209060R	Ericsson Drive Associates, LP One Presidential Drive, Suite 300 Bala Cywnyd, PA 19004	Bush Creek (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
City of Pittsburgh Allegheny County	PAG020002140772	The Urban Redevelopment Authority 200 Ross Street Pittsburgh, PA 15219	Monongahela River (WWF-N)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
South Park Township Allegheny County	PAG02000214106	Arnheim and Neely, Inc. 425 Craig Street Suite 100, Pittsburgh, PA 15213-1147	Catfish Run (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Jefferson Hills Borough Allegheny County	PAG02000214099	Defense Logistics Agency 8725 John Kingman Road Fort Belvoir, VA 22060-6221	Peter's Creek (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
South Fayette Township Allegheny County	PAG2000207067R	Mearl Kaamyk 1224 Oak Ridge Road	UNT Millers Run (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
City of Pittsburgh Allegheny County	PAG02000214075	Housing Authority City of Pittsburgh 200 Ross Street, 9th Floor, Pittsburgh, PA 15219	Allegheny River (WWF-N)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
West Mifflin Borough Allegheny County	PAG20002041002R	U.S. Dept. of Energy Navel Reactors Lab P.O. Box 109 West Mifflin, PA 15122-0079	Bull Run and Thompson Run (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Pine Township Allegheny County	PAG02000214092	John S. George, Jr. 210 Oak Leaf Drive Mars, PA 16046	Wexford Run (CWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Mt. Lebanon Municipality Allegheny County	PAG02000214061	Mt. Lebanon Municipality 710 Washington Rd Pittsburgh, PA 15228	UNT Painters Run (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
East Franklin Township Armstrong County	PAG02000314005	Armstrong County Memorial Hospital One Nolte Drive, Kittanning, PA 16201	UNT Glade Run (TSF)	Armstrong County CD 124 Armsdale Road Kittanning, PA 16201 (724) 548-3425
East Franklin Township Armstrong County	PAG02000314006	Slatelick, LP 11931 State Route 85 Kittanning, PA 16201	UNT Glad Run (TSF)	Armstrong County CD 124 Armsdale Road Kittanning, PA 16201 (724) 548-3425
City of Aliquippa Beaver County	PAG02000414013	Tin Mill Corporation 3468 Broadhead Road Monaca, PA 15061	Ohio River (WWF-N)	Beaver County CD 156 Cowpath Rd Aliquippa, PA 15001 (724) 378-1701
Ambridge Borough Beaver County	PAG02000414014	BriMark Builders 980 American Drive Neenah, WI 54956	Ohio River (WWF-N)	Beaver County CD 156 Cowpath Rd Aliquippa, PA 15001 (724) 378-1701
Franklin Township Beaver County	PAG02000414015	Ron Lutz 239 Country Club Drive Ellwood City, PA 16117	UNT Connoquenessing Creek (WWF)	Beaver County CD 156 Cowpath Rd Aliquippa, PA 15001 (724) 378-1701
Brighton Township Beaver County	PAG02000414016	First National Bank One FNB Blvd, 5th Floor Hermitage, PA 16148	UNT Six Mile Run (WWF)	Beaver County CD 156 Cowpath Rd Aliquippa, PA 15001 (724) 378-1701

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Portage Borough & Portage Township Cambria County	PAG02001114014	Portage Sewer Authority 606 Cambria Street Portage, PA 15946	Trout Run (CWF)	Cambria County CD 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Richland Township Cambria County	PAG02001114015	Mark Austin Building 0-13, Fort Indiantown Gap Annville, PA 17003	Clapboard Run (WWF)	Cambria County CD 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Elder Township Cambria County	PAG02001114018	Verizon Wireless 18 Abele Road Bridgeville, PA 15017	UNT Brubaker Run (CWF)	Cambria County CD 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
City of Johnstown Cambria County	PAG02001114020	City of Johnstown 401 Main Street Johnstown, PA 15901	Sams Run & Stonycreek River (WWF)	Cambria County CD 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
South Union Township Fayette County	PAG02002612020R	Cross Creek Development 121 Regency Drive Uniontown, PA 15401	Redstone Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Redstone Township Fayette County	PAG02002613015	Skywater Development 195 Enterprise Lane Connellsville, PA 15425	Rowes Run & Redstone Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
North Union Township Fayette County	PAG02002614001	Foster Jennings 260 Madison Ave New York, NY 10016	UNT Cove Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
South Union Township Fayette County	PAG02002614002	L.K. Dholu, Inc. 20 Rocky Bend Road Clearfield, PA 16830	Jennings Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Upper Tyrone Township & Everson Borough Fayette County	PAG02002614003	Upper Tyrone Township Sewage Authority 170 Municipal Dr. Connellsville, PA 15425	Jacobs Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
South Union Township Fayette County	PAG02002614006	Fayette Crossing Associates, Inc. 1765 Merrimen Rd Akron, OH 44313	Jennings Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Dunbar Township & North Union Township Fayette County	PAG02002614008	Fayette County 61 E. Main Street Uniontown, PA 15401	UNT Gist Run (TSF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Rich Hill Township Greene County	PAG02003014006	CONSOL PA Coal Company 1525 Pleasant Grove Rd Claysville, PA 15223	UNTs Crabapple Creek (WWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 (724) 852-5278
Indiana Borough Indiana County	PAG02003212012R	Indiana University of Pennsylvania 650 S 13th Street Indiana, PA 15701	Marsh Run & Whites Run (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
White Township Indiana County	PAG02003214007	Indiana County Development Corp 801 Water St Indiana, PA 15701	UNTs Cherry Run (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Blacklick Township and Center Township Indiana County	PAG02003214009	Homer City Generation, LP 1750 Power Plant Rd Homer City, PA 15748	UNT Blacklick Creek (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
White Township Indiana County	PAG02003214010	PennDOT Dist. 10-0 PO Box 429 Indiana, PA 15701	UNTs Two Lick Creek (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Plumville Borough Indiana County	PAG02003214011	Midwest XV, LLC. 403 Oak St Spring Lake, MI 49456	N. Branch Plum Creek (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
East Mahoning Township Indiana County	PAG02003214012	Peoples TWP, LLC. 205 North Main St Butler, PA 16001	UNT Pickering Run (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
White Township Indiana County	PAG02003214013	White Township 950 Indian Springs Indiana, PA 15701	Marsh Run (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
East Wheatfield Township Indiana County	PAG02003214014	PennDOT Dist. 10-0 PO Box 429 Indiana, PA 15701	Mardis Run, UNT Mardis Run, UNT Blacklick Creek (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Center Township Indiana County	PAG02003214015	Brookside Dairy 2677 Old Route 56 West Homer City, PA 15748	Cherry Run (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Allegheny Township & New Baltimore Borough Somerset County	PAG02005613006	PA Turnpike Commission PO Box 67676 Harrisburg, PA 17106	Raystown Branch of Juniata Creek & Three Lick Run (CWF-MF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652
Summit Township Somerset County	PAG02005613013	Global Tower Partners 750 Park of Commerce Blvd Suite 300 Boca Raton, FL 33487	UNT Elk Lick Creek (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652
Summit Township Somerset County	PAG02005614009	Columbia Gas of PA 4000 Energy Drive Bridgeville, PA 15017	Flaugherty Creek (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652
Somerset Township Somerset County	PAG02005614010	Somerset Regional Water Resources, LLC. PO Box 190 Springville, PA 18844	UNT East Branch of Coxes Creek (TSF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Allegheny Township Somerset County	PAG02005614011	PA Turnpike Commission PO Box 67676 Harrisburg, PA 17106	Raystown Branch of Juniata Creek & Wambaugh Run (CWF-MF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652
Allegheny Township Somerset County	PAG02005614012	PA Turnpike Commission PO Box 67676 Harrisburg, PA 17106	Raystown Branch of Juniata Creek, Three Lick Run, & Wambaugh Run (CWF-MF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652
Black Township Somerset County	PAG02005614013	Golden Triangle Construction Company 8555 Old Stubenville Pike Imperial, PA 15126	UNT to Casselman River (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652
Black Township Somerset County	PAG02005614018	Joseph B. Fay Company PO Box 66 Russellton, PA 15076	UNT Laurel Run (WWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652
Independence Township & Cross Creek Township Washington County	PAG02006308013-3	Independence Cross Creek Joint Sewer Authority PO Box 156 Avella, PA 15312	Cross Creek & UNT Burgetts Fork (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Peters Township Washington County	PAG02006312035R	Benjamin Marcus Homes, LLC 124 Windemere Court, McMurray, PA 15317	UNT Peters Creek (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Donora Borough Washington County	PAG02006313017	James Sasko PO Box 291 Donora, PA 15033	Monongahela River (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Somerset Township Washington County	PAG02006314002	Will Donaldson 380 Southpointe Blvd Suite 405 Canonsburg, PA 15317	N. Branch Pigeon Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
West Finley Township Washington County	PAG02006314003	Will Donaldson 380 Southpointe Blvd Suite 405 Canonsburg, PA 15317	Enlow Fork (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
North Strabane Township Washington County	PAG02006314010	Rolling Lambert, LLC 1350 Old Pond Road Bridgeville, PA 15017	Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Peters Township Washington County	PAG02006314019	Bowser Cadillac 1001 Clairton Blvd Pleasant Hills, PA 15236	Brush Run (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Peters Township Washington County	PAG02006314022	Brendan Breen 123 Bridle Trail Venetia, PA 15367	UNT Peters Creek (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Hanover Township Washington County	PAG02006314025	Hydro Recovery, LP 238 Main Street Lobby #2 Blossburg, PA 16912	UNT Raccoon Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Chartiers Township Washington County	PAG02006314026	Washington County Commissioners 100 West Beau Street Suite 702 Washington, PA 15301	Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Bentleyville Borough, Somerset Township, & Fallowfield Township Washington County	PAG02006314027	PennDOT Dist. 12-0 825 North Gallatin Ave. Ext Uniontown, PA 15401	Pigeon Creek & North Branch Pigeon Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Cecil Township Washington County	PAG02006314028	Universal Electric Corporation 168 Georgetown Road Canonsburg, PA 15317	Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Canton Township Washington County	PAG02006314029	Washington County Hospitality, LLC. 6 Canyon Road Suite 300 Morgantown, WV 26508	Catfish Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Mt. Pleasant Township Washington County	PAG02006314034	Hickory DPP IX, LLC. 9010 Overlook Blvd Brentwood, TN 37027	Chartiers Run (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Morris Township Washington County	PAG02006313036	PA American Water Co. 300 Galley Road McMurray, PA 15317	Ten Mile Creek (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Smith Township Washington County	PAG02006314037	TerrAqua Resource Management, LLC. 1000 Commerce Blvd Williamsport, PA 17701	Little Raccoon Run (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Peters Township Washington County	PAG02006314039	MAD-PETER Associates, LLC. 1243 Penn Avenue Pittsburgh, PA 15222	Brush Run (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
North Franklin Township Washington County	PAG02006314040	CNX Water Assets 1000 Consol Energy Drive Canonsburg, PA 15317	Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Hempfield Township Westmoreland County	PAG02006505020R	S&A Homes, Inc. 2121 Old Gatesburg Rd State College, PA 16803	Jacks Run (WWF)	Westmoreland County CD 218 Donohoe Rd Greensburg, PA 15601 (724) 837-5271
Loyalhanna Township Westmoreland County	PAG02006513025-1	Kiski School 1888 Brett Lane Saltsburg, PA 15681	Kiskiminetas River (WWF)	Westmoreland County CD 218 Donohoe Rd Greensburg, PA 15601 (724) 837-5271

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
South Huntingdon Township Westmoreland County	PAG02006514003	Tenaska Pennsylvania Partners, LLC. 14302 FNB Parkway Omaha, NB 68154	Youghiogheny River (WWF)	Westmoreland County CD 218 Donohoe Rd Greensburg, PA 15601 (724) 837-5271
Murrysville Municipality Westmoreland County	PAG02006514013	Pine Harrison Group 3000 Village Run Road Unit 103 #304 Wexford, PA 15090	Turtle Creek (TSF)	Westmoreland County CD 218 Donohoe Rd Greensburg, PA 15601 (724) 837-5271
Sewickley Township Westmoreland County	PAG02006514018	Bell Rock Development LLC 4014 Hankey Church Rd Murrysville, PA 15668	Little Sewickley Creek (TSF)	Westmoreland County CD 218 Donohoe Rd Greensburg, PA 15601 (724) 837-5271
Murrysville Municipality Westmoreland County	PAG02006514019	Murrysville Investors, LLC. 1585 Frederick Blvd Akron, OH 44320	Turtle Creek (TSF)	Westmoreland County CD 218 Donohoe Rd Greensburg, PA 15601 (724) 837-5271
Hempfield Township Westmoreland County	PAG02006514020	East Pittsburgh St. Development Co. 835 East Pittsburgh St. Greensburg, PA 15601	UNT Jacks Run (WWF)	Westmoreland County CD 218 Donohoe Rd Greensburg, PA 15601 (724) 837-5271
City of Lower Burrell Westmoreland County	PAG02006514022	Muni Auth of City of Lower Burrell 2800 Bethel Street Lower Burrell, PA 15068	Little Pucketa Creek (TSF)	Westmoreland County CD 218 Donohoe Rd Greensburg, PA 15601 (724) 837-5271
Upper Burrell Township Westmoreland County	PAG02006514023	Peoples TWP, LLC. 205 North Main Street Butler, PA 16001	Pucketa Creek (TSF)	Westmoreland County CD 218 Donohoe Rd Greensburg, PA 15601 (724) 837-5271
North Huntingdon Township Westmoreland County	PAG02006514027	RWS Land Company, Inc. 8958 Hill Drive North Huntingdon, PA 15642	Tinkers Run (TWF)	Westmoreland County CD 218 Donohoe Rd Greensburg, PA 15601 (724) 837-5271
South Huntingdon Township Westmoreland County	PAG02006514032	Tenaska Pennsylvania Partners, LLC. 14302 FNB Parkway Omaha, NB 68154	Barren Run & Buffalo Run (WWF)	Westmoreland County CD 218 Donohoe Rd Greensburg, PA 15601 (724) 837-5271
Jackson Township Butler County	PAG02001014013	PMF Rentals 124 Plunkett Drive Zelienople, PA 16063	UNT Likens Run WWF	Butler County Conservation District 724-284-5270
Middlesex Township Butler County	PAG02001014014	Browns Hill Road Associates, LLC c/o Mr. Frank Pelly 10431 Perry Hwy Suite 100 Wexford, PA 15090	UNT Glade Run WWF	Butler County Conservation District 724-284-5270
Fox Township Elk County	PAG02002414006	Dinsmore Welding & Fabrication Inc 31 Innovative Drive Kersey, PA 15846	Beaver Run CWF	Elk County Conservation District 814-776-5373
Fox Township Elk County	PAG02002414007	First Energy 76 South Main Street Akron, OH 44308	Benninger Creek CWF	Elk County Conservation District 814-776-5373
Millcreek Township Erie County	PAG02002514026	West Ridge Medical Partners 2601 West 26th Street Erie, PA 16506	UNT Lake Erie WWF; MF	Erie County Conservation District 814-825-6403
Union Township Lawrence County	PAG02003714013	Castle Hospitality, LLC Attn.: Mr. Yogendra Patel 2608 West State Street New Castle, PA 16101	UNT Shenango River WWF	Lawrence County Conservation District 724-652-4512

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Springfield Township Erie County	PAG02004313009(1)	Sunnyland Land Corporation 200 Smokerise Drive Suite 300 Wadsworth, OH 44281	UNT Black Run CWF	Mercer County Conservation District 724-662-2242

Northwest Regional Office-Waterways and Wetlands, 230 Chestnut Street, Meadville, PA 16335

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Cherry Township, Butler County	PAG02091014008	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Unnamed Tributary to Findlay Run (CWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800
Foster Township Luzerne County	PAG02-1140-14-004	PA DEP Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18701-0790	Unnamed tributary to Hazle Creek (HQ-CWF)	PA DEP Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18701-0790 (570) 826-2371

General Permit Type—PAG-03

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Rankin Borough Allegheny County	PAR606125	Josh Steel Company, Inc. 46 Sixth Street Braddock, PA 15104-1948	Monongahela River—19-A WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Ambridge Borough Beaver County	PAR606117	Waste Management of Pennsylvania, Inc. 2097 Duss Avenue Ambridge, PA 15003	Unnamed Tributary to Ohio River—20-G WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Ohioville Borough Beaver County	PAR806233	S. H. Bell Company 644 Alpha Drive Pittsburgh, PA 15238	Ohio River—20-B WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Falls Township Bucks County	PAR230094	Future Foam Inc. 259 Canal Road Fairless Hills, PA 19030	Unnamed Tributary to Queen Anne Creek 2-E	Southeast Region Clean Water Program 484.250.5970
Philadelphia City Philadelphia County	PAG030015	Gyes Auto Parts 3405 S 61st Street Philadelphia, PA 19153	Schuylkill River—3-F	Southeast Region Clean Water Program 484.250.5970
Falls Township Bucks County	PAG030016	Gma Garnet (USA) Corp 1800 Hughes Landing Blvd., Ste 350 The Woodlands, TX 77380	Delaware River—2-E	Southeast Region Clean Water Program 484.250.5970
Philadelphia City Philadelphia County	PAG030018	Naval Foundry & Propeller Ctr 1701 Kitty Hawk Avenue Philadelphia, PA 19112	Delaware River and Unnamed Tributary to Schuylkill River—3-F and 3-J	Southeast Region Clean Water Program 484.250.5970

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Sandy Township Clearfield County (Industrial Stormwater)	PAG034813	WhiteWave Foods Inc. 12002 Airport Way Broomfield, CO 80021	Unnamed Tributary to Reisinger Run—17-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
City of Sharon Mercer County	PAR118342	Sunbelt Transformer Ltd. 670 S. Dock Street, Sharon, PA 16146	Shenango River 20-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-4

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Concord Township Delaware County	PAG040058	Platt Joshua K 167 Concord Meeting Road Glen Mills, PA 19342	Unnamed Tributary to West Branch Chester Creek—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Bradford Township Clearfield County	PAG045287	Cowder Seth 46 Mullens Road Woodland, PA 16881	Valley Fork Run—8-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Foster Township McKean County	PAG041174	Robert D. Williams, Jr. P.O. Box 483 Bradford, PA 16701	Lafferty Run	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-05

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Valley Township Montour County	PAG054841	Leighow Oil Co. Inc. 118 Eyer Road Danville, PA 17821	Mausers Creek— CWF-MF	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530

General Permit Type—PAG-8

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant's Name & Address</i>	<i>Contact Office & Telephone No.</i>
Borough of Phoenixville WWTP Chester County Phoenixville Borough	PAG080003	Borough of Phoenixville 351 Bridge Street Phoenixville, PA 19460	Southeast Region Clean Water Program 484.250.5970
Upper Hanover Township Montgomery County	PAG080014	Upper Montgomery Joint Authority 1100 Mensch Dam Road Pennsburg, PA 18073	Southeast Region Clean Water Program 484.250.5970

General Permit Type—PAG-13

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG133651	Red Lion Borough PO Box 190 Red Lion, PA 17356-0190	York County	Red Lion Borough	Barshinger Creek, Fishing Creek, Mill Creek, Pine Run and Unnamed Tributary to Barshinger Creek/CWF, MF, TSF, MF, WWF, MF	Y

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 free 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: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401

Operations Permit #1514521 issued to: **St. Mary’s of Providence** 227 Isabella Road Elverson, PA 19520, [(PWSID)] West Nantmeal Township, **Chester County** on November 24, 2014 for Certification of 4-Log Treatment of Viruses at Entry Point 101.

Operations Permit #0914523 issued to: **Township of Upper Makefield** 1076 Eagle Road Newtown, PA 18940, [(PWSID)] Upper Makefield Township **Bucks County** on November 12, 2014 for the operation of Zinc Orthophosphate Chemical Feed and Associated Equipment approved under construction permit #0911569.

Operations Permit #4614525 issued to: **Aududon Water Company** 2650 Eisenhower Drive, Suite 104A

Norristown, PA 19403, [(PWSID)] Lower Providence Township **Montgomery County** on November 18, 2014 for the operation of Blended Phosphate at Wells TP1, TP2, and TP3 approved under construction permit #4614514.

Operations Permit # 1514532 issued to: **Borough of Kennett Square** 120 Marshall Street Kennett Square, PA 19348, [(PWSID)] Kennett Township **Chester County** on November 5, 2014 for the operation of Yeatment Well facilities approved under construction permit #1508509.

Operations Permit #1514533 issued to: **Aqua Pennsylvania, Inc.** 762 West Lancaster Avenue Bryn Mawr, PA 19010 [(PWSID)] Brandywine Township **Chester County** on November 5, 2014 for the operation of 1.0 MG Brandywine Tank and Booster Pump Station facilities approved under construction permit #1514514.

Operations Permit #1514536 issued to: **Aqua Pennsylvania, Inc.** 762 West Lancaster Avenue Bryn Mawr, PA 19010 [(PWSID)] Willistown Township **Chester County** on November 19, 2014 for the operation of Greentree Booster Station facilities approved under construction permit #1510502.

Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401

Source Water (Watershed) Protection Program Approval issued to: Doylestown Township Municipal Authority Bucks County, 425 Wells Road, Doylestown, PA 18901-2717 (PWSID 1090128), Doylestown Township, **Bucks County** on November 18, 2014.

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Permit No. 4014504, Public Water Supply.

Applicant	United Water Pennsylvania, Inc. 4211 E. Park Circle Harrisburg, Pa 17111
[Borough or Township]	Kingston Township
County	Luzerne
Type of Facility	PWS
Consulting Engineer	Mr. Arthur C. Saunders, PE United Water Pennsylvania, Inc. 4211 E. Park Circle Harrisburg, PA 17111
Permit to Construct Issued	November 21, 2014
Permit No. 2580023, Operations Permit Public Water Supply.	
Applicant	Pennsylvania American Water Company 800 West Hersheypark Dr. Hershey, PA 17033

[Borough or Township] Montrose Borough
 County **Susquehanna**
 Type of Facility PWS
 Consulting Engineer N/A
 Permit to Operate 11/18/2014
 Issued

Permit No. 2350025, Operations Permit Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 (Glenburn Tank)
 1 Aqua Way
 White Haven, PA 18661

[Borough or Township] Glenburn Township
 County **Lackawanna**
 Type of Facility PWS
 Consulting Engineer William A. LaDieu, P.E.
 GHD
 1240 North Mountain Road
 Harrisburg, PA 17112
 Permit to Operate December 4, 2014
 Issued

Permit No. 2350036, Operations Permit Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 (Chinchilla Well No. 2)
 1 Aqua Way
 White Haven, PA 18661

[Borough or Township] South Abington Township
 County **Lackawanna**
 Type of Facility PWS
 Consulting Engineer William A. LaDieu, P.E.
 GHD
 1240 North Mountain Road
 Harrisburg, PA 17112
 Permit to Operate December 9, 2014
 Issued

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Operation Permit No. 2912501 issued to: **McConnellsborg Borough Municipal Authority (PWS ID No. 4290005)**, Ayr Township, Fulton County on 11/21/2014 for facilities approved under Construction Permit No. 2912501.

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 **Nob Hill Motel**
 Township/Borough Pike Township
 County **Potter**
 Responsible Official Ms. Sarah Piaquadio
 Nob Hill Motel
 289 Route 6 East
 Galeton, PA 16922
 Type of Facility Public Water Supply

Consulting Engineer N/A
 Permit Issued November 21, 2014
 Description of Action Operation of the recently installed 40 feet of 12-inch diameter detention piping for 4-log inactivation of viruses.

Permit No. MA-GWR—Construction and Operation—Public Water Supply.

Applicant **Dandy Mini Mart #27**

Township/Borough Tuscarora Township
 County **Bradford**
 Responsible Official Sandro D'Introno
 Dandy Mini Mart, Inc.
 101 N. Main Street, Suite 1
 Athens, PA 18810
 Type of Facility Public Water Supply
 Consulting Engineer James D. Baker, Jr.
 Larson Design Group
 1 West Market Street
 Suite 301
 Corning, NY 14830

Permit Issued November 26, 2014

Description of Action Construction and operation of a sodium hypochlorite disinfection system using three 120-gallons detention tanks connected in series to reliably provide 4-Log treatment of viruses for groundwater sources, with removal of existing cartridge filter and existing UV unit.

City of DuBois (Public Water Supply), Clearfield County: On December 1, 2014, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the City of DuBois, **Clearfield County**. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (John C. Hamilton, P.E., (570) 327-3650).

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

Manor Township Joint Municipal Authority (Public Water Supply), Armstrong County: On November 24, 2014, the Safe Drinking Water Program approved the Source Water Protection (SWP) Plan for Manor Township Joint Municipal Authority. The personnel involved with the development of this SWP Plan are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP Plan was completed with assistance from PA DEP's Source Water Protection Technical Assistance Program.

Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Interim Operation Permit issued to **Pennsylvania American Water Company**, PWSID #6370034, Neshannock Township, **Lawrence County**. Permit Number 3713502 Interim Operation issued November 5, 2014 for the interim operation of the new ammonia hydroxide feed system at the New Castle Water Treatment Plant. This

permit is issued in response to your request to operate the new ammonia hydroxide feed system to switch to a chloraminated system on an interim basis while completed the installation of the chlorine gas scrubber system.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484.250.5970

Plan Location:

<i>Borough</i>	<i>Borough Address</i>	<i>County</i>
Quakertown	35 North Third Street P.O. Box 727 Quakertown, PA 18951	Bucks

On November 19, 2014, the Southeast Regional office approved an update to Quakertown Borough, Bucks County's official Plan under the Pennsylvania Sewage Facilities Act, 35 P. S. § 750.1 et seq. ("537 Plan") (APS ID 5694 AUTH ID 1012704). This 537 Plan addressed the sewage needs of the entire borough.

The 537 Plan provides for 1) The replacement of approximately 8,900 feet of the Licking Run Interceptor sewers with 27-inch to 30-inch sewer pipes. The replacement sewers will be located along Licking Run from Main Street to the joint interceptor downstream of Erie Avenue. 2) The replacement of approximately 13,400 feet of the Beaver Run Interceptor sewers with 18-inch to 30-inch sewer pipes. The replacement sewers will be located along Beaver Run from Mill Road in Richland Township to Front Street. 3) The upgrade and expansion of the Borough's wastewater treatment plant (WWTP). The Special Study includes a copy of the October 9, 2012 Agreement for Interceptor Upgrades and Plant Expansion between the Borough and Bucks County Water and Sewer Authority (BCWSA). This agreement addresses wastewater capacity needs within the Borough, Richland Township and Richlandtown Borough, replacement of portions of the Licking Run and Beaver Run Interceptors and the eventual upgrade and expansion of the Borough's WWTP. Per Item 6. of the Agreement, the timing of the WWTP's expansion/upgrading will be initiated when any of the milestones listed in Items 6.a., 6.b., or 6.c. is reached. Per Section 7.1 of the Special Study, the WWTP will be upgraded and expanded to be capable of treating an average daily flow of 4.30 million gallons of sewage per day (MGD) and a maximum monthly flow of 6.60 MGD.

In the interim, the Borough has confirmed via a September 26, 2014 email from Mr. Fred Ciottoni, the Borough's sewer engineer to DEP, that it would pursue a "paper" WWTP rerating in the event that the average annual flow were projected to exceed the value identified in the NPDES permit, prior to the WWTP upgrade and expansion taking place.

An NPDES (Part I) permit and a Water Quality Management (Part II) permit from DEP are required prior to start of the WWTF expansion/upgrade. Amendments to the Borough's existing NPDES and Water Quality Management permits for the WWTP will be required if the Borough opts to rerate the average annual capacity of the WWTP in the interim. The approved project will also require a Water Quality Management (Part II) permit for the construction and operation of the proposed sewage collection and conveyance facilities.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Union Township	PO Box 5625, Belleville, PA 17004	Mifflin

Plan Description: The planning module for John Reed Rodgers, DEP Code No. A3-44914-110-2, APS Id 853026, consisting of 2 new single family residential lots using individual onlot sewage disposal systems, is disapproved. The proposed development is located on the northeast side of Maple Grove Road. This plan is disapproved because The groundwater easements proposed to mitigate the lack of recharge area on the lots lie largely cross gradient to the proposed on lot system resulting in the plumes crossing onto the neighboring property.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Delaware Township	815 Quarry Rd, McAlisterville, PA 17049	Juniata

Plan Description: The Request for Planning Exemption for Delmar D. Aufer, DEP Code No. A3-34902-122-2E, APS Id 857883, consisting of one new single family residential lot using an on-lot sewage disposal system, is disapproved. The submission does not qualify as an exception to the requirement to revise the Official Sewage Facilities Plan because the subdivision proposes the use of on-lot sewage disposal systems in an area within 1/4 mile of water supplies documented to exceed 5 PPM nitrate-nitrogen as per Chapter 71, Section 71.55(a)(2) and Chapter 71, Section 71.62(c)(2)(iii), and Delaware Township's approved Official Plan. A Component 2 planning module with a preliminary hydrogeologic evaluation must be completed.

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:

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

Swineford National Bank, 227 East Main Street, Borough of Middleburg, **Snyder County**. Black Rock Environmental LLC, P.O. Box 288, Nazareth, PA 18064. on behalf of Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837 submitted a Final Report concerning remediation of site soils contaminated with Benzene, MTBE, 1,2,4-TMB 1,3,5-TM, Naphthalene, Cumene, Toluene, Ethylbenzene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

St. Francis of Assissi Kitchen Property, 500 Penn Avenue, City of Scranton, **Lackawanna County**, Michael L. Beardsley, BL Companies, has submitted a RIR and Final Report, on behalf of his client, St. Francis of Assissi Kitchen, concerning the remediation of lead in soils, due to historical operations at the site. The applicant proposes to remediate the site to meet the Site Specific Standard for soil. The intended use of the site is non-residential. A summary of the Final Report and RIR (Remedial Investigation Report) was published in *The Scranton Times* on August 6, 2014.

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

Harvey Unit No. 1H, 501 Howes Run Road, Buffalo Township, **Butler County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of XTO Energy, Inc., 395 Airport Road, Indiana, PA 15701, submitted a Final Report concerning the remediation of site soils contaminated with Aluminum, Antimony, Arsenic, Barium, Beryllium, Boron, Cadmium, Chromium, Cobalt, Copper, Iron, Lead, Manganese, Mercury, Nickel, Selenium, Silver, Thallium, Vanadium, Zinc, and Chloride. The report is

intended to document remediation of the site to meet a combination of the Site-Specific and Statewide Health Standards.

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 & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701

Swineford National Bank, 227 East Main Street, Borough of Middleburg, **Snyder County**. Black Rock

Environmental LLC., P.O. Box 288, Nazareth, PA 18064, on behalf of Molesevich Environmental, LLC., P.O. Box 654, Lewisburg, PA 17837 submitted a Final Report concerning the remediation of site soils contaminated with Benzene, MTBE, 1,2,4-TMB, 1,3,5-TM, Naphthalene, Cumene, Ethylbenzene. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on October 3, 2014.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Lexington Mall Partners/Station Mall, 17th Street and 9th Avenue, Altoona, PA, City of Altoona, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Lexington Mall Partners, 259 Lakemont Park Boulevard, Altoona, PA 16602, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with Inorganics and VOCs. The Final Report demonstrated attainment of the Site Specific Standard, and was approved by the Department on November 21, 2014.

Michael Gibson Residence, 179 Hickory Trail, Crystal Spring, PA 15536, Brush Creek Township, **Fulton County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Michael Gibson, 179 Hickory Trail, Crystal Spring, PA 15536-6900, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on November 25, 2014.

Destiny Schell Property, 422 North Hanover Street, Hershey, PA 17033, South Hanover Township, **Dauphin County**. Environmental Products and Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 17111, on behalf of Destiny Schell, 132 Sparrow Road, Hummels-town, PA 17036 submitted a Final Report concerning remediation of site soils, groundwater and surface water contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on November 21, 2014.

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

103 Golf Road Site, 103 Golf Road, Jefferson Township, **Mercer County**. Environmental Products & Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 17111, on behalf of Hydro Chem, 2021 South Schaefer Highway, Detroit, MI 48217, submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Toluene, Ethyl Benzene, Isopropyl Benzene (cumene), Methyl tert-butyl ether, Naphthalene, 1,2,4-Trimethyl Benzene, and 1,3,5-Trimethyl Benzene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on November 20, 2014.

Harvey Unit No. 1H, 501 Howes Run Road, Buffalo Township, **Butler County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of XTO Energy, Inc., 395 Airport Road, Indiana, PA 15701, submitted a Final Report concerning the remediation of site soils contaminated with Aluminum, Antimony, Arsenic, Barium, Beryl-

lium, Boron, Cadmium, Chromium, Cobalt, Copper, Iron, Lead, Manganese, Mercury, Nickel, Selenium, Silver, Thallium, Vanadium, Zinc, and Chloride. The Report was disapproved by the Department on November 26, 2014.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

CSX Pittsburgh Intermodal Rail Terminal (formerly P&LE Rail Yard), Railroad Avenue and Railroad Alley-near P&LE Railroad right-of-way mileposts 3.4 to 5.7- Stowe Township, Borough of McKees Rocks, **Allegheny County**. TRC Engineers, Inc., 1601 Market Street, Suite 2555, Philadelphia, PA 19103 on behalf of CSX Transportation, Inc., 500 Water Street, J275, Jacksonville, FL 32202 submitted a Baseline Environmental Report concerning site soils contaminated with metals and organic substances and groundwater contaminated with metals and organic substances (volatile organic compounds). The Baseline Environmental Report was approved by the Department on November 24, 2014. In order to obtain cleanup liability protection, the person undertaking the reuse of a Special Industrial Area shall enter into an agreement with the Department, based on the approved Baseline Environmental Report which outlines cleanup liability of the property.

Herman Residence, 3881 Potato Garden Road, Imperial, Findlay Township, **Allegheny County**. SUNPRO, Inc., 7640 Whipple Avenue NW, North Canton, OH 44720 on behalf of Frank & Marilyn Herman, 3881 Potato Garden Road, Imperial, PA 15126 submitted a Final Report concerning site soils contaminated with home heating oil. The Final Report demonstrated attainment of the residential Statewide Health Standard for soils and was approved by the Department on November 21, 2014.

Griffiths' Residence, 281 Braun Road, Chippewa Township, **Beaver County**. Weavertown Environmental Group, 2 Dorrington Road, Carnegie, PA 15106 on behalf of EMC Insurance Companies/ Champion Claim Service, P.O. Box 297 Pottstown PA 19464 submitted a Final Report concerning the remediation of site soils contaminated with Fuel Oil #2. The Final report demonstrated attainment of the residential Statewide Health standard for soils and was approved by the Department on November 25, 2014.

RESIDUAL WASTE GENERAL PERMITS

Permit(s) Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor; 400 Market Street, Harrisburg, PA 17106-9170.

General Permit Application No. WMGR146. Evergreen Recycling Solutions, LLC; 11 Dunder Road, Suite 210; Springfield, NJ 07081-3513; Site: 110 Evergreen Avenue, Newark, NJ 07114-1125. The permit authorizes the beneficial use of an alternative fuel product produced from components of non-hazardous, non-putrescible construction/demolition waste, and residual waste qualified as a coproduct. The permit was issued by Central Office on November 20, 2014.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Determination of Applicability Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste

South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

General Permit No. WMGM044-SC002. Pequea Mobile Home Salvage, LLC 360 Radcliff Road, Willow Street, PA, 17584 in Providence Township, **Lancaster County**. This Determination of Applicability under Municipal Waste General Permit No. WMGM044 is for the processing of unpainted and untreated wood waste; gypsum board; brick, block and concrete waste; various organic wastes; non-asbestos containing asphalt shingles; pallets; skids; saw dust; source segregated paper; cardboard and newspaper; plastic waste; scrap metal; unused structural sound building materials; and architectural elements. The processed waste materials are beneficial use as (a) mulch or wood chips for further processing off-site, (b) aggregate material in roadway construction, (c) soil conditioner or soil amendment, (d) alternative fuel, (e) animal bedding, or (f) distributed to wholesale outlets. This permit was issued on November 26, 2014.

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.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 301300 PPL Brunner Island, LLC Two North Ninth Street Allentown, PA 18101-1179, for residual waste Ash Basin 6 located in East Manchester Township, **York County**. Major Permit modification issued on November 24, 2014, for Solid Waste Permit No. 301300 for clean closure of Ash Basin 6. This permit is issued in accordance with Article V of the Solid Waste Management Act, 35 P. S. Sections 6018.101, et seq.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

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

GP14-23-0128: Pagano Funeral Home (3711 Foulk Road, Garnet Valley, PA 19060) On December 2, 2014, was authorized to operate a human crematory in Bethel Township, **Delaware County**.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

GP3-21-03112: Liberty Excavators, Inc. (4402 Gettysburg Road, Camp Hill, PA 17011) on November 25, 2014, for a portable nonmetallic mineral processing plant under GP3 at the Prologis 2 Warehouse site, in West Pennsboro Township, **Cumberland County**.

GP11-21-03112: Liberty Excavators, Inc. (4402 Gettysburg Road, Camp Hill, PA 17011) on November 25, 2014, for three nonroad engines under GP11, to power portable nonmetallic mineral processing equipment at the Prologis 2 Warehouse site, in West Pennsboro Township, **Cumberland County**.

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

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

GP5-59-224B: Mainesburg, GS, LP (5613 DTC Parkway, Suite 200, Greenwood Village, CO 80111) on November 25, 2014, authorize the construction and operation of a 1,340 brake horsepower, Caterpillar model G3516ULB natural gas-fired engine and a 30 MMscf/day, Tri-ethylene glycol dehydrator, two (2) 12,600-gallons Produced Process storage tanks and one (1) 4,200-gallons Glycol storage tank pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP5) at the Wells Compressor Station located in Sullivan Township, **Tioga County**.

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

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-5226

GP5-03-00264: Snyder Brothers, Inc. (90 Glade Drive, PO Box 1022, Kittanning, PA 16201) on November 21, 2014, to authorize the installation and operation of a natural gas compressor station consisting of one lean burn natural gas-fired compressor engine rated at 1,380 bhp and controlled by an oxidation catalyst, one tri ethylene glycol dehydrator (including reboiler) rated for 10 MMSCF/day, and four 4,200 gallons produced water tanks. The facility will be authorized under GP-5 for

natural gas compression, named Ambrose Compressor Station, and located in East Franklin Township, **Armstrong County**.

GP5-04-00741: Cardinal PA Midstream, LLC (8150 N. Central Expressway, Dallas, TX 75206) on November 20, 2014, for the construction and operation of a compressor station known as the Pike Compressor Station in New Sewickley Township, **Beaver County**. Sources include four (4) 1,775 bhp natural gas-fired compressor engines controlled by oxidation catalysts, one (1) 457 bhp natural gas-fired emergency generator, one (1) 80 MMscfd dehydrator controlled by 7.5 MMBtu/hr thermal oxidizer, storage tanks, and associated equipment.

GP5-30-00229A: EQM Gathering Opco, LLC (625 Liberty Ave, Suite 1700, Pittsburgh, PA 15222) on November 25, 2014, for the construction and operation of a new compressor station known as the Europa Compressor Station in Center Township, **Greene County**. Sources include three (3) 4,735 bhp natural gas-fired compressor engines controlled by oxidation catalysts, three (3) 80 MMscfd dehydrator controlled by 7.0 MMBtu/hr flares, storage tanks, and associated equipment.

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

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

GP5-37-332B: RE Gas Development LLC Patterson Compressor Station (828 Walker Rd, New Galilee, PA 16141) on November 12, 2014 for the construction and/or operation of one (1) natural gas fired compressor engine (Caterpillar G3508B Le 7.0), mmscfd glycol reboiler, and 400 bbl condensed water storage tank (BAQ-GPA/GP5) located in Little Beaver Township, **Lawrence County**.

GP5-42-220D: Dakota-USEDC LLC Bradford (938 Interstate Parkway, Bradford, PA 16701) on November 17, 2014 for the construction/operation of the following equipment: one (1) lean burn 4 stroke gas engine Caterpillar model G3408CLE rated 425 bhp at 1800 rpm, one (1) lean burn 4 stroke gas engine Caterpillar model G3508 LE rated 30 bhp at 1400 rpm, one (1) QB Johnson Natural Gas Dehydrator, one (1) 33,000 gallon high pressure condensate storage tank, and two (2) rich burn 4 stroke natural gas fired non-emergency electrical generator engines Cummins model WSG-1068 rated 115 bhp at 1800 rpm (BAQ-GPA/GP5) located in Foster Township, **McKean 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 19428

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

15-0009D: AGC Chemicals America, Inc. (255 South Bailey road, Downingtown, PA 19335) On December 2, 2014, for the transition of a pilot plant from Research & Development to production at the existing facility at an existing facility in Caln Township, **Chester County**. The system will be controlled by the cartridge filters which control 98% of particulate matters. The company manufactures plastic powders & fillers. This project will emit

0.14 tpy of PM emissions & 2.15 tpy of VOC. The Plan Approval and Operating permit will include monitoring, record keeping & reporting requirements designed to address all applicable air quality requirements.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

67-05047B: Republic Services of PA, LLC (4400 Mt. Pisgah Road, York, PA 17406-8240) on November 19, 2014, for a new landfill gas (LFG) firing enclosed ground flare, rated at 5,000 cfm and a backup open (candle) flare, rated at 1,000 cfm, at the Modern Landfill in Lower Windsor Township, **York County**.

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

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

18-00009F: Clinton County Solid Waste Authority (264 Landfill Lane, McElhattan, PA 17748-0209) has submitted an application for the proposed construction and operation of the Northside municipal solid waste landfill expansion located in Wayne Township, **Clinton County**. The issued plan contains emission restrictions as well as monitoring, recordkeeping and work practice requirements to verify compliance with the emission restrictions.

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

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-5226.

56-00154A: George E. Mason Funeral Home, Inc. (PO Box 409, 1687 Tire Hill Road, Davidsville, PA 15928) on November 25, 2014, for construction and temporary operation of one (1) Matthews International-Cremation Division IE43-PPI propane gas-fired crematory incinerator for the cremation of human remains at the Country-side Crematory located in Conemaugh Township, **Somerset County**.

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

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

20-037A: U.S. Bronze Foundry & Machine, Inc. (18649 Brake Shoe Road, Meadville, PA 16335) on December 1, 2014, effective December 31, 2014, will issue a plan approval extension for the construction of four new electric induction furnaces as part of Source 116 & 117 and the installation of a new baghouse (C116A) to control emissions from Source 116 & 117 and the removal of the old baghouse (C116). This permit is also for Orrville Bronze to install sources that will have their own controls and 4 furnaces that will exhaust into C116A & C117A. This is a State Only facility and is located in Woodcock Township, **Crawford County**.

61-219A: GOC Property Holdings, LLC (175 Main Street, Oil City, PA 16301) on November 25, 2014, effective December 31, 2014, to issue a plan approval extension for the construction of a new metal heat treating facility along Route 8, in Rouseville Borough,

Venango County. New sources at the site will include a natural gas fueled boiler, two (2) natural gas fueled furnaces, a quench system and a cooling tower.

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 19428

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

09-0184: Doylestown Hospital (595 West State Street, Doylestown, PA 18901) On November 25, 2014, for the operation of a selective catalytic reduction (SCR) system and oxidation catalyst in Doylestown Township, **Bucks County**.

46-0049A: IBS Direct (431 Yerkes Road, King of Prussia, PA 19406) On December 1, 2014, for the operation of the heatset press and dryer in Upper Merion Township, **Montgomery County**.

09-0007E: Waste Management Disposal Services of Pennsylvania, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) On December 2, 2014, for a minor modification to plan approval 09-0007E for the Grows Landfill leachate treatment plant located in Falls Township, **Bucks County**. The plan approval was modified to revise certain compliance demonstration requirements for two (2) propane-fired crystallizers using alternative methods. These alternative methods include the use of mass balance and AP-42 emission factors for demonstrating compliance with the NO_x, CO, VOC, and PM emission limits. The plan approval modification does not result in any increase in emissions or change to any of the existing emission limits, nor does it represent any physical change or change in method of operation of the crystallizers.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

01-05037B: Gettysburg Energy & Nutrient Recovery Facility, LLC (71 Old Mill Bottom Road North, Suite 101, Annapolis, MD 21409) on November 24, 2014, for construction and temporary operation of an energy and nutrient recovery facility utilizing egg layer manure located in Tyrone Township, **Adams County**. The plan approval was extended, with a revised compliance schedule.

31-05019A: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251) on November 25, 2014, for a turbine upgrade project at the Entriken Compressor Station in Todd Township, **Huntingdon County**. The plan approval was extended.

06-05040C: East Penn Manufacturing Company (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on November 24, 2014, for installation of two new dust collectors to ventilate the smelter building, and installation of secondary HEPA filtration on the existing baghouse C04, which controls the Material Storage Room Ventilation, at the East Penn Manufacturing Smelter

facility in Richmond Township, **Berks County**. The plan approval was extended.

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

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

18-00026D: First Quality Products, Inc. (121 North Road, McElhattan, PA 17748) on November 20, 2014, to extend the authorization to operate two Curt G. Joa underpad machines (Line 35 and 36) at their facility in Wayne Township, **Clinton County** on a temporary basis to May 29, 2015. The plan approval has been extended.

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

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

20-037A: U.S. Bronze Foundry & Machine, Inc. (18649 Brake Shoe Road, Meadville, PA 16335) on December 1, 2014, effective December 31, 2014, will issue a plan approval extension for the construction of four new electric induction furnaces as part of Source 116 & 117 and the installation of a new baghouse (C116A) to control emissions from Source 116 & 117 and the removal of the old baghouse (C116). This permit is also for Orrville Bronze to install sources that will have their own controls and 4 furnaces that will exhaust into C116A & C117A. This is a State Only facility and is located in Woodcock Township, **Crawford County**.

61-219A: GOC Property Holdings, LLC (175 Main Street, Oil City, PA 16301) on November 25, 2014, effective December 31, 2014, to issue a plan approval extension for the construction of a new metal heat treating facility along Route 8, in Rouseville Borough, **Venango County**. New sources at the site will include a natural gas fueled boiler, two (2) natural gas fueled furnaces, a quench system and a cooling tower.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

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

15-00022: Columbia Gas Transmission, LLC (1700 Maccorkle Avenue, Charlestown, WV 25314) On December 2, 2014, for renewal of the Title V Operating Permit in West Vincent Township, **Chester County**. The facility transports natural gas through pipelines. The major sources of air emissions are four (4) engines that emit major levels of nitrogen oxides (NO_x), carbon monoxide (CO), volatile organic compounds (VOC), and formaldehyde (a hazardous air pollutant (HAP)). The facility is a major stationary source, as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is subject to the requirements of 40 C.F.R. 63 Subparts ZZZZ and DDDDD, which have been incorporated into this renewal. The Title V Operating Permit renewal will contain emission limitations, monitoring, recordkeeping, reporting requirements, and work practice standards to keep the facility operating within all applicable air quality requirements.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

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

46-00101: Ball Aerosol & Specialty Container, Inc. (431 Privet Road, Horsham, PA 19044-1220) On November 21, 2014, submitted a renewal for a Non-Title V Facility, State-Only, Synthetic Minor Permit in Horsham Township, **Montgomery County**. Ball Aerosol & Specialty Container Inc is a metal can manufacturing facility. The sources of emissions include: side seam stripe lines (6), stripe cleaning, and parts washers. The facility took voluntary total VOC and total HAP emission limits to be less than 25 tpy. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

13-00013: Ampal, Inc (2125 Little Gap Road, LR 13013, Palmerton, PA 18071) The Department issued a State Only (Synthetic Minor) Operating Permit on November 25, 2014, for an atomized aluminum powder manufacturing facility in Lower Towamensing Township, **Carbon County**.

54-00067: Keystone Potato Products, LLC (P.O. Box 27, Hegins, PA 17938-0027) The Department issued a renewal State Only operating permit November 25, 2014, for a potato products manufacturing facility in Frailey Township, **Schuylkill County**.

35-00065: Insituform Technologies, LLC (17988 Edison Avenue, Chesterfield, MO 63005-3700) on November 21, 2014 for construction of water, sewer, and utility lines in Olyphant Borough, **Lackawanna County**. The sources consist of two storage tanks and flexible pipeline liner manufacturing process. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. This is a renewal of the State-Only Natural Minor operating permit. The State-Only operating permit includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

21-03006: Nestle Purina Petcare Co., (6509 Brandy Lane, Mechanicsburg, PA 17050-2817) on November 18, 2014, for their pet food manufacturing facility in Hampden Township, **Cumberland County**. The State-only permit was renewed.

44-03014: Barr Funeral Home, Inc. (120 Logan Street, Lewistown, PA 17044) on November 25, 2014, for the human crematory unit at their facility in Lewistown Borough, **Mifflin County**. The State-only permit was renewed.

67-03083: Utz Quality Foods, Inc. (900 High Street, Hanover, PA 17331-1639) on November 19, 2014, for their snack food manufacturing facility in Hanover Borough, **York 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

65-00732: Excela Health (1 Mellon Way, Latrobe, PA, 15650-1197) for a renewal Air Quality Synthetic Minor State Only Operating Permit (SOOP) to authorize the operation of the Latrobe Hospital located in the city of Latrobe, **Westmoreland County**. Equipment at this facility includes two 35.7 mmbtu/hr natural gas-fired boilers with No. 2 fuel oil as back-up. There are also four (4) No. 2 fuel oil-fired emergency generators located at the hospital an Ethylene Oxide Sterilizer. No emission or equipment changes are being proposed by this action. This facility is subject to the applicable requirements of PA Code Title 25, Chapters 121 through 145. The proposed SOOP renewal includes conditions relating to applicable emissions restrictions, testing, monitoring, record-keeping, reporting and work practice standards requirements.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

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

46-00234: C.S. Products, Inc. (301 Randolph Avenue, Ambler, PA 19002; Attn: Mr. Mark A. O'Donnell) On November 21, 2014, for an administrative amendment to the State Only Operating Permit for the facility located in Upper Dublin Township, **Montgomery County**. The administrative amendment reflects: 1) a change in the ownership from Conshohocken Steel Products, Inc. to C.S. Products, Inc., DBA Conshohocken Steel Products, and 2) a change in the Responsible Official from David Mohammed to Mary Mohammed.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

06-05007: Carpenter Technology, Corp., (101 Bern Street, Reading, PA 19601) on November 19, 2014, for their specialty steel alloy manufacturing facility in Reading City, **Berks County**. The Title V permit was administratively amended to incorporate the requirements of Plan Approval 06-050070.

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

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

49-00009: Masonite Corporation (PO Box 112, Northumberland, PA 17857-0112), issued a modification of state only operating permit on November 14, 2014 for their facility located in Point Township, **Northumberland County**. This operating permit modification allows fabric collectors controlling wood working sources at the facility to exhaust to the atmosphere. The modification also limits the particulate matter concentration of the effluent gas of the fabric collectors to not exceed 0.01 grain per dry standard cubic foot and limits the time the fabric collectors may be exhausted to the atmosphere to no more than 2,000 hours in any 12 consecutive month period.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

42-00004: American Refining Group (77 North Kendall Ave. Bradford, PA 16701) for their proposal to install a diesel fuel fired engine which will be used to turn a 125 kW generator at their facility in the City of Bradford, **McKean County**. This source is exempted from plan approval because it complies with 25 Pa. Code § 127.449; The Department hereby exempts the project as a De minimis emission increase.

The following is a list of the De minimis emission increases as required by 25 Pa. Code 127.449(i). The following list includes all De minimis emission increases which have occurred since the issuance of the facility's current Operating Permit (42-00004) on October 5, 2011.

[Date, Source Description, Emissions (tpy)]

3-7-12: Tanks 99 and 262, 0.0005 VOC;

12-14-12: Installation of gw remediation equipment, 0.770 VOC;

6-7-13: 80 bhp emergency generator, 0.0055 PM₁₀, 0.00014 SO_x, 0.11 NO_x, 0.005 VOC, 0.015 CO;

12-31-13: Two Brine Storage Tanks, 0.67 VOC;

11-20-14: 125 kW N.G. fired Cummins emergency generator engine, 0.0087 PM₁₀, 0.0163 SO_x, 0.258 NO_x, 0.0076 VOC, 0.0641 CO

Total: 0.014 PM₁₀, 0.016 SO_x, 0.37 NO_x, 1.45 VOC, 0.08 CO.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

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

15-00025: Transwall Office Systems, Inc. (1220 Wilson Drive, West Chester, PA 19380) On November 19, 2014, for operation of an office furniture manufacturing facility located in West Goshen Township, **Chester County**. The operating permit was revoked because of the permanent shutdown of significant sources, including four (4) paint spray booths, at the facility.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; 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 Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1900

Permit No. 32090101 and NPDES No. PA0262731. Britt Energies, Inc., P.O. Box 515, Indiana, PA 15701, permit renewal for the continued operation and restoration of a bituminous surface mine in Conemaugh Township, **Indiana County**, affecting 43.3 acres. Receiving streams: unnamed tributary to/and Sulfur Run to Kiskiminetas River classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 17, 2014. Permit issued: November 21, 2014.

Permit No. 56733038 and NPDES No. PA0109088, Geiger Development Corporation, 1207 Stoystown Road, Friedens, PA 15541, renewal of an NPDES permit, Somerset Township, **Somerset County**. Receiving stream: unnamed tributary of Coxes Creek classified for the following use: trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 1, 2014. Permit issued: November 21, 2014.

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

GFCC No. 17-13-03 and NPDES PA0269590, Strishock LLC, (220 Hillcrest Drive, DuBois, PA 15801), Crittenden Operation, Decatur Township, **Clearfield County** (Morgan Run to Clearfield Creek -Upper West Branch Susquehanna River Watershed): A construction contract has been awarded to Strishock LLC that will result in the reclamation of approximately 31.6 acres of abandoned mine land, the elimination and reclamation of 1,750-feet of abandoned highwall and the recovery of approximately 160,000 tons of remaining coal reserves. The site will be reclaimed and regraded to approximate original contour. The estimated value of the reclamation work is \$409,700.00 which will be done at no cost to the Commonwealth. The site is located to the north of the village of Newtown just off of SR970 on lands formerly mined and subsequently abandoned by W. G. Moore and Sons Coal Company in the late 1950's. Strishock will add 44,000 tons of lime to the mining area to prevent acid drainage. An NPDES permit (PA-0269590) was also issued as part of the construction contract. Blasting has been approved as part of the reclamation activities.

Refuse reprocessing is prohibited at the site. Application received: November 13, 2013. Permit issued: November 18, 2014.

17030115 and NPDES PA0243612. Corey L. Shawver DBA Hilltop Coal Company (12 Dutchtown Road, Houtzdale, PA 16651). Permit renewal of an existing bituminous surface and auger mine located in Bigler Township, **Clearfield County** affecting 212.6 acres. Receiving stream(s): Unnamed Tributary to Japling Run, Japling Run, and Unnamed Tributaries to Muddy Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 6, 2014. Permit issued: November 20, 2014.

17080109 and NPDES PA 0256838. Corey L. Shawver DBA Hilltop Coal Company (12 Dutchtown Road, Houtzdale, PA 16651). Permit revision of a bituminous surface mine of an insignificant permit boundary correction to add 3.7 acres located in Bigler Township, **Clearfield County** affecting 164.9 acres. Receiving streams: Japling Run and an Unnamed Tributary to Muddy Run classified for the following use(s): CWF. There are no portable water supply intakes within 10 miles downstream. Application received: August 12, 2014. Permit issued: November 20, 2014.

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

63120103 and NPDES Permit No. PA0252310. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Permit revision issued for land use change from forestland to pastureland and/or land occasionally cut for hay to an existing bituminous surface mine, located in Nottingham Township, **Washington County**, affecting 276.4 acres. Receiving streams: unnamed tributaries to Mingo Creek and Mingo Creek. Application received: September 19, 2014. Permit issued: November 26, 2014.

Noncoal Permits Issued

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

37880304. Allegheny Mineral Corporation. (P.O. Box 1022, Kittanning, PA 16201) Revision to an existing large industrial minerals mine to add 6.5 acres and delete 6.5 acres to allow for a change in the haul road location in Slippery Rock Township, **Lawrence County**. Surface Mining Permit acreage remains at 227.5 acres. Receiving streams: Two unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application received: July 3, 2014. Permit Issued: November 13, 2014.

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 Issued

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

08144117. DW Drilling & Blasting LLC (9990 Coconut Rd, Bonita Springs, FL 34135). Blasting for gas pad construction located in Overton Township, **Bradford**

County with an expiration date of November 11, 2015. Permit issued: November 17, 2014.

18144101. Douglas Explosives Inc. (P.O. Box 77, Philipsburg, PA 16866). Blasting for highway/road located in Lamar Township, **Clinton County** with an expiration date of December 30, 2015. Permit issued: November 17, 2014.

17144001. Strishock, LLC (220 Hillcrest Drive, DuBois, PA 15801). Blasting for the GFCC 17-13-03, Crittenden Operation, located in Decatur Township, **Clearfield County** with an expiration date of December 31, 2015 or end date of GFCC 17-13-03. Permit issued: November 18, 2014.

08144118. M & J Explosives LLC (P.O. Box 1248, Carlisle, PA 17013). Blasting for construction of a well pad located in Columbia Township, **Bradford County** with an expiration date of November 24, 2015. Permit issued: November 26, 2014.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, 570-621-3118

Permit No. 36144165. M & J Explosives, Inc., (P.O. Box 608, Carlisle, PA 17013), construction blasting for Penn Grant Commons in Pequea Township, **Lancaster County** with an expiration date of November 18, 2015. Permit issued: November 19, 2014.

Permit No. 48144106. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Conagra Mills in Lower Mt. Bethel Township, **Northampton County** with an expiration date of December 31, 2015. Permit issued: November 19, 2014.

Permit No. 54144104. Douglas Explosives, Inc., (PO Box 77, Philipsburg, PA 16866), construction blasting for SR 61 Schuylkill Co. ECMS 12613 South End Cut North Bound in West Brunswick Township, **Schuylkill County** with an expiration date of November 20, 2015. Permit issued: November 19, 2014.

Permit No. 09144109. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Mill Creek Development in Buckingham Township, **Bucks County** with an expiration date of November 20, 2015. Permit issued: November 21, 2014.

Permit No. 23144107. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Pine Valley at Glen Mills in Concord Township, **Delaware County** with an expiration date of November 14, 2015. Permit issued: November 21, 2014.

Permit No. 46144116. MD Drilling & Blasting, Inc., (88 Goldledge Avenue, Suite 2, Auburn, NH 03032), construction blasting at Graterford Prison in Skippack Township, **Montgomery County** with an expiration date of November 20, 2015. Permit issued: November 21, 2014.

Permit No. 58144181. DW Drilling & Blasting, (9990 Coconut Road, Bonita Springs, FL 34135), construction blasting for Groover S Gas Pad 1 Tank Farm & Access Road in Bridgewater Township, **Susquehanna County** with an expiration date of November 18, 2015. Permit issued: November 21, 2014.

Permit No. 66144108. Meshoppen Blasting, Inc., (P.O. Box 127, Meshoppen, PA 18630), construction blasting for CHK Roundwood pad & access road in Braintrim Township, **Wyoming County** with an expiration date of November 14, 2015. Permit issued: November 21, 2014.

Permit No. 41144113. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for

Wilkes-Barre Scranton International Airport with an expiration date of November 7, 2015. Permit issued: November 24, 2014.

Permit No. 41144114. Latona Trucking, Inc., (620 S. Main Street, Pittston, PA 18640), construction blasting for SCE Techna Glass in Jenkins Township, **Luzerne County** with an expiration date of December 31, 2015. Permit issued: November 24, 2014.

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 free 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

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915, Telephone 570-826-2511.

E64-300. Terrance and Linda Campbell, 5 Pine Street, Honesdale, PA 18431. Clinton Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To remove a portion of Rosner Pond Dam (DEP Dam #D64-190) and to construct and maintain a 12-ft wide road crossing of a Tributary to West Branch Lackawanna River (HQ-CWF) consisting of an 80-ft long, 9' 4" by 6'-3" aluminized corrugated metal arch culvert mitered to slope with a concrete headwall and grouted riprap on the upstream end and projecting with a riprap apron on the downslope end. The culvert invert will be depressed 6-inches below streambed elevation. The project is located along the north side of Campbell Lane, approximately 0.6 miles northeast of the intersection of S.R. 170 and White Oak Drive (Aldenville, PA Quadrangle Latitude: 41° 39' 3"; Longitude: -75° 21' 10") in Clinton Township, Wayne County. Subbasin 1B.

E35-453. Gibbons Ford, 950 Main Street, Dickson City, PA 18519. Dickson City Borough, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To place fill in 0.3 acre of isolated PEM wetlands associated with the construction of the Gibbons Ford Vehicle Service and Sales Facility and to place fill in 0.03 acre of wetlands for construction of an access road to the facility. The project is located to the rear of the Ethan Allen Furniture Store along Viewmont Drive, 0.7 mi. northwest of its intersection with Main Street (Scranton, PA Quadrangle Latitude: 41°27'24.9"; Longitude: -75°38'49.1"). Subbasin 5A.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E14-555. Bellefonte Industrial Development Authority, 236 West Lamb Street, Bellefonte, PA 16823-1502. Bellefonte IDA Flood Protection and Waterfront Redevelopment Project in Bellefonte Borough, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 40°54'46.2"; W: -77°46'55.6").

To: 1) remove 1,130 linear feet of existing left bank wall/foundation, then to construct and maintain an elevated flood plain consisting of: 2) 1,130 linear feet of concrete segmental retaining wall, 3) vegetating the banks above the stream bank wall with a riparian buffer seed mix; 4) a concrete pedestrian walkway behind the new retaining wall/vegetated stream bank; 5) a second 1,130 linear feet of concrete segmental retaining wall to the left of the pedestrian walkway, which would allow the remaining 4.5 acre portion of the project site to the west to be raised to elevations that exceed 1 foot above the 100-year flood level by 6) placing 30,000 cubic yards of clean fill in the left 100-year floodplain, 7) a temporary cofferdam measuring a maximum of 15 feet from front face of wall by the length of project site of 1,130 feet will be used to facilitate the instream construction in a relatively dry condition, all of which is located on the left side Spring Creek between Lamb Street and High Street in order to flood proof economic redevelopment / revitalization area. This permit also includes 401 Water Quality Certification.

E17-487. Clearfield County Economic Development Corporation, 511 Spruce Street—Suite 5, Clearfield, PA 16830-1923. Clearfield Riverfront Project in Clearfield Borough, **Clearfield County**, ACOE Baltimore District (Clearfield, PA Quadrangle Latitude: 41° 01' 36.36"; Longitude: -78° 26' 22.61").

This authorization gives consent to construct, operate and maintain a riverwalk, amphitheater, canoe launch, parking area, retaining wall, vegetative stabilization, rock stabilization and storm sewer outfall in and along the West Branch Susquehanna River and its floodway for the Clearfield Riverfront Project. The West Branch

Susquehanna River is designated as a Warm Water Fishery. Construction of new or modification to existing facilities for the project will require the following ten (10) floodway and/or channel encroachments at the given location:

<i>Impact ID</i>	<i>Regulated Area</i>	<i>Activity</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Impact Length</i>	<i>Impact Width</i>
1	Floodway	Riverwalk & Parking	41.023195	-78.440985	110.0'	8.9
2	Floodway	Rip Rap	41.023257	-78.441031	7.0'	1.6
2	Channel	Rip Rap & Storm Sewer	41.023257	-78.441031	52.0'	13.3
3	Floodway	Vegetative Stabilization	41.023154	-78.441078	130'	10.2'
3	Channel	Vegetative Stabilization	41.023154	-78.441078	260'	18.8'
4	Channel	Retaining Wall Rehabilitation	41.022538	-78.441318	128'	8.8'
5	Channel	Temporary Construction Area	41.023274	-78.441074	468.0'	4.1'
6	Floodway	Vegetative Stabilization	41.022559	-78.442318	51.9	5.2'
6	Channel	Vegetative Stabilization	41.022559	-78.442318	962.0	7.6'
7	Floodway	Riverwalk	41.022996	-78.442307	257.0'	7.6'
7	Channel	Riverwalk	41.022996	-78.442307	316.0'	5.1'
8	Floodway	Rip Rap Stabilization	41.023002	-78.442273	61.0'	3.8'
8	Channel	Rip Rap Stabilization	41.023002	-78.442273	1020.0'	7.4'
9	Floodway	Temporary Construction Area	41.023301	-78.442021	65.0'	3.4'
9	Channel	Temporary Construction Area	41.023301	-78.442021	470.0'	8.3'
10	Floodway	Amphitheater & Canoe Launch	41.024365	-78.441026	15.0'	2.3'
10	Channel	Amphitheater & Canoe Launch	41.024365	-78.441026	83.0'	13.2'

All channel activities listed above shall be performed in dry work conditions by dam and pumping or diverting stream flow around the work areas. There shall be no placement of fill materials in the construction of any above listed floodway activities; whereby, existing waterway current, course or FEMA delineated floodway elevations are affected. The project is located south of the Nichol Street Bridge and north of the Market Bridge along the east and west banks of the West Branch Susquehanna River.

E49-331. Weis Markets, Inc., 1000 South Second St., Sunbury, PA 17801. Milton Distribution Center Expansion in Milton Borough and West Chillisquaque Township, **Northumberland County**, ACOE Baltimore District (Northumberland, PA Quadrangle N: 40° 59' 7.22"; W: -76° 50' 57.00").

Weis Markets plans to expand the Milton Distribution Center including, but not limited to, an enlargement of the refrigerated dairy, deli, produce and freezer warehouse areas; relocation and construction of access roads, construction of a paved truck receiving/staging/parking area, construction of stormwater management facilities, installation of a 3,000 kW diesel powered emergency generator and creation of mitigation areas.

The project, as approved, will require fill to be placed and maintained in wetlands totaling 38,918 square feet (0.89 acre) within the West Branch Susquehanna River watershed (Warm Water and Migratory Fishery).

<i>Resource</i>	<i>Impact (square feet)</i>	<i>Encroachment Activity</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
EV PEM Wetland #1	10,113	Truck receiving/ parking area	40° 59' 7.4"	-76° 50' 57.0"
PEM/PSS Wetland #3	6,602	Building, road, stormwater outfall	40° 59' 10.1"	-76° 51' 10.6"
PEM Wetland #4	2,320	Building	40° 59' 9.6"	-76° 51' 8.6"
PEM Wetland #5	785	Building	40° 59' 8.3"	-76° 51' 7.5"
PEM Wetland #8	12,361	Building	40° 59' 5.5"	-76° 51' 2.4"
PEM/PFO Wetland #9	6,737	Building, road	40° 59' 4.1"	-76° 51' 7.0"

Wetland #1 is Exceptional Value (EV) because it was determined to be potentially suitable habitat for the Pennsylvania-endangered Eastern Spadefoot (*Scaphiopus holbrookii*).

Both the wetland and spadefoot habitat impacts will be mitigated onsite. As approved, 65,340 square feet (1.50 acre) of fallow farmland will be converted to wetlands and 25,250 square feet (0.58 acre) will be converted to spadefoot habitat.

E59-523. Pennsylvania Department of Transportation, Engineering District 3-0, PO Box 218 Montoursville, PA 17754-0218. S.R. 4023 Section 001, Camp Brook Bridge Replacement Elkland Borough, **Tioga County**, Baltimore ACOE (Elkland, PA Quadrangle N: 41° 59' 33"; W: -77° 18' 10").

PA DOT Engineering District 3-0 proposes to replace a single span steel I beam concrete jack arch with a single span pre-stressed concrete spread box beam bridge on integral abutments. The proposed structure will be constructed several feet higher to accommodate a flood protection levee to be designed and constructed by PA DEP in the future. The existing bridge has a span of 31.25 Ft., a skew of 73 degrees, an underclearance of 5.45 Ft. and a low chord of 1,125.19 Ft. and a hydraulic opening of 168.86 Ft². The proposed bridge has a span of 70 Ft., a skew of 72 degrees, an underclearance of 7.38 Ft. and a low chord of 1,128.12 Ft. and a hydraulic opening of 516.94 Ft². Approximately (50) fifty feet of gravel bar will be removed at the structures inlet to create a stable stream section. The project will temporarily impact 0.01 acre and permanently impact 0.03 acre of jurisdictional wetlands. The wetland impact is considered *Deminimus* and does not require mitigation. Camp Brook is classified as a Warm Water Fishery by Title 25, Chapter 93 Water Quality Standards. This project does not require mitigation. This permit also includes 401 Water Quality Certification.

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E32-501. GenOn Northeast Management Company, 121 Champion Way-Suite 300, Canonsburg, PA 15317-5817; West Wheatfield Township, **Indiana County**; ACOE Pittsburgh District.

Has been given consent to:

1. To relocate approximately 4,565 linear feet (lf) of an unnamed tributary (UNT) (a.k.a. East Valley Stream) to the Conemaugh River (CWF), by reconstructing this watercourse as an approximately 5,302 lf channel;

2. To relocate approximately 540 lf of a UNT (a.k.a. Stream DD) to create a new confluence between this watercourse and the relocated East Valley Stream (CWF), by reconstructing this reach of this watercourse as an approximately 985 lf channel; and

3. To relocate approximately 260 lf of another UNT (a.k.a. Stream C-C) to create a new confluence between this watercourse and the relocated East Valley Stream by reconstructing this reach of this watercourse as an approximately 275 lf channel.

4. This project will also permanently impact nineteen (19) identified wetland areas, resulting in total impacts to approximately 2.80 acres of wetland areas (primarily PEM, with some PFO);

5. To permanently impact several, additional watercourses within the watershed (approximately 3,283 lf);

6. To temporarily impact approximately 2,208 lf of watercourse;

7. To replace one (1) existing culvert and will include the construction of nine (9) new culverts; and

8. To replace an existing culvert (Culvert 1a) with a temporary structure that will be removed upon completion of the stream relocations.

The aforementioned activities will result from the construction of Stage III, of the Residual Waste Landfill, at the Conemaugh Generating Station, in West Wheatfield Township, Indiana County (New Florence, PA Quadrangle N: 4.04 inches; W: 9.24 inches; Latitude: 40°-23'-50"; Longitude: -79°03'59").

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

E4129-088: Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, PA 16365, Cummings Township, **Lycoming County**, ACOE Baltimore District. To construct, operate, and maintain:

1) a 24-inch gas pipeline, fiber optic cable, and a timber mat bridge impacting 72 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Jersey Mills, PA Quadrangle 41°20'09"N 77°22'40"W);

2) a 24-inch gas pipeline, fiber optic cable, and a timber mat bridge impacting 1,407 square feet of palustrine emergent (PEM) wetland (Jersey Mills, PA Quadrangle 41°20'18"N 77°22'45"W);

3) a 24-inch gas pipeline and a fiber optic cable impacting 2 linear feet of Bush Run (EV) (Jersey Mills, PA Quadrangle 41°20'29"N 77°22'51"W);

4) a 24-inch gas pipeline, fiber optic cable, and a timber mat bridge impacting 543 square feet of palustrine emergent (PEM) wetland (Jersey Mills, PA Quadrangle 41°21'12"N 77°22'57"W);

5) a 24-inch gas pipeline, fiber optic cable, and a timber mat bridge impacting 97 square feet of palustrine emergent (PEM) wetland (Jersey Mills, PA Quadrangle 41°21'24"N 77°23'11"W).

The project will result in a total of 74 linear feet of stream impacts and 0.05 acre of wetland impacts all for the purpose of installing a natural gas gathering line, fiber optic cable, and temporary access roadways for Marcellus well development.

E5829-084. Apolacon Township; Talisman Energy USA, Inc.; 337 Daniel Zenker Drive, Horseheads, NY 14845; Apolacon Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. Right of way impacting 511 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle: 41° 58' 45" N; -76° 05' 39" W),

2. Timber mat bridge crossing impacting 79 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle: 41° 58' 44" N; -76° 05' 39" W),

3. Timber mat bridge crossing impacting 1,219 square feet (0.03 acre) of a palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle: 41° 58' 43" N; -76° 05' 37" W),

4. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber bridge crossing impacting 105 lineal feet of an unnamed tributary to Apalachin Creek (CWF, MF) (Friendsville, PA Quadrangle: 41° 58' 42" N; -76° 05' 36" W),

5. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber bridge crossing impacting 81 lineal feet of an unnamed tributary to Apalachin Creek (CWF, MF) (Friendsville, PA Quadrangle: 41° 58' 35" N; -76° 05' 32" W),

6. Right of way impacting 28 lineal feet of an unnamed tributary to Apalachin Creek (CWF, MF) (Friendsville, PA Quadrangle: 41° 58' 34" N; -76° 05' 31" W),

7. Timber mat bridge crossing impacting 34 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle: 41° 58' 26" N; -76° 05' 33" W),

8. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber mat bridge crossing impacting 10,007 square feet (0.23 acre) of a palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle: 41° 58' 24" N; -76° 05' 33" W),

9. Timber bridge crossing impacting 14 lineal feet of an unnamed tributary to Apalachin Creek (CWF, MF) (Friendsville, PA Quadrangle: 41° 58' 22" N; -76° 05' 33" W),

10. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber mat bridge crossing impacting 1,366 square feet (0.03 acre) of a palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle: 41° 58' 22" N; -76° 05' 33" W).

The project consists of constructing approximately 0.94 miles of 12" steel natural gas gathering line and a 6" flex-steel waterline connecting well sites located in

Apolacon Township, Susquehanna County, to connect the Thorne 080 well pad to the Hillis Field Riser. The project will result in 228 lineal feet of temporary stream impacts and 13,216 square feet (0.30 acre) of temporary wetland impacts all for the purpose of conveyance of Marcellus Shale natural gas to market.

E5729-020 amendment: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Forks Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter natural gas line impacting 5 linear feet of Streby Run (EV, MF) (Overton, PA Quadrangle, Latitude: 41°33'24", Longitude: -76°31'02"),

2. a 16 inch diameter natural gas line and a timber mat bridge impacting 126 linear feet of an unnamed tributary to Streby Run (EV, MF) (Overton, PA Quadrangle, Latitude: 41°33'09", Longitude: -76°31'14"),

The project will result in 131 linear feet and 887 square feet of temporary stream impacts all for the purpose of installing a natural gas line with associated access roadways.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-2 #ESG14-065-0002—K16-A Pipeline

Applicant Seneca Resources Corporation

Contact Mr. Doug Kepler

Address 5800 Corporate Drive Suite 300

City Pittsburgh State PA Zip Code 15237

County Pine Creek and Warsaw Townships, Jefferson County

Receiving Stream(s) and Classification(s) Tributary 48591 to Mill Creek, CWF; UNT to Tributary to 48591 to Mill Creek, CWF; UNT to Tributary to 48592 to Mill Creek, CWF

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-2 # ESX29-115-14-0102

Applicant Name Williams Field Services Company, LLC
Contact Person Sandra Lojek
Address Park Place Corporate Center 2, 2000 Commerce Drive

City, State, Zip Pittsburgh, PA 15275-1026

County Susquehanna County

Township(s) Harford Township

Receiving Stream(s) and Classification(s) UNTs to East Branch Martins Creek, Leslie Creek, Nine Partners Creek, Partners Creek, and Martins Creek (CWF/MF)

ESCGP-2 # ESX10-015-0213 (01)

Applicant Name Talisman Energy USA, Inc.

Contact Person Joseph Katruska

Address 50 Pennwood Place

City, State, Zip Warrendale, PA 15086

County Bradford County

Township(s) Warren Township

Receiving Stream(s) and Classification(s) UNT to Wappasening Creek (CWF/MF), Wappasening Creek (CWF/MF)

ESCGP-2 # ESX10-015-0252 (01)

Applicant Name Talisman Energy USA, Inc.

Contact Person Joseph Katruska

Address 50 Pennwood Place

City, State, Zip Warrendale, PA 15086

County Bradford County

Township(s) Orwell Township

Receiving Stream(s) and Classification(s) Trout Stream (CWF/MF)

ESCGP-2 # ESX10-015-0282 (01)

Applicant Name Talisman Energy USA, Inc.

Contact Person Joseph Katruska

Address 50 Pennwood Place

City, State, Zip Warrendale, PA 15086

County Bradford County

Township(s) Warren Township

Receiving Stream(s) and Classification(s) UNT to Corbin Creek (CWF/MF), Corbin Creek (CWF/MF)

ESCGP-2 # ESX11-015-0075 (01)

Applicant Name Talisman Energy USA, Inc.

Contact Person Joseph Katruska

Address 50 Pennwood Place

City, State, Zip Warrendale, PA 15086

County Bradford County

Township(s) Windham Township

Receiving Stream(s) and Classification(s) UNT to Wyox Creek (CWF/MF)

ESCGP-2 # ESX10-015-0379 (01)

Applicant Name Talisman Energy USA, Inc.

Contact Person Joseph Katruska

Address 50 Pennwood Place

City, State, Zip Warrendale, PA 15086

County Bradford County

Township(s) Warren Township

Receiving Stream(s) and Classification(s) UNT to Pendleton Creek (CWF/MF)

ESCGP-2 # ESX10-015-0214 (01)

Applicant Name Talisman Energy USA, Inc.

Contact Person Joseph Katruska

Address 50 Pennwood Place

City, State, Zip Warrendale, PA 15086

County Bradford County

Township(s) Warren & Windham Townships

Receiving Stream(s) and Classification(s) Wappasening

Creek (CWF/MF);

Secondary: Susquehanna River

ESCGP-2 # ESX11-015-0005 (01)

Applicant Name Talisman Energy USA, Inc.

Contact Person Joseph Katruska

Address 50 Pennwood Place

City, State, Zip Warrendale, PA 15086

County Bradford County

Township(s) Warren Township

Receiving Stream(s) and Classification(s) UNT to Wappasening Creek (CWF/MF);

Secondary: Wappasening Creek

ESCGP-2 # ESX11-113-0005 (01)

Applicant Name Chief Oil & Gas, LLC

Contact Person Jeffrey Deegan

Address 6051 Wallace Road, Ext Suite 300

City, State, Zip Wexford, PA 15090

County Sullivan County

Township(s) Cherry Township

Receiving Stream(s) and Classification(s) UNT to Lick Creek (EV), UNT to Marsh Run (EV), UNT to Bowman Creek;

Secondary: Little Loyalsock Creek (EV)

ESCGP-2 # ESX11-117-0125 (01)

Applicant Name SWEPI LP

Contact Person Jason Shoemaker

Address 2100 Georgetown Drive, Suite 400

City, State, Zip Sewickley PA 15143

County Tioga County

Township(s) Sullivan Township

Receiving Stream(s) and Classification(s) UNT Corey Creek (CWF/MF), UNT Fellow Creek (CWF/MF);

Secondary: Tioga River

ESCGP-2 # ESX10-015-0349 (01)

Applicant Name Talisman Energy USA, Inc.

Contact Person Joseph Katruska

Address 50 Pennwood Place

City, State, Zip Warrendale, PA 15086

County Bradford County

Township(s) Orwell and Warren Townships

Receiving Stream(s) and Classification(s) Beaver Creek (CWF/MF), Pendleton Creek (CWF/MF)

Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh, PA

ESCGP-2 No: ESX14-059-0069

Applicant Name: Noble Energy Inc

Contact Person Nicholas Frosini

Address: 333 Technology Drive Suite 116

City: Canonsburg State: PA Zip Code: 15317

County: Greene Township: Richhill

Receiving Stream(s) and Classifications: South Fork; Other Trout Stocking Fishes (TST)

ESCGP-2 No.: ESX14-125-0051

Applicant Name: Chevron Appalachia LLC

Contact Person: Branden Weimer

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Washington Township(s): Deemston, West Bethlehem

Receiving Stream(s) and Classifications: UNTs to Tenmile Creek UNTs to Plum Run / Tenmile Creek Watershed; Other TSF; Siltation-Impaired

ESCGP-2 No.: ESX14-125-0061

Applicant Name: Rice Drilling B LLC

Contact Person: Joseph C Mallow

Address: 171 Hillpointe Drive Suite 301

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): Bentleyville Boro & Fallowfield Twps
 Receiving Stream(s) and Classifications: 3 UNTs to Pigeon Creek / Monongahela River; Other Warm Water Fishery (WWF)

ESCGP-2 No.: ESX14-125-0035
 Applicant Name: Rice Poseidon Midstream LLC
 Contact Person: Kyle Shirey
 Address: 171 Hillpointe Drive Suite 301
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): North Bethlehem and Somerset

Receiving Stream(s) and Classifications: #26683 South Branch Pigeon Creek; Other Warm Water Fishery WWF

ESCGP-2 No.: ESX14-007-0020
 Applicant Name: PennEnergy Resources LLC
 Contact Person: Robert A Crissinger
 Address: 1000 Commerce Drive Park Place One Suite 100
 City: Pittsburgh State: PA Zip Code: 15275
 COUNTY Beaver Township(s): New Sewickley
 Receiving Stream(s) and Classifications: UNTs to Brush Creek; Other WWF

SPECIAL NOTICES

Draft Hazardous Permit; Notice of Intent to Issue a Hazardous Waste Permit

The Commonwealth of Pennsylvania, Department of Environmental Protection (DEP) intends to issue to Safety-Kleen Systems, Inc. (Safety-Kleen) a Solid Waste Management Act Permit. This permit is a renewal of the permit to operate a Hazardous Waste storage facility in Hanover Township, Luzerne County. The renewed permit will allow the existing Facility to remain in operation for another ten (10) years. This permit does not authorize any processing, treatment, or disposal of waste at this facility. The existing HW Storage Facility receives and temporarily stores approved hazardous and residual (non-hazardous) wastes prior to off-site disposal or other disposition at a permitted facility. Part of Safety-Kleen's operation involves the renting out of "parts washing equipment" for off-site usage, then returning the used solvents to Safety-Kleen for shipment to off-site recycling or disposal facilities. The wastes are stored inside secondary containment either within an approved aboveground storage tank, or within the original containers or shipping containers such as DOT-approved 55 gallon sized drums. The facility also has a "drum washing system" on site.

The public will be given forty-five (45) days to comment on the draft permit, issued December 12, 2014 and prepared under the Solid Waste Management Act. The comment period will begin on December 12, 2014 and will end on January 26, 2015. Any person interested in commenting on the application or draft permit must do so within this comment period. An information repository has been established at the Safety-Kleen facility. To schedule an appointment to view the draft permit and related information at Safety-Kleen, contact Greg Chiappini at 814-786-7540. In addition, copies of the application, draft permit and fact sheet for the Hazardous Waste Facility may be reviewed at the Pennsylvania Department of Environmental Protection, Northeast Regional Office at 2 Public Square, Wilkes-Barre, PA 18701-1915. Please contact Tracey L. McGurk at 570-826-2511 for further information. A copy of the draft permit will be provided to Hanover Township and Luzerne County who may also make the draft permit available for review.

All persons wishing to comment on any of the permit conditions or permit application should submit the comments in writing to the Department of Environmental Protection (DEP), Waste Management Program, 2 Public Square, and Wilkes-Barre, PA 18701-1915; Attention Roger Bellas, Regional Solid Waste Manager. Comments should include all reasonably available references, factual grounds and supporting materials.

When making a determination regarding the issuance of a hazardous waste permit to Safety-Kleen the Department of Environmental Protection will consider all written comments received during the comment period, the requirements of the hazardous waste regulations of 25 Pa. Code Chapters 260—270, and the Department of Environmental Protection's permitting policies.

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of November 2014 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Jeffrey Arms	170 Sylvan Dr. Pottstown, PA 19465	Testing
Sandy Bender	PO Box 562 Jonestown, PA 17038	Laboratory Analysis
Roger Burens	630 Freedom Business Center 3rd Floor King of Prussia, PA 19406	Mitigation
Spencer Conrad	555 Jamestown St. Philadelphia, PA 19128	Mitigation
Ronald Crescente	2662 Tacoma Dr. Blakeslee, PA 18610	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Aaron Cunningham	1 Howe Ct. Glen Mills, PA 19342	Testing
Ronald Eckenroth	1006 Greenway Ter. Reading, PA 19607	Testing
Bruce Eichenlaub	535 Derr Hill Rd. Lock Haven, PA 17745	Testing
Daryl Festa	47-A Progress Ave. Cranberry Twp., PA 16066	Testing
Michael Gelsick	537 Maurus St. Saint Mary, PA 15857	Testing
Aaron Glick	2061 Kenbrook Rd. Lebanon, PA 17046	Testing
Glenn Gray	PO Box 444 Girard, OH 44420	Testing & Mitigation
Allan Lenhardt	1419 Rock Glen Rd. Bloomsburg, PA 17815	Testing & Mitigation
Chris Matteson	50 N. Linden Rd., #31 Hershey, PA 17033	Testing
Brendan Middaugh	882 Range End Rd. Dillsburg, PA 17019	Testing & Mitigation
Greg Panyko	345 Glaser Ave. Pittsburgh, PA 15202	Testing
Douglas Redfern Enviro Management Group, LLC	127 W. College Ave., Ste. B Pleasant Gap, PA 16823	Mitigation
Ray Remsnyder	1738 N. 3rd St., Ste. A Harrisburg, PA 17102	Testing
Safe-Buy Home Inspection, LLC	7844 Old Rte. 56 Hwy. W. Indiana, PA 15701	Testing
Kenneth Struder	PO Box 72722 Thorndale, PA 19372	Testing
James Vellella	5990 University Blvd., Ste. 12 Box 161 Moon Twp., PA 15108	Testing
Virtus Group, The	3544 N. Progress Ave Ste. 200 Harrisburg, PA 17110	Mitigation
Steven Wesler Radon Protection Systems, Inc.	6168 Stump Rd. Pipersville, PA 18947	Testing & Mitigation

[Pa.B. Doc. No. 14-2561. Filed for public inspection December 12, 2014, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at www.elibrary.dep.state.pa.us. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance Document

DEP ID: 563-2112-228. *Title:* Guidelines for the Beneficial Use of Coal Ash at Coal Mines. *Description:* This guidance explains new requirements for the beneficial use of coal ash under the provisions of 25 Pa. Code Chapter 290 (relating to beneficial use of coal ash). It clarifies

implementation of new requirements in areas such as water monitoring, ash quality monitoring and certification of coal ash sources.

Written Comments: Interested persons may submit written comments on this draft technical guidance documents by January 13, 2015. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail must include the originator's name and address. Written comments should be submitted to Sharon Hill, Department of Environmental Protection, Bureau of Mining Programs, Rachel Carson State Office Building, P. O. Box 8461, Harrisburg, PA 17105-8461, shill@pa.gov.

Contact: Sharon Hill, (717) 787-6842, shill@pa.gov.

Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

DANA K. AUNKST,
Acting Secretary

[Pa.B. Doc. No. 14-2562. Filed for public inspection December 12, 2014, 9:00 a.m.]

Proposed State Implementation Plan Revision; Base Year Inventory for the Lyons Nonattainment Area for the 2008 Lead National Ambient Air Quality Standards; Public Hearing

Lead that is emitted into the air can be inhaled or, after it settles out of the air, ingested. Once in the body, lead is rapidly absorbed into the bloodstream and results in a broad range of health effects, including effects on the blood, central nervous system, cardiovascular and immune systems and kidneys. Children are especially affected by lead exposure. Lead concentrations in ambient air above the Federal National Ambient Air Quality Standard (NAAQS) pose a serious human health threat.

On October 15, 2008, the United States Environmental Protection Agency (EPA) promulgated a more stringent lead NAAQS of 0.15 micrograms per cubic meter and established an identical secondary standard. In November 2010, the EPA designated the Lyons Area as nonattainment for the 2008 NAAQS. The nonattainment boundaries for the Lyons Area include the Kutztown Borough, Lyons Borough, Maxatawny Township and Richmond Township in Berks County. A revision to the State Implementation Plan (SIP) demonstrating attainment of the 2008 lead NAAQS, as expeditiously as practicable but no later than 5 years after the effective date of the designations (December 31, 2015), was due to the EPA by June 30, 2012.

Based on 2011-2013 quality assured, quality controlled and certified ambient monitoring data, the EPA has proposed to determine that the Lyons Area is monitoring attainment of the 2008 lead NAAQS. See 79 FR 46211 (August 7, 2014). The issuance of a final "Clean Data" determination by the EPA will suspend certain planning requirements including the attainment demonstration, reasonably available control measures, a reasonable further progress plan and contingency measures. Submission of the base year inventory to the EPA will satisfy the SIP requirements for the Lyons Area, as long as the area continues to attain the 2008 lead NAAQS.

The Department of Environmental Protection (Department) is seeking public comment on the SIP revision containing the comprehensive 2011 base year inventory

required under section 172(c)(3) of the Federal Clean Air Act (CAA) (42 U.S.C.A. § 7502(c)(3)) for a nonattainment area. The Commonwealth's proposed SIP revision for the Lyons Area is available on the Department's web site at www.dep.state.pa.us (select "Air," then "Bureau of Air Quality," then "Regulations and Clean Air Plans," then "State Implementation Plan") or through the following contact persons.

The Department has scheduled a public hearing to receive comments on the proposal on Wednesday, January 14, 2015, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. Persons wishing to present testimony at the hearing should contact Alex Haas, Bureau of Air Quality, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-9495, alehaas@pa.gov to reserve a time. Witnesses should keep testimony to 10 minutes or less and should also provide two written copies of their statement at the hearing.

If by Monday, January 12, 2015, no person has expressed an interest in testifying at the hearing, the hearing will be cancelled. The Department will provide public notice on the Bureau of Air Quality webpage at www.dep.state.pa.us (select "Air," then "Bureau of Air Quality") if the hearing is cancelled. Persons may also contact the Department to find out if the hearing is cancelled by contacting Alex Haas, (717) 787-9495, alehaas@pa.gov.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Alex Haas, (717) 787-9495, alehaas@pa.gov. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than January 15, 2015. Written comments should be sent to the attention of Deb Wehr, Bureau of Air Quality, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, dwehr@pa.gov. Use "Lyons Inventory" as the subject line in written communication.

DANA K. AUNKST,
Acting Secretary

[Pa.B. Doc. No. 14-2563. Filed for public inspection December 12, 2014, 9:00 a.m.]

Requirement to Submit Emissions Inventory Data for Natural Gas Activities

The Department of Environmental Protection (Department) is notifying all owners and operators of companies involved in certain natural gas related activities across this Commonwealth that they must submit to the Department source reports on their facilities' air emissions for 2014. In accordance with section 4(3) of the Air Pollution Control Act (35 P.S. § 4004(3)) and 25 Pa. Code § 135.3 (relating to reporting), the Department is authorized to collect air quality emissions inventories, including those from owners and operators of facilities engaged in the following: coal bed methane gas compressing, processing and related activities; unconventional natural gas development, production, transmission, processing and related activities; and conventional natural gas compressing, processing and related activities. Complete source reports, including emissions data, for 2014 should be submitted to

the Department no later than March 1, 2015. Subsequent source reports and annual emissions inventories will be due to the Department by March 1st each year for operations during the preceding calendar year.

The sources and activities that the Department has identified as subject to the emissions reporting requirements include, but are not limited to: drill rigs, well heads and well completions (unconventional natural gas activities); compressor stations; dehydration units; fugitives, such as connectors, flanges, pump lines, pump seals and valves; heaters and reboilers; pneumatic controllers and pumps; stationary engines; tanks, pressurized vessels and impoundments; venting; and blow down systems.

The Department is also notifying any owner and operator of compressor stations, regardless of the natural gas processed, that complete source reports should be submitted.

Emission statements required for stationary sources emitting 50 and 100 tons per year of volatile organic compounds and oxides of nitrogen, respectively, should have already been submitted to the Department as required under 25 Pa. Code § 135.21 (relating to emission statements).

Additional information may be obtained by contacting Karen Gee, Department of Environmental Protection, Bureau of Air Quality, Air Information Section, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg PA 17105-8468, (717) 783-9241, kgee@pa.gov.

DANA K. AUNKST,
Acting Secretary

[Pa.B. Doc. No. 14-2564. Filed for public inspection December 12, 2014, 9:00 a.m.]

Submission Deadline for Application for Reimbursement for Certified Host Municipality Inspectors under Act 101 (Section 1102), the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 and Act 108 (Section 304), the Hazardous Sites Cleanup Act of 1988

The Department of Environmental Protection (Department) announces the submission deadline for 2014 Host Municipality Inspector Program (program) reimbursement applications as March 31, 2015. Reimbursements are available to municipalities under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. §§ 4000.101—4000.1904) and the Hazardous Sites Cleanup Act (Act 108) (35 P. S. §§ 6020.101—6020.1305). Municipalities include cities, boroughs, incorporated towns, townships and home-rule municipalities.

Reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities, or from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements are available to any municipality that has a municipal waste landfill, resource recovery facility or commercial hazardous waste storage, treatment and disposal facility located within its geographic borders. Upon application from any host municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of up to two certified Host Municipality Inspectors. The reimbursement shall not exceed 50% of the approved costs of salaries and expenses. Reimbursement is available only for Host Municipality Inspectors trained and certified by the Department.

The application for reimbursement is available on the Department's web site at www.dep.state.pa.us (Keyword: "Host Municipality Inspector"). The application contains tables for specifying the itemized expenses for certified inspectors and for calculating the total reimbursement request. Complete instructions are included with the application, which is being distributed to all municipalities that have participated in the program.

Questions regarding reimbursement and the program should be directed to Christopher Solloway, Department of Environmental Protection, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 783-2388, csolloway@pa.gov.

The deadline for submitting applications is 4:30 p.m. on March 31, 2015. Applications postmarked after the deadline will not be considered.

DANA K. AUNKST,
Acting Secretary

[Pa.B. Doc. No. 14-2565. Filed for public inspection December 12, 2014, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Lease Office Space to the Commonwealth Pike County

Proposers are invited to submit proposals to the Department of General Services to provide the Department of Human Services with 5,887 usable square feet of office space in Pike County. Downtown locations will be considered. For more information on SFP No. 94655, which is due on January 26, 2015, visit www.dgs.state.pa.us or contact Pete Kafkalas, Bureau of Real Estate, (717) 525-5231, pkafkalas@pa.gov.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-2566. Filed for public inspection December 12, 2014, 9:00 a.m.]

Real Estate for Sale Westmoreland County

The Department of General Services (Department) will accept bids for the purchase of 103.75 acres ± of land and 285,048 square feet ± of buildings that together were formerly known as the State Correctional Institute at Greensburg, located at 165 SCI Lane, Hempfield Township, Westmoreland County. Bids are due Wednesday, February 18, 2015. Interested parties wishing to receive a copy of Solicitation No. 94657 should view the Department's web site at www.dgs.state.pa.us or call Jeff Higgins, (717) 705-6920.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-2567. Filed for public inspection December 12, 2014, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Carlisle Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Endoscopy Center has requested an exception to the requirements of subparagraph (ii) of the definition of "classification levels" in 28 Pa. Code § 551.3 (relating to definitions), regarding Class B and PS III patients.

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 and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-2568. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Chambersburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Chambersburg Hospital has requested exceptions to the requirements of 28 Pa. Code §§ 138.2, 138.15 and 138.17 (relating to definitions; high-risk cardiac catheterizations; and PTCA).

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,
Secretary

[Pa.B. Doc. No. 14-2569. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Easton Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Easton Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *2014 Guidelines for Design and Construction of Health Care Facilities*. The facility specifically requests exemptions from the following standards contained in this publication: 2.1-2.4.3.9(1)(b), 2.5-2.2.6.13(1), 2.5-2.4.2.2 and 2.5-3.1.1.

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,
Secretary

[Pa.B. Doc. No. 14-2570. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Elite Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Elite Surgery Center has requested exceptions to the requirements of 28 Pa. Code § 569.35(7) (relating to general safety precautions), regarding flammable agents in ASF.

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,
Secretary

[Pa.B. Doc. No. 14-2571. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Endoscopy Center of Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Endoscopy Center of Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

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,
Secretary

[Pa.B. Doc. No. 14-2572. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Grand View Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grand View Hospital has requested an exception to the requirements of 28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations).

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,
Secretary

[Pa.B. Doc. No. 14-2573. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Holy Redeemer Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Holy Redeemer Hospital has requested an exception to the requirements of 28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations).

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,
Secretary

[Pa.B. Doc. No. 14-2574. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Indiana Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Indiana Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *2014 Guidelines for Design and Construction of Health Care Facilities*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-6.1.4 and 3.1-7.2.2.1 (relating to public toilets; and corridor widths).

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,
Secretary

[Pa.B. Doc. No. 14-2575. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Lowry Surgicenter for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lowry Surgicenter has requested an exception to the requirements of subparagraph (ii) of the definition of "classification levels" in 28 Pa. Code § 551.3 (relating to definitions), regarding Class B and PS III patients.

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.

Those 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 and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Division at the previously listed address or phone number, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-2576. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Meadville Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Meadville Medical Center has requested an exception to the requirements of 28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations).

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,
Secretary

[Pa.B. Doc. No. 14-2577. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of OSS Orthopaedic Hospital, LLC (Internal Medicine) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that OSS Orthopaedic Hospital, LLC (Internal Medicine) has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *2014 Guidelines for Design and Construction of Health Care Facilities*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-1.3.3, 3.1-6.2.1, 3.1-3.2.2.2, 3.1-5.5.1.1, 3.1-7.2.2.1, 3.1-7.2.3.1, 3.2-6.3.3.1 and 3.2-6.4.1.

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,
Secretary

[Pa.B. Doc. No. 14-2578. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Penn Highlands DuBois (Ambulatory Surgery Center at 90 Beaver Drive) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn Highlands DuBois (Ambulatory Surgery Center at 90 Beaver Drive) has requested exceptions to the requirements of 28 Pa. Code § 553.1 (relating to principle), regarding governing bodies; § 553.31(b) (relating to administrative responsibilities); § 555.1 (relating to principle), regarding medical staff; § 557.1 (relating to policy), regarding quality assurance and improvement; § 563.1 (relating to principle), regarding medical records; § 563.2 (relating to organization and staffing), regarding medical records; § 567.2 (relating to committee responsibilities), regarding environmental services; and § 569.1 (relating to principle), regarding fire and safety services.

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,
Secretary

[Pa.B. Doc. No. 14-2579. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Penn Highlands DuBois (DuBois Regional Medical Center) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn Highlands DuBois (DuBois Regional Medical Center) has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

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,
Secretary

[Pa.B. Doc. No. 14-2580. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Penn Highlands DuBois (Ophthalmology at 24 Doctors Lane, Suite 200) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn Highlands DuBois (Ophthalmology at 24 Doctors Lane, Suite 200) has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *2010 Guidelines for Design and Construction of Health Care Facilities*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-3.2.3.2(1), 3.1-3.6.6.1, 3.1-3.6.6.2, 3.1-3.6.6.3, 3.1-3.6.6.4, 3.1-7.2.2.3(b) and 3.1-3.8.1.

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,
Secretary

[Pa.B. Doc. No. 14-2581. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Pinnacle Health Systems—Harrisburg for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health Systems—Harrisburg has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *2014 Guidelines for Design and Construction of Health Care Facilities*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-3.2 (relating to observation units).

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,
Secretary

[Pa.B. Doc. No. 14-2582. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Select Specialty Hospital—Pittsburgh/UPMC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital—Pittsburgh/UPMC has requested exceptions to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing 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,
Secretary

[Pa.B. Doc. No. 14-2583. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Surgery Center of Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgery Center of Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

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,
Secretary

[Pa.B. Doc. No. 14-2584. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of UPMC Horizon Shenango Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Horizon Shenango Campus has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *2014 Guidelines for Design and Construction of Health Care Facilities*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-2.2.2.7(2)(a)(i) (relating to patient bathing facilities).

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,
Secretary

[Pa.B. Doc. No. 14-2585. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of UPMC St. Margaret for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC St. Margaret has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *2010 Guidelines for Design and Construction of Health Care Facilities*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-3.2.2.2(1), 3.1-3.2.2.2(2)(a), 3.1-3.2.2.3 and 3.1-7.2.2.3(2)(a).

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,
Secretary

[Pa.B. Doc. No. 14-2586. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Vascular Access Center of Pittsburgh, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Vascular Access Center of Pittsburgh, LLC has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *2014 Guidelines for Design and Construction of Health Care Facilities*. The facility specifically requests an exemption from the following standards contained in this publication: Table 3.1-3 Station Outlets for Oxygen, Vacuum and Medical Air Systems in Outpatient Facilities (relating to outpatient operating room vacuum requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-2587. Filed for public inspection December 12, 2014, 9:00 a.m.]

Application of Vascular Access Centers—King of Prussia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Vascular Access Centers—King of Prussia has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained

in the following publication: *2014 Guidelines for Design and Construction of Health Care Facilities*. The facility specifically requests an exemption from the following standards contained in this publication: Table 3.1-3 Station Outlets for Oxygen, Vacuum and Medical Air Systems in Outpatient Facilities (relating to outpatient operating room vacuum requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-2588. Filed for public inspection December 12, 2014, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

The Lafayette-Redeemer (a d/b/a entity of HRHS)
8580 Verree Road
Philadelphia, PA 19111
FAC ID # 125602

ManorCare Health Services—Oxford Valley
1480 Oxford Valley Road
Yardley, PA 19067
FAC ID # 125802

ManorCare Health Services—Pottstown
724 North Charlotte Street
Pottstown, PA 19464
FAC ID # 380402

Saint Joseph's Manor (a d/b/a entity of HRHS)
1616 Huntingdon Pike
Meadowbrook, PA 19046
FAC ID # 451002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction):

Riverwoods
3201 River Road
Lewisburg, PA 17837
FAC ID # 121702

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,
Secretary

[Pa.B. Doc. No. 14-2589. Filed for public inspection December 12, 2014, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Consumer Price Index Adjustment of Base Amounts on Bids Effective January 1, 2015

Each year the Department of Labor and Industry (Department) is required by the following statutes to publish changes to the base amounts triggering the requirement for public bids, telephonic bids and/or separate bids for certain contracts. The Department is required to announce the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U): All items CPI-U for the United States city average for the 12-month period ending September 30 of each year. The Department utilizes the most current nonseasonally adjusted series, as published by the United States Bureau of Labor Statistics (BLS), which at present uses 1982-1984 as the index base period (set equal to 100). The percentage change for the 12-month period ending September 30, 2014, is 1.7%.

The change to the base rate is determined as follows:

1) Calculate the percentage change in CPI-U (I) from September 2013 to September 2014. This is derived as $I = \frac{CPI_{14} - CPI_{13}}{CPI_{13}}$, where the subscripts refer to September 2014 and 2013 values of CPI-U. As reported by the BLS these values are $(238.031 - 234.149) / 234.149 = 3.82 / 234.149 = 1.6579\%$, which when rounded to 1 decimal place = 1.7%. (This was also reported as 1.7% in Table A of the BLS news release on the Consumer Price Index Summary for September 2014).

2) The legislation puts a floor of 0 and a cap of 3% on the percentage change to be utilized in the calculations (technically these restrictions are on the Preliminary Adjusted Base (PAB), defined in step 4, however this is mathematically equivalent). The truncated value of the percentage change to be used in the adjustment formula is denoted as PC, resulting in:

- a) $PC = I$, for $0 \leq I \leq 3\%$,
 b) $PC = 0$, for $I < 0$ and
 c) $PC = 3\%$, for $I > 3\%$.

3) The base value (either original for new legislation or the prior year's PAB) is designated as B and the product of B and PC (determined previously) is P. (There are different values of the base depending on the entity and the type of bid, so technically B could be designated with two subscripts. For illustration purposes, the subscripts are omitted). Then $P = PC * B$. A common value for the

base amount in 2014 for a public bid is \$19,096.44. (The other two prior PABs, which are this year's bases for a variety of bid types, were \$10,322.4 and \$25,806). For example, using $B = 19,096.44$, results in $P = 19,096.44 * 1.7\% = 324.64$.

4) Then the preliminary adjusted base, $PAB = P + B$, which reduces to $324.64 + 19,096.44 = 19,421.08$.

5) The final adjusted base amount, FAA (which is used as the limit for the next year that is 2015), is the PAB rounded to the nearest 100. Therefore the FAA = 19,400.

Final Adjusted Base Amount for use in 2015

<i>Entity and Legislation</i>	<i>Public Bid</i>	<i>Written/ Telephonic Bid</i>	<i>Separate Bids</i>	<i>Concessions</i>
The County Code (16 P. S. §§ 1801—1803 and 2317)	19,400.00	10,500.00	19,400.00	
Second Class County Code (16 P. S. §§ 3112, 5001, 5511-A and 5517)	19,400.00	10,500.00	19,400.00	
Public School Code (24 P. S. §§ 1-120, 7-751 and 8-807.1)	19,400.00	10,500.00	19,400.00	
Public School Code, Thaddeus Stevens College of Technology (24 P. S. § 19-1913.1-B)	19,400.00			
Public School Code, State System of Higher Education (24 P. S. §§ 20-2003-A.1 and 20-2010-A)	19,400.00			
Prevention and Control of Floods, Flood Control Districts (32 P. S. §§ 662 and 662.1)	19,400.00			
Housing Authorities (35 P. S. § 1551)	19,400.00	10,500.00		
Intergovernmental Cooperation (53 Pa.C.S. §§ 2308, 2311 and 2312)	19,400.00	10,500.00		
General Municipal Law, Flood Control (53 P. S. § 2863)	19,400.00	10,500.00		
Political Subdivisions Joint Purchases Law (53 P. S. § 5432)	19,400.00	10,500.00		
Parking Authorities (53 Pa.C.S. § 5511)	26,200.00	10,500.00		
Municipal Authorities (53 Pa.C.S. § 5614)	19,400.00	10,500.00		
Public Auditorium Authorities Law (53 P. S. § 23851; HB 2324)	19,400.00	10,500.00		
Third Class City Code (53 P. S. §§ 36901.1, 36901.2, 36901.4, 36902, 36903.1 and 36909)	19,400.00		19,400.00	
The Borough Code (8 Pa.C.S. §§ 1402, 1403 and 1405)	19,400.00	10,500.00	19,400.00	
Incorporated Towns (53 P. S. §§ 53202, 53202.1, 53203, 53203.1 and 53205)	19,400.00	10,500.00	19,400.00	
First Class Township Code (53 P. S. §§ 56802, 56803 and 56805)	19,400.00	10,500.00	19,400.00	
Second Class Township Code (53 P. S. §§ 68102 and 68107)	19,400.00	10,500.00	19,400.00	
Economic Development Financing Law (73 P. S. § 382)	19,400.00	10,500.00		
Metropolitan Transportation Authorities (74 Pa.C.S. § 1750)	26,200.00			19,400.00

JULIA K. HEARTHWAY,
Secretary

[Pa.B. Doc. No. 14-2590. Filed for public inspection December 12, 2014, 9:00 a.m.]

DEPARTMENT OF REVENUE

Rates of Tax on Aviation Gasoline and Jet Fuel for 2015; Oil Company Franchise Tax Rate for 2015; Alternative Fuels Tax Rates for 2015

I. Aviation Gasoline and Jet Fuels

A. Aviation Gasoline Rate for 2015

Under 74 Pa.C.S. § 6121(b) (relating to tax on aviation fuels), the Secretary of Revenue (Secretary) announces that for calendar year 2015 the rate of tax on aviation gasoline and all other liquid fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in propeller-driven piston engine aircraft or aircraft engines remains at the 2014 rate of 5.9¢¹ per gallon or fractional part thereof.

B. Jet Fuel Rate for 2015

Under 74 Pa.C.S. § 6131(b) (relating to tax on jet fuels), the Secretary announces that for calendar year 2015 the rate of tax on jet fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in turbine-propeller jet, turbojet and jet-driven aircraft and aircraft engines remains at the rate of 2.0¢ per gallon or fractional part thereof.

C. Calculating the 2015 Aviation Gasoline and Jet Fuel Rates

The rate of tax on aviation gasoline is adjusted annually beginning on January 1, 1985, and each January 1 thereafter.

The rate of tax on jet fuels is adjusted annually beginning on January 1, 1986 and each January 1 thereafter. Under 74 Pa.C.S. §§ 6121(b) and 6131(b) the rate of each tax increases or decreases 0.1¢ per gallon for each 10% increase or decrease in the producer price index for jet fuel as determined by the U.S. Department of Labor, Bureau of Labor Statistics, for the most recent 12-month period available as of November 1, subject to a maximum rate of 6.0¢ per gallon for aviation gasoline and 2.0¢ per gallon for jet fuels.

On October 22, 2014, the most recently available 12-month period was September 2013 to September 2014, as reported in the Bureau of Labor Statistics, U.S. Department of Labor, Producer Price Index, September 2014, USDL-14-1940, released October 15, 2014, for which the percentage change was -2.2%. Accordingly, the 2015 aviation gasoline tax rate remains the same as the 2014 tax rate of 5.9¢ per gallon; the 2015 jet fuel tax rate will remain the same as the 2014 rate of 2.0¢ per gallon.

II. Oil Company Franchise Tax

A. Transportation Funding Act of 2013

On November 25, 2013, Governor Corbett signed into law Act 89 of 2013 which amends Title 75 to both eliminate the inflationary cap on the Oil Company Franchise Tax and the fixed 12¢ per gallon Liquid Fuels and Fuels tax. Specifically, 75 Pa.C.S. § 9002 provides for the future removal of the cap and specific wholesale prices for use in the interim years. Accordingly, the statutorily fixed average wholesale price for 2015 is \$2.49.

¹ The rate of 5.9¢ per gallon consists of 1.5¢ per gallon tax imposed by the Liquid Fuels and Fuels Tax Act, 75 Pa.C.S. § 9004(c)(1), and the 4.4¢ per gallon additional tax imposed by 74 Pa.C.S. § 6121(a), (b). As limited by 74 Pa.C.S. § 6121(b), the combined rate of these two component taxes may never exceed 6¢ per gallon or be less than 3¢ per gallon.

B. Calculating the 2015 Oil Company Franchise Tax Rate

The rate of the oil company franchise tax imposed under 75 Pa.C.S. Chapter 95 (relating to taxes for highway maintenance and construction), 75 Pa.C.S. § 9502 (relating to imposition of tax), and collected under 75 Pa.C.S. Chapter 90 (relating to liquid fuels and fuels tax), 75 Pa.C.S. § 9004(b), is determined annually by the Department of Revenue (Department) and announced by each December 15 for the following calendar year. The tax rate is determined on a “cents per gallon equivalent basis,” which is defined by 75 Pa.C.S. § 9002 as:

The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning on every January 1 and shall be published as a notice in the *Pennsylvania Bulletin* no later than the preceding December 15. In the event of a change in the rate of tax imposed by section 9502, the Department shall redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

“Average wholesale price” as used above is defined as:

The average wholesale price of all taxable liquid fuels and fuels, excluding the federal excise tax and all liquid fuels taxes shall be as follows:

- (1) After December 31, 2013, and before January 1, 2015, the average wholesale price shall be \$1.87 per gallon.
- (2) After December 31, 2014, and before January 1, 2017, the average wholesale price shall be \$2.49 per gallon.
- (3) After December 31, 2016, the average wholesale price shall be as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than \$2.99 per gallon.

As noted above, the average wholesale price of liquid fuels and fuels to be used in calculating the 2015 Oil Company Franchise tax rate shall be \$2.49.

The oil company franchise tax imposed under 75 Pa.C.S. § 9502 in terms of mills applicable to each gallon is:

<i>Imposition Section</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
75 Pa.C.S. § 9502(a)(1)	60.0	60.0
75 Pa.C.S. § 9502(a)(2)	55.0	55.0
75 Pa.C.S. § 9502(a)(3)	38.5	38.5
75 Pa.C.S. § 9502(a)(4)	00.0	55.0
75 Pa.C.S. § 9502(a)(5)	49.0	49.0
<hr/>		
Total Mills per Gallon:	202.5	257.5
Decimal Equivalent:	.2025	.2575
Multiply by Average Wholesale Price:	x \$2.49	x \$2.49
Product:	50.42¢	64.12¢

<i>Imposition Section</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
Oil Company Franchise Tax per Gallon (Rounded up to next Highest tenth)	50.5¢	64.2¢

C. Imposition of Oil Company Franchise Tax on Liquid Fuels and Fuels

The act of April 17, 1997 (P. L. 6, No. 3) provides that the oil company franchise tax as computed above is imposed when liquid fuels or fuels are used or sold and delivered in this Commonwealth. Accordingly, the tax imposed upon the use or sale and delivery of one gallon of liquid fuels (primarily gasoline) shall be 50.5¢, and the tax imposed upon the use or sale and delivery of one gallon of fuels (primarily undyed diesel fuel) shall be 64.2¢.

III. Alternative Fuels Tax Rates for 2015

Under 75 Pa.C.S. § 9004(d) the Secretary is required to compute the rate of tax applicable to each alternative fuel on a gallon-equivalent-basis. Under 75 Pa.C.S. § 9002 “gallon-equivalent-basis” is defined as the “amount of any alternative fuel as determined by the Department to contain 114,500 BTU’s.” The amount determined on a “gallon-equivalent-basis” for each alternative fuel is subject to the oil company franchise tax currently imposed on one gallon of gasoline. The rate of tax on one gallon of gasoline during the period of this notice is 50.5¢ which is equal to the Oil Company Franchise Tax.

The 2015 tax rates for Compressed Natural Gas (CNG) and Hydrogen are calculated by utilizing the unit of measurement referred to as the gasoline gallon equivalent (GGE). A GGE is the amount of alternative fuel it takes to equal the energy content of one liquid gallon of gasoline. A GGE is the most common form of measurement for gaseous fuels at the retail level. By measuring in GGEs one may make energy and cost comparisons with gasoline.

The Department recognizes the prevailing practice in private industry to adopt the “diesel gallon equivalent” or “DGE” for measuring Liquefied Natural Gas (LNG). Like the GGE, a DGE is a unit of measurement which is intended to compare the amount of energy content contained in a certain quantity of LNG to another form of energy, which for LNG, is most appropriately compared to diesel fuel. Industry standard conversions convey that 1.7 gallons of LNG would equal 1 DGE of LNG. Furthermore, because the industry practice utilizes the DGE when conveying the amount of LNG which has been dispensed to the consumer, it would be impractical for the Department to issue the tax rate on this alternative fuel in a different manner. Therefore, in accordance with industry standard practice, and consistent with the U.S. Department of Energy’s conversion formula for LNG under the DGE standard, the 2015 tax rate for LNG shall be calculated using the DGE.

The Secretary announces that the 2015 tax rates for alternative fuels are as follows:

<i>Alternative Fuel (Liquids)</i>	<i>Rate of Conversion (BTU/Gal of Alternative Fuel)</i>	<i>Tax Rate per Gallon of Alternative Fuel</i>
Ethanol	76,330	\$.338
Methanol	57,250	\$.253
Propane/LPG	84,250	\$.372
E-85	82,056	\$.363
M-85	65,838	\$.292
Electricity	3,414 BTU/kWh	\$.0152/kWh
<i>Alternative Fuels under GGE Formula (Gaseous)</i>	<i>GGE Equivalent to One Gallon of Gasoline</i>	<i>Tax Rate per GGE</i>
Compressed Natural Gas (CNG)	1	\$.505
Hydrogen	1	\$.505
<i>Liquefied Natural Gas (LNG)</i>	<i>DGE Equivalent to One Gallon of Diesel</i>	<i>Tax Rate per DGE</i>
LNG	1	\$.642

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 14-2591. Filed for public inspection December 12, 2014, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Bureau of Maintenance and Operations; Access Route Approval

Under 75 Pa.C.S. § 4908 (relating to operation of certain combinations on interstate and certain other highways), the Department of Transportation approved on November 20, 2014, the following access route for use by the types of truck combinations as indicated:

1. (X) 96" wide twin trailers (28 1/2' maximum length of each trailer).
2. (X) 102" wide 53' long trailer.
3. (X) 102" wide 48' long trailer.
4. (X) 102" wide twin trailers (28 1/2' maximum length-each).
5. (X) 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>County</i>	<i>Length Miles</i>
SR 4011 (Main Street)	From SR 209 to SR 125	Schuylkill	2.2

Questions should be directed to Matthew Hedge at (717) 772-5462.

BARRY J. SCHOCH, PE,
Secretary

[Pa.B. Doc. No. 14-2592. Filed for public inspection December 12, 2014, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Special Regulation Designations and Redesignations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates or redesignates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations and redesignations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on January 21 and 22, 2015, the Commission will consider taking the following actions with respect to waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective on January 1, 2016:

58 Pa. Code § 65.9. Big Bass Special Regulations

The Commission will consider adding the following waters to its list of "Big Bass Regulation" waters regulated and managed under 58 Pa. Code § 65.9:

<i>County</i>	<i>Water</i>
Allegheny	Marshall Lake
Washington	Reservoir Number Two
Westmoreland	Indian Lake

58 Pa. Code § 65.11. Panfish Enhancement Special Regulation

The Commission will consider adding the following waters to its list of "Panfish Enhancement Special Regulation" waters regulated and managed under 58 Pa. Code § 65.11:

<i>County</i>	<i>Water</i>	<i>Species</i>
Washington	Reservoir Number Two	Crappie
Westmoreland	Bridgeport Reservoir	Crappie and Sunfish
Westmoreland	Indian Lake	Crappie and Sunfish

The Commission also will consider removing the following water from its list of "Panfish Enhancement Special Regulation" waters:

<i>County</i>	<i>Water</i>	<i>Species</i>
Somerset	High Point Lake	Yellow Perch

At this time, the Commission is soliciting public input concerning the previously listed designations and redesignations. Persons with comments, objections or suggestions concerning the designations and redesignations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 14-2593. Filed for public inspection December 12, 2014, 9:00 a.m.]

INSURANCE DEPARTMENT

Coal Mine Compensation Rating Bureau; Workers' Compensation Loss Cost Filing

On November 26, 2014, the Insurance Department received from the Coal Mine Compensation Rating Bureau (Bureau) a filing for a loss cost level change for Workers' Compensation insurance. This filing was made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44). The Bureau requests an overall 7.1% increase in collectible loss costs, effective April 1, 2015, on a new and renewal basis. Additionally, the Bureau has calculated the Employer Assessment Factor effective April 1, 2015, to be 1.65%, as compared to the currently approved provision of 1.96%.

The entire April 1, 2015, loss cost filing is available for review on the Bureau's web site at www.cmcrbpa.com under "Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@pa.gov, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-2594. Filed for public inspection December 12, 2014, 9:00 a.m.]

Independence Blue Cross; Rate Increase Filing for Several LTC Forms

Independence Blue Cross is requesting approval to increase the premium 12% on 1,860 policyholders with the following individual LTC policy form numbers: 5019, 5025, 5313, 5024, 5018 and 5311.

Unless formal administrative action is taken prior to February 26, 2015, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-2595. Filed for public inspection December 12, 2014, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proper Service of FCC Section 63.71 Applications to the Pennsylvania Public Utility Commission; Notification to all Regulated Telecommunications Utility Companies

Under section 214(a) of the Communications Act of 1934, as amended, and the rules of the Federal Communications Commission (FCC) in 47 CFR 63.71 (relating to procedures for discontinuance, reduction or impairment of service by domestic carriers), certain telecommunications utility companies operating within this Commonwealth and under the jurisdiction of the Pennsylvania Public Utility Commission (Commission) are filing their Section 63.71 Applications with the FCC.

At the time of filing with the FCC, each company is obligated to also serve a copy of its 63.71 Application with a Certificate of Service providing proof that a copy of the 63.71 Application was served on the Office of the Governor and on the Commission overseeing the company's regulated activities in each state that is affected by the filing of the 63.71 Application.

However, it has come to the attention of the Commission that proper service is not being correctly provided by telecommunications utility companies when serving a copy of their respective Section 63.71 Applications. Although copies of the applications are being served on the Office of Governor Tom Corbett, proper service of the application is not being made on the Secretary of the Commission.

Therefore, it is necessary to remind all telecommunications utility companies regulated in this Commonwealth of their obligation under 52 Pa. Code § 1.4 (relating to filing generally) that all submittals, pleadings and other documents filed with the Commission must be made with

the Secretary of the Commission to ensure that proper notice to the Commission of the filing has been made. The Commission will notify the FCC identifying those companies that have failed to meet this obligation.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-2596. Filed for public inspection December 12, 2014, 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 December 29, 2014. 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-2014-2444973. J & E Transportation, LLC (721 West Erie Avenue, Apt. B, Philadelphia, Philadelphia County, PA 19140) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2014-2445524. City Cabs, LLC (140 South 17th Street, Harrisburg, Dauphin County, PA 17104) persons in call or demand service, in the Counties of Centre, Franklin, Juniata and Mifflin. *Attorney:* Steven K. Haas, 100 North 10th Street, Harrisburg, PA 17101.

A-2014-2447826. Fleetwood Mid-Atlantic Transportation, LLC (940 Eddystone Avenue, Eddystone, Delaware County, PA 19022) for the right to begin to transport as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Chester, Delaware and Montgomery, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Ernest S. Angelos, Esquire, Raffaele Puppio, 19 West Third Street, Media, PA 19063.

A-2014-2448055. Award Limousine Company (6621 Tabor Avenue, Philadelphia, Philadelphia County, PA 19111) for the right to begin to transport as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2014-2449185. Grannys Helping Hands PA, Inc. (P. O. Box 725, Lansdowne, PA 19050) 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, between points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia.

A-2014-2449234. Grand Limousine and Transportation Company (416 Meadowcroft Road, Radnor, PA 19087) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Michael Henry, Esquire, 2336 South Broad Street, Philadelphia, PA 19145.

A-2014-2453693. Black Diamond Transportation, LLC (2406 Society Place, Newtown, Bucks County, PA 18940) for the right to begin to transport as a common carrier, by motor vehicle, persons in limousine service, from points in Bucks County, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under the application.

A-2014-2434242. Jamie L. Frampton, t/a Shaffer's Transfer (P. O. Box 114, Stoystown, PA 15563) household goods in use, between points in the Borough of Hooversville, Somerset County, and within 18 miles by the usually traveled highways, to points in Pennsylvania, and vice versa, which is to be a transfer of all rights authorized under the certificate issued at A-00114163 to Dennis Perigo, t/a Shaffer's Transfer, subject to the same limitations and conditions.

Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2014-2449376. Walter R. Long (500 Mount Airy Road, Lot 3, Stevens, Lancaster County, PA 17578) for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, between points in the Borough of Ephrata, Lancaster County, and within an airline distance of 25 statute miles of the limits of said borough, and from points in said territory, to points in Pennsylvania, and return.

A-2014-2452835. 549 Corp t/a Keystone Ambulance (645 Main Street, Edwardsville, Luzerne County, PA 18704) for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in paratransit service, from points in Luzerne County, to points in Pennsylvania, and return. *Attorney:* Jonathan A. Spohrer, Esquire, 279 Pierce Street, Kings-ton, PA 18704-5150.

A-2014-2452852. Jacqueline M. Blanchette (644 Center Road, Quarryville, Lancaster County, PA 17566) for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

A-2014-2453037. Kenneth Gill Heimbuch (310 Jonquil Place, Pittsburgh, Allegheny County, PA 15228) for

the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in limousine service, between points in the Boroughs of Bethel Park, Dormont and Castle Shannon, the Municipality of Mount Lebanon and the Township of Upper St. Clair, all in Allegheny County.

A-2014-2453659. Baker's Transportation Service, Inc. (1400 West 1st Street, Oil City, Venango County, PA 16301) for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in paratransit service, from points in the County of Venango, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-2597. Filed for public inspection December 12, 2014, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due December 29, 2014, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Jones Limousine Service Unlimited Inc; Docket No. C-2014-2433172

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Jones Limousine Service Unlimited, Inc., respondent, maintains a principal place of business at 418 Battles Lane, Newtown Square, PA 19073.
2. That respondent was issued a Certificate of Public Convenience by this Commission for its limousine authority on August 14, 1989, at A-00108710.
3. That respondent abandoned or discontinued limousine service without filing an abandonment application with this Commission. On April 1, 2013, a voluntary suspension was granted until February 28, 2014. To date, Respondent has not filed an application to abandon/discontinue limousine authority or notified the Commission in writing to resume operations and file evidence of insurance.
4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2).

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke respondent's limousine Certificate of Public Convenience at A-00108710.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/23/2014

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

E. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-2598. Filed for public inspection December 12, 2014, 9:00 a.m.]

Water Service

A-2014-2455989. Aqua Pennsylvania, Inc. Application of Aqua Pennsylvania, Inc. for approval to begin to offer, render, furnish and supply water service to the public in an additional portion of Bear Creek Township, Luzerne 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 December 29, 2014. 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.pa.gov and at the applicant's business address.

Applicant: Aqua Pennsylvania, Inc.

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Niesen and Thomas, LLC, 212 Locust Street, Suite 600, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-2599. Filed for public inspection December 12, 2014, 9:00 a.m.]

Water Service

A-2014-2456011. The York Water Company. Application of The York Water Company for approval of The York Water Company to begin to offer or furnish water service to the public in an additional portion of York and Windsor Townships, York 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 December 29, 2014. 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.pa.gov and at the applicant's business address.

Applicant: The York Water Company

Through and By Counsel: Michael W. Hassell, Esquire, Devin T. Ryan, Esquire, Post & Schell, PC, 17 North Second Street—12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-2600. Filed for public inspection December 12, 2014, 9:00 a.m.]

Water Service

A-2014-2456012. The York Water Company. Application of The York Water Company for approval of The York Water Company to begin to offer or furnish water service to the public in an additional portion of Cumberland Township, Adams County, primarily in an area known as The Meadows Development.

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 December 29, 2014. 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.pa.gov and at the applicant's business address.

Applicant: The York Water Company

Through and By Counsel: Michael W. Hassell, Esquire, Post & Schell, PC, 17 North Second Street—12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-2601. Filed for public inspection December 12, 2014, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

**Authorization of Wheelchair Accessible Taxicab
Medallions; Doc. No. 14-004**

Order

By the Authority

The Philadelphia Parking Authority (the "Authority"), regulates all taxicab and limousine service in the City of Philadelphia (the "City").¹ The Authority is currently empowered to issue and sell 45 new taxicab medallions.²

Background

On August 5, 2014, the Authority entered an Order at Docket No. 14-003 authorizing the sale of taxicab medallions (the "August Order"). The August Order did not result in the sale of any taxicab medallions and is hereby rescinded. The background information included in the August Order is incorporated herein and is available for review on the Authority's Internet website at www.philapark.org.

¹ See 53 Pa.C.S. § 5701 et seq., as amended, (the "act").

² See 53 Pa.C.S. §§ 5711(c)(2) and 5717(a).

Therefore,

It Is Ordered That

1. The Director of the Authority's Taxicab and Limousine Division ("TLD"), or his designee (the "Director"), is authorized to administer the sale of the 45 Philadelphia taxicab medallions currently authorized by Act 119 (collectively the "45 medallions"). Each of the 45 medallions is hereby designated a WAV medallion, in perpetuity.

2. Prior to the effective date of Act 119, 1,600 medallions were authorized for issuance by statute. One of those medallions had been surrendered by the owner, which made that medallion nontransferable. However, a 1,600th medallion remains available for issuance. That medallion will be numbered "1601" (the number used to identify the surrendered and nontransferable medallion will not be used again). This issue was addressed in the Board's Order dated March 28, 2013, at Docket No. P-12-02-01.

3. In the event that the review of the Authority's March 28, 2013 Order is finally resolved in the Authority's favor, the Director is also authorized to administer the sale of medallion 1601, as provided in this Order. Medallion 1601 will be sold as a WAV medallion and remain a WAV medallion in perpetuity.

4. The 45 medallions will be identified by a numbering system to include "WP" (Wheelchair Philadelphia) before the number assigned to the medallion. The first of the 45 Medallions will be identified as "WP-1602", the second will be "WP-1603", and so on. Medallion 1601 will be identified as "WP-1601".

5. Each medallion authorized by this Order will be sold separately by sealed competitive bid, as provided by the Authority's regulations.

6. Each sealed bid for a medallion must be filed with the TLD Clerk, by hand delivery, at the TLD's headquarters at 2415 South Swanson Street, Philadelphia, PA 19148.

7. In order to be considered filed, a medallion bid must be time stamped by the TLD's Clerk.

8. The Clerk may only time stamp a medallion bid as follows:

a) Between 9:00 a.m. and 4:00 p.m. on the business day preceding the date of the scheduled medallion sale; or

b) Between 9:00 a.m. and 9:30 a.m. on the day of the scheduled medallion sale.

9. The upset price for each medallion will be \$350,000.

10. The Director may, in his discretion, remove any medallion from a scheduled bid opening date. In this case, the sale of that medallion will be rescheduled for sale as provided in this Order.

11. The Director may, in his discretion, remove any medallion from a scheduled bid opening date and place the medallion before this Board for a new sale authorization, pursuant to such terms and conditions as the Board may then impose.

12. The sealed bids for the medallions will be opened by the Director at the TLD's headquarters at 11:00 a.m. at 2415 South Swanson Street, Philadelphia, PA 19148 as follows:

a) On February 11, 2015: Medallion Nos. WP-1602 and 1603.

b) On February 18, 2015: Medallion Nos. WP-1604, WP-1605 and 1606.

c) On February 25, 2015: Medallion Nos. WP-1607, WP-1608, WP-1609 and WP-1610.

d) On March 4, 2015: Medallion Nos. WP-1611, WP-1612, WP-1613, WP-1614 and WP-1615.

e) On March 11, 2015: Medallion Nos. WP-1616, WP-1617, WP-1618, WP 1619 and WP-1620.

f) On March 18, 2015: Medallion Nos. WP-1621, WP-1622, WP-1623, WP-1624, WP-1625, WP-1626 and WP-1627.

g) On March 25, 2015: Medallion Nos. WP-1628, WP-1629, WP-1630, WP-1631, WP-1632, WP-1633 and WP-1634.

h) On April 1, 2015: Medallion Nos. WP-1635, WP-1636, WP-1637, WP-1638, WP-1639, WP-1640 and WP-1641.

i) On April 8, 2015: Medallion Nos. WP-1642, WP-1643, WP-1644, WP-1645, WP-1646 and WP-1601.

13. Medallions scheduled for bid in February, but rescheduled by the Director, may be scheduled for sale as follows:

a) On April 22, 2015: the first 5 of any medallions removed from the bid schedule.

b) On April 29, 2015: all other medallions removed from the bid schedule.

14. Medallions scheduled for bid in November, but rescheduled by the Director, may be scheduled for sale as follows:

a) On May 7, 2015: the first 5 of any medallions removed from the bid schedule.

b) On May 14, 2015: all other medallions removed from the bid schedule.

15. Medallions scheduled for bid in December, but rescheduled by the Director, may be scheduled for sale as follows:

a) On May 27, 2015: the first 5 of any medallions removed from the bid schedule.

b) On June 3, 2015: all other medallions removed from the bid schedule.

16. Upon removal of a medallion from a scheduled bid date, the Director shall promptly identify the alternate bid date that will apply to that medallion as provided for in this Order on the Authority's Internet website and through a notice published in the *Pennsylvania Bulletin*.

17. The mandatory closing date for every medallion assigned to a successful bidder is 60 days from the date of the successful bid.

18. This Board's Order dated August 5, 2014, at Docket No. 14-003 is rescinded and no further action shall be taken by the Director in furtherance of the implementation of that order.

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

20. The Executive Director shall cause this Order to be deposited with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 14-2602. Filed for public inspection December 12, 2014, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 14-135.9, Maintenance & Berth Dredging at various PRPA facilities, until 2 p.m.

on Tuesday, December 30, 2014. Information (including mandatory prebid information) can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 14-2603. Filed for public inspection December 12, 2014, 9:00 a.m.]

PORT OF PITTSBURGH COMMISSION

Financial Statement

Summary Financial Information
Derived from the Audited Financial Statements

Summary Statement of Net Position
JUNE 30, 2014

Assets	
Cash and cash equivalents	\$ 2,756,551
Capital assets, net of accumulated depreciation/amortization	949,078
Other assets	95,309
Total Assets	\$ 3,800,938
Liabilities and Net Position	
Liabilities	\$ 2,411,802
Net Position:	
Net investment in capital assets	(1,067,542)
Restricted for port development	2,456,678
Total Net Position	1,389,136
Total Liabilities and Net Position	\$ 3,800,938

Summary Statement of Revenues, Expenses, and Changes in Net Position
Year Ended June 30, 2014

Functions/Programs	Expenses	Program Revenues		Net (Expense) Revenue and Changes in Net Position
		Charges for Services	Operating Grants and Contributions	
Governmental Activities:				
Port development	\$1,700,285	\$ 2,518	\$ 546,122	\$ (1,151,645)
General revenues:				
Investment income				9,695
Change in Net Position				(1,141,950)
Net Position:				
Beginning of year				2,531,086
Ending of year				\$ 1,389,136

STEPHEN MARTINKO,
Executive Director

[Pa.B. Doc. No. 14-2604. Filed for public inspection December 12, 2014, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimant's request concerning the indicated account.

The hearings will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

February 25, 2015	Cathy E. Robertson (Independent Contractor)	1 p.m.
June 10, 2015	Timothy N. Tomko (D) Claim of Margaret Tomko (Contested Death Benefit)	1 p.m.

Persons with a disability who wish to attend the previously listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barb Book, Assistant to the Executive Director at (717) 720-4617 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 14-2605. Filed for public inspection December 12, 2014, 9:00 a.m.]

STATE POLICE

Registry for Scrap Processors and Recycling Facilities

The Scrap Recycling Facility Registration Application form is available for scrap processors and recycling facilities to register with the State Police, in accordance with the Scrap Material Theft Prevention Act (73 P. S. §§ 1943.1—1943.8). The form and general information concerning the requirements may be obtained from the State Police web site at <http://www.psp.pa.gov/Pages/Scrap-Material-Theft-Prevention-Act-79.aspx>. A registry of scrap processors and recycling facilities will be made available at the web site on January 2, 2015.

Comments, suggestions or questions should be directed to the State Police, Bureau of Criminal Investigation, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110.

COLONEL FRANK NOONAN,
Commissioner

[Pa.B. Doc. No. 14-2606. Filed for public inspection December 12, 2014, 9:00 a.m.]

STATE REAL ESTATE COMMISSION

Bureau of Professional and Occupational Affairs v. Matthew W. Brown; Doc. No. 1634-56-2014

On September 24, 2014, the State Real Estate Commission (Commission) suspended the license of Matthew W. Brown, license no. RS322297, of Montoursville and Muncy, Lycoming County. The Commission took this action under the Order of the Court of Common Pleas of Lycoming County dated September 9, 2014, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

ANNIE HANNA CESTRA,
Chairperson

[Pa.B. Doc. No. 14-2607. Filed for public inspection December 12, 2014, 9:00 a.m.]

