

# PENNSYLVANIA BULLETIN

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

**No. 520, March 2018**

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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 weekly. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. It is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations, Statewide court rules, and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, rescission, repeal or emergency action, must be published in the *Pennsylvania Bulletin*.

The following documents are published in the *Pennsylvania Bulletin*: Governor's Executive Orders; 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 rescind regulations must first publish in the *Pennsylvania Bulletin* a Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The 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. A Final Rulemaking must be published in the *Pennsylvania Bulletin* before the changes can take effect. If the agency wishes to adopt changes to the 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, Statewide court rules and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes when they are adopted. 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.

### **How to Find Rules and Regulations**

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

Source Notes give 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](http://www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm).

A quarterly List of *Pennsylvania Code* Sections Affected lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

The *Pennsylvania Bulletin* is available at [www.pabulletin.com](http://www.pabulletin.com).

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### Printing Format

#### *Rules, Regulations and Statements of Policy in Titles 1—107 of the Pennsylvania Code*

Text proposed to be added is printed in **underscored bold face**. Text proposed to be deleted is enclosed in brackets [ ] and printed in **bold face**.

Proposed new chapters and sections are printed in regular type to enhance readability. Final rulemakings and statements of policy are printed in regular type.

Ellipses, a series of five asterisks, indicate text that is not amended.

In Proposed Rulemakings and proposed Statements of Policy, existing text corresponds to the official codified text in the *Pennsylvania Code*.

#### *Court Rules in Titles 201—246 of the Pennsylvania Code*

Added text in proposed and adopted court rules is printed in **underscored bold face**. Deleted text in proposed and adopted court rules is enclosed in brackets [ ] and printed in **bold face**.

Proposed new chapters and rules are printed in regular type to enhance readability.

Ellipses, a series of five asterisks, indicate text that is not amended.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires the Governor's Budget Office to prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions and authorities receiving money from the State Treasury. The fiscal note states whether the action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions. The fiscal note is required to be published in the *Pennsylvania Bulletin* at the same time as the 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; and (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

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, 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 item (8) the recommendation, if any, made by the Secretary of the Budget is published with the fiscal note. "No fiscal impact" means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended. See 4 Pa. Code Chapter 7, Subchapter R (relating to fiscal notes).

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2018.

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# THE COURTS

## Title 255—LOCAL COURT RULES

### BEDFORD COUNTY

#### Local Rule of Judicial Administration 510; No. 1 for 2018 Administrative Doc.

##### Order of Court

And now, February 21, 2018, the Court of Common Pleas of Bedford County adopts the following Local Rule of Judicial Administration 510 to become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Bedford County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy of this Order and the Local Rule with the Administrative Office of Pennsylvania Courts via e-mail to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).

2. File two (2) paper copies of this Order and the Local Rule and one (1) electronic copy in a Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of this Local Rule on the Bedford County Court website at [www.bedfordcountypa.org](http://www.bedfordcountypa.org) and thereafter compile this Local Rule of Judicial Administration within the complete set of Local Rules no later than thirty (30) days after the Local Rule becomes effective.

4. File one (1) copy of the Local Rule in the Office of the Prothonotary of Bedford County and in the Bedford County Law Library for public inspection and copying.

*By the Court*

THOMAS S. LING,  
*President Judge*

#### Rule 510. Confidential Information Form.

Pursuant to Section 7 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, persons who file documents that contain confidential information as defined by the Policy shall use and file the Confidential Information Form in order to comply with the Policy. The form shall be available in each filing office as well as the Public Records page of the UJS website at <http://www.pacourts.us/public-record-policies>.

[Pa.B. Doc. No. 18-386. Filed for public inspection March 16, 2018, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Allan Ebert (# 51922), having been disbarred in the District of Columbia, the Supreme Court of Pennsylvania issued an Order on March 6, 2018, disbaring Allan Ebert from the Bar of this Commonwealth, effective April 5, 2018. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,  
*Secretary*

[Pa.B. Doc. No. 18-387. Filed for public inspection March 16, 2018, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 4—ADMINISTRATION

### DEPARTMENT OF GENERAL SERVICES

#### [ 4 PA. CODE CH. 62 ]

#### Committee on Construction Contract Documents

The Department of General Services (Department) rescinds Chapter 62 to read as set forth in Annex A.

Chapter 62 addressed the creation and operation of the Committee on Construction Contract Documents (Committee). The adoption of 62 Pa.C.S. (relating to Commonwealth Procurement Code) (code) in 1998 repealed the legislation that created the Committee. Therefore, the Committee no longer exists and Chapter 62 is obsolete.

#### Authority

The statutory authority for this final-omitted rulemaking is sections 506 and 2401.1(20) of The Administrative Code of 1929 (71 P.S. §§ 186 and 631.1(20)) and 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).

#### Omission of Proposed Rulemaking

Public notice of intention to rescind Chapter 62 under the procedures in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) has been omitted for good cause as authorized under section 204(3) of the CDL because the Department finds that these procedures are, under the circumstances, unnecessary. The continuing presence of these obsolete regulations serves no purpose and may, in fact, confuse the public.

#### Purpose

The purpose of this final-omitted rulemaking is to rescind obsolete regulations in Chapter 62.

Section 13 of the act of July 22, 1975 (P.L. 75, No. 45) added section 2408(5)(ii) of The Administrative Code of 1929 (71 P.S. § 638(5)(ii)) and authorized the creation of the Committee. The Department promulgated Chapter 62 at 9 Pa.B. 1333 (April 21, 1979). The Committee served in an advisory capacity to the Department from 1975 until 1998.

Section 6(a) of the act of May 15, 1998 (P.L. 358, No. 57), which enacted the code, expressly repealed section 2408 of The Administrative Code of 1929. As a result, the Committee no longer exists and Chapter 62 is rescinded because it is obsolete.

#### Summary

This final-omitted rulemaking rescinds obsolete regulations in Chapter 62.

#### Persons Likely to be Affected

The rescission of the obsolete regulations in Chapter 62 should not affect any group or entity. The continuing presence of these obsolete regulations serves no purpose and may, in fact, confuse the public.

#### Fiscal Impact

Because this final-omitted rulemaking only rescinds obsolete regulations, there will be no fiscal impact.

#### Paperwork Requirements

This final-omitted rulemaking will not result in an increase in paperwork for any individuals or entities.

#### Effective Date

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

#### Public Comment Period

Public notice of intention to rescind the regulations under the procedures in sections 201 and 202 of the CDL has been omitted for good cause as authorized under section 204(3) of the CDL because the Department finds that these procedures are, under the circumstances, unnecessary. The continuing presence of these obsolete regulations serves no purpose and may, in fact, confuse the public.

#### Contact Person

Individuals interested in further information may contact Mary W. Fox, Assistant Counsel, Department of General Services, 603 North Office Building, Harrisburg, PA 17120, (717) 787-6789.

#### Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on January 18, 2018, the Department 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 Senate and House Committees on State Government. 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 February 21, 2018, 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 February 22, 2018, and approved the final-omitted rulemaking.

#### Findings

The Department finds that:

(1) Public notice of the Department's intention to rescind its regulations under the procedures in sections 201 and 202 of the CDL has been omitted under section 204(3) of the CDL because public comment is unnecessary in that Chapter 62 is obsolete.

(2) The amendment of the Department's regulations in the manner provided in this order is necessary and appropriate for the administration of the code.

#### Order

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

(a) The regulations of the Department, 4 Pa. Code Chapter 62, are amended by deleting §§ 62.1—62.4 to read as set forth in Annex A.

(b) 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 form and legality as required by law.

(c) The Department shall submit this order and Annex A to IRRC and the House and Senate Committees as required by law.

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

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

CURTIS M. TOPPER,  
Secretary

(Editor’s Note: See 48 Pa.B. 1482 (March 10, 2018) for IRRC’s approval order.)

**Fiscal Note:** 8-21. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART III. DEPARTMENT OF GENERAL SERVICES**

**Subpart C. CONSTRUCTION AND PROCUREMENT**

**ARTICLE II. CONSTRUCTION**

**CHAPTER 62. (Reserved)**

**§§ 62.1—62.4. (Reserved).**

[Pa.B. Doc. No. 18-388. Filed for public inspection March 16, 2018, 9:00 a.m.]

**Title 4—ADMINISTRATION**

**DEPARTMENT OF GENERAL SERVICES**

**[ 4 PA. CODE CH. 64 ]**

**Selections Committee**

The Department of General Services (Department) rescinds Chapter 64 to read as set forth in Annex A.

Chapter 64 provided the authority for the establishment of a Selection Committee to evaluate and hire design professionals for Department construction projects. The adoption of 62 Pa.C.S. (relating to Commonwealth Procurement Code) (code) in 1998 repealed the legislation under which Chapter 64 was promulgated and selections committees are now established under section 905(c)—(e) of the code (relating to procurement of design professional services). Chapter 64 is therefore obsolete.

*Authority*

The statutory authority for this final-omitted rulemaking is sections 506 and 2401.1(20) of The Administrative Code of 1929 (71 P.S. §§ 186 and 631.1(20)) and 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).

*Omission of Proposed Rulemaking*

Public notice of intention to rescind Chapter 64 under the procedures in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) has been omitted for good cause as authorized under section 204(3) of the CDL because the Department finds that these procedures are, under the circumstances, unnecessary. The continuing presence of these obsolete regulations serves no purpose and may, in fact, confuse the public.

*Purpose*

The purpose of this final-omitted rulemaking is to rescind obsolete regulations in Chapter 64.

Section 2401.1(19) of The Administrative Code of 1929 provided the authority for the establishment of a Selection Committee to evaluate and hire design professionals for Department construction projects. The Department promulgated Chapter 64 at 11 Pa.B. 1318 (April 18, 1981)

to provide for the procedures and basis for the Selection Committee until the enactment of the code in 1998.

Section 5 of the act of May 15, 1998 (P.L. 358, No. 57), which enacted the code, expressly repealed section 2401.1(19) of The Administrative Code of 1929. As a result, the basis and authority for Chapter 64 no longer exists. Therefore, Chapter 64 is rescinded because it is obsolete.

*Summary*

This final-omitted rulemaking rescinds obsolete regulations in Chapter 64.

*Persons Likely to be Affected*

The rescission of the obsolete regulations in Chapter 64 should not affect any group or entity. The continuing presence of these obsolete regulations serves no purpose and may, in fact, confuse the public.

*Fiscal Impact*

Because this final-omitted rulemaking only rescinds obsolete regulations, there will be no fiscal impact.

*Paperwork Requirements*

This final-omitted rulemaking will not result in an increase in paperwork for any individuals or entities.

*Effective Date*

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

*Public Comment Period*

Public notice of intention to rescind the regulations under the procedures in sections 201 and 202 of the CDL has been omitted for good cause as authorized under section 204(3) of the CDL because the Department finds that these procedures are, under the circumstances, unnecessary. The continuing presence of these obsolete regulations serves no purpose and may, in fact, confuse the public.

*Contact Person*

Individuals interested in further information may contact Mary W. Fox, Assistant Counsel, Department of General Services, 603 North Office Building, Harrisburg, PA 17120, (717) 787-6789.

*Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on January 18, 2018, the Department 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 Senate and House Committees on State Government. 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 February 21, 2018, 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 February 22, 2018, and approved the final-omitted rulemaking.

*Findings*

The Department finds that:

- (1) Public notice of the Department’s intention to rescind its regulations under the procedures in sections 201 and 202 of the CDL has been omitted under section

204(3) of the CDL because public comment is unnecessary in that Chapter 64 is obsolete.

(2) The amendment of the Department's regulations in the manner provided in this order is necessary and appropriate for the administration of the code.

*Order*

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

(a) The regulations of the Department, 4 Pa. Code Chapter 64, are amended by deleting §§ 64.1—64.12 to read as set forth in Annex A.

(b) 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 form and legality as required by law.

(c) The Department shall submit this order and Annex A to IRRC and the House and Senate Committees as required by law.

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

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

CURTIS M. TOPPER,  
*Secretary*

*(Editor's Note: See 48 Pa.B. 1482 (March 10, 2018) for IRRC's approval order.)*

**Fiscal Note:** 8-22. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART III. DEPARTMENT OF GENERAL SERVICES**

**Subpart C. CONSTRUCTION AND PROCUREMENT**

**ARTICLE II. CONSTRUCTION**

**CHAPTER 64. (Reserved)**

**§§ 64.1—64.12. (Reserved).**

[Pa.B. Doc. No. 18-389. Filed for public inspection March 16, 2018, 9:00 a.m.]

**Title 4—ADMINISTRATION**  
**DEPARTMENT OF GENERAL SERVICES**  
**[ 4 PA. CODE CH. 67 ]**  
**Emergency Construction Repairs**

The Department of General Services (Department) rescinds Chapter 67 to read as set forth in Annex A.

Chapter 67 addressed contracting for emergency construction repairs. In 1998, 62 Pa.C.S. (relating to Commonwealth Procurement Code) (code) was adopted. Emergency contracting is now governed by section 516 of the code (relating to emergency procurement). Therefore, Chapter 67 is obsolete.

*Authority*

The statutory authority for this final-omitted rulemaking is sections 506 and 2401.1(20) of The Administrative Code of 1929 (71 P.S. §§ 186 and 631.1(20)) and

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).

*Omission of Proposed Rulemaking*

Public notice of intention to rescind Chapter 67 under the procedures in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) has been omitted for good cause as authorized under section 204(3) of the CDL because the Department finds that these procedures are, under the circumstances, unnecessary. The continuing presence of these obsolete regulations serves no purpose and may, in fact, confuse the public.

*Purpose*

The purpose of this final-omitted rulemaking is to rescind obsolete regulations in Chapter 67.

The of July 22, 1975 (P.L. 75, No. 45) amended The Administrative Code of 1929 and authorized the Department to construct, improve, equip, furnish, maintain, acquire and operate a wide range of public works, including all State buildings, institutions, airports, State-aided schools and municipal exhibition halls. The Department promulgated Chapter 67 at 7 Pa.B. 1274 (May 14, 1977). Chapter 67 addressed the procurement and expeditious processing of contract awards in excess of \$25,000 on completed construction projects in emergency situations when conditions hazardous to the Commonwealth and its citizens required an immediate response.

Section 6(a) of the act of May 15, 1998 (P.L. 358, No. 57), which enacted the code, expressly repealed sections 638, 642 and 643 of The Administrative Code of 1929. Emergency contracting is now governed by section 516 of the code. As a result, the basis and authority for Chapter 67 no longer exists, having been superseded. Chapter 67 is rescinded because it is obsolete.

*Summary*

This final-omitted rulemaking rescinds obsolete regulations in Chapter 67.

*Persons Likely to be Affected*

The rescission of the obsolete regulations in Chapter 67 should not affect any group or entity. The continuing presence of these obsolete regulations serves no purpose and may, in fact, confuse the public.

*Fiscal Impact*

Because this final-omitted rulemaking only rescinds obsolete regulations, there will be no fiscal impact.

*Paperwork Requirements*

This final-omitted rulemaking will not result in an increase in paperwork for any individuals or entities.

*Effective Date*

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

*Public Comment Period*

Public notice of intention to rescind the regulations under the procedures in sections 201 and 202 of the CDL has been omitted for good cause as authorized under section 204(3) of the CDL because the Department finds that these procedures are, under the circumstances, unnecessary. The continuing presence of these obsolete regulations serves no purpose and may, in fact, confuse the public.



*Contact Person*

Individuals interested in further information may contact Mary W. Fox, Assistant Counsel, Department of General Services, 603 North Office Building, Harrisburg, PA 17120, (717) 787-6789.

*Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on January 18, 2018, the Department 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 Senate and House Committees on State Government. 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 February 21, 2018, 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 February 22, 2018, and approved the final-omitted rulemaking.

*Findings*

The Department finds that:

(1) Public notice of the Department’s intention to rescind its regulations under the procedures in sections 201 and 202 of the CDL has been omitted under section 204(c) of the CDL because public comment is unnecessary in that Chapter 67 is obsolete.

(2) The amendment of the Department’s regulations in the manner provided in this order is necessary and appropriate for the administration of the code.

*Order*

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

(a) The regulations of the Department, 4 Pa. Code Chapter 67, are amended by deleting §§ 67.1—67.11 to read as set forth in Annex A.

(b) 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 form and legality as required by law.

(c) The Department shall submit this order and Annex A to IRRC and the House and Senate Committees as required by law.

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

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

CURTIS M. TOPPER,  
*Secretary*

*(Editor’s Note:* See 48 Pa.B. 1482 (March 10, 2018) for IRRC’s approval order.)

**Fiscal Note:** 8-23. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**  
**PART III. DEPARTMENT OF GENERAL SERVICES**  
**Subpart C. CONSTRUCTION AND PROCUREMENT**  
**ARTICLE II. CONSTRUCTION**  
**CHAPTER 67. (Reserved)**

§§ 67.1—67.11. (Reserved).

[Pa.B. Doc. No. 18-390. Filed for public inspection March 16, 2018, 9:00 a.m.]

**Title 4—ADMINISTRATION**  
**DEPARTMENT OF GENERAL SERVICES**  
**[ 4 PA. CODE CH. 69 ]**  
**Methods of Awarding Contracts**

The Department of General Services (Department) rescinds Chapter 69 to read as set forth in Annex A.

Chapter 69 established procedures, defined responsibilities and provided specific guidance for awarding Commonwealth contracts for the purchase of goods and supplies. The subject matter of Chapter 69 is now covered by 62 Pa.C.S. (relating to Commonwealth Procurement Code) (code). Therefore, Chapter 69 is obsolete.

*Authority*

The statutory authority for this final-omitted rulemaking is sections 506 and 2401.1(20) of The Administrative Code of 1929 (71 P.S. §§ 186 and 631.1(20)) and 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).

*Omission of Proposed Rulemaking*

Public notice of intention to rescind Chapter 69 under the procedures in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) has been omitted for good cause as authorized under section 204(3) of the CDL because the Department finds that these procedures are, under the circumstances, unnecessary. The continuing presence of these obsolete regulations serves no purpose and may, in fact, confuse the public.

*Purpose*

The purpose of this final-omitted rulemaking is to rescind obsolete regulations in Chapter 69.

Chapter 69 was adopted under sections 507, 2403 and 2409 of The Administrative Code of 1929 (71 P.S. §§ 187, 633 and 639) and section 2401.1 of The Administrative Code of 1929, which authorized the Department to engage in various types of contracting. The Department promulgated Chapter 69 at 10 Pa.B. 4663 (December 13, 1980). Chapter 69 related to the methods of awarding contracts.

Section 4 of the act of May 15, 1998 (P.L. 358, No. 57), which established the code, states that “[e]xcept as otherwise provided, this act is intended to provide a complete and exclusive procedure to govern the procurement by Commonwealth agencies of supplies, services and construction, including the disposal of surplus supplies.” The methods of awarding contracts listed in Chapter 69 are now addressed by an equivalent section in sections 501—564 of the code (relating to source selection and contract formation). Specifically, the definitions in § 69.1

are now listed in section 501 of the code (relating to definitions). Methods of awarding contracts in § 69.3 are now addressed in section 511 of the code (relating to methods of source selection). Competitive sealed bidding in § 69.4 is now addressed in section 512 of the code (relating to competitive sealed bidding). Multiple award contracts in § 69.5 are now addressed in section 517 of the code (relating to multiple awards). Competitive sealed proposals in § 69.6 are now addressed in section 513 of the code (relating to competitive sealed proposals). Sole source procurement in § 69.7 is now addressed in section 515 of the code (relating to sole source procurement). Emergency procurement in § 69.8 is now addressed in section 516 of the code (relating to emergency procurement). Small purchases in § 69.9 are now addressed in section 514 of the code (relating to small procurements). Because the subject matter of each of these regulatory provisions is now addressed by statute, Chapter 69 is rescinded to ensure clarity regarding the methods of source selections.

Since the subject matter of Chapter 69 is covered by the code, Chapter 69 is now obsolete.

#### *Summary*

This final-omitted rulemaking rescinds obsolete regulations in Chapter 69.

#### *Persons Likely to be Affected*

The rescission of the obsolete regulations in Chapter 69 should not affect any group or entity. The continuing presence of these obsolete regulations serves no purpose and may, in fact, confuse the public.

#### *Fiscal Impact*

Because this final-omitted rulemaking only rescinds obsolete regulations, there will be no fiscal impact.

#### *Paperwork Requirements*

This final-omitted rulemaking will not result in an increase in paperwork for any individuals or entities.

#### *Effective Date*

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

#### *Public Comment Period*

Public notice of intention to rescind the regulations under the procedures in sections 201 and 202 of the CDL has been omitted for good cause as authorized under section 204(3) of the CDL because the Department finds that these procedures are, under the circumstances, unnecessary. The continuing presence of these obsolete regulations serves no purpose and may, in fact, confuse the public.

#### *Contact Person*

Individuals interested in further information may contact Mary W. Fox, Assistant Counsel, Department of General Services, 603 North Office Building, Harrisburg, PA 17120, (717) 787-6789.

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on January 18, 2018, the Department 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 Senate and House Committees on State Government. 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 February 21, 2018, 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 February 22, 2018, and approved the final-omitted rulemaking.

#### *Findings*

The Department finds that:

(1) Public notice of the Department's intention to rescind its regulations under the procedures in sections 201 and 202 of the CDL has been omitted under section 204(c) of the CDL because public comment is unnecessary in that Chapter 69 is obsolete.

(2) The amendment of the Department's regulations in the manner provided in this order is necessary and appropriate for the administration of the code.

#### *Order*

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

(a) The regulations of the Department, 4 Pa. Code Chapter 69, are amended by deleting §§ 69.1—69.9 to read as set forth in Annex A.

(b) 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 form and legality as required by law.

(c) The Department shall submit this order and Annex A to IRRC and the House and Senate Committees as required by law.

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

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

CURTIS M. TOPPER,  
*Secretary*

*(Editor's Note: See 48 Pa.B. 1482 (March 10, 2018) for IRRC's approval order.)*

**Fiscal Note:** 8-25. No fiscal impact; (8) recommends adoption.

#### **Annex A**

#### **TITLE 4. ADMINISTRATION**

#### **PART III. DEPARTMENT OF GENERAL SERVICES**

#### **Subpart C. CONSTRUCTION AND PROCUREMENT**

#### **ARTICLE III. PROCUREMENT**

#### **CHAPTER 69. (Reserved)**

#### **§§ 69.1—69.9. (Reserved).**

[Pa.B. Doc. No. 18-391. Filed for public inspection March 16, 2018, 9:00 a.m.]



## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 250 ]

#### Administration of the Land Recycling Program

The Environmental Quality Board (Board) amends Chapter 250 (relating to administration of Land Recycling Program) to correct transcription errors for Aldrin in Appendix A, Table 1, and toxicity values for beryllium and cadmium in Appendix A, Table 5B. These corrections affect the calculated medium-specific concentrations (MSC) for beryllium and cadmium in Appendix A, Table 4A, which are also corrected. These corrections are set forth in Annex A.

Notice of proposed rulemaking is omitted under section 204 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204), known as the Commonwealth Documents Law (CDL). Section 204(3) of the CDL provides that an agency may omit the notice of proposed rulemaking if “the agency for good cause finds. . .that procedures specified in sections 201 and 202 are in the circumstances impracticable, unnecessary, or contrary to the public interest.” Public notice and comment are unnecessary and contrary to the public interest for the amendments in this final-omitted rulemaking. The relevant MSCs are a product of a standard method of calculation in Chapter 250. The Board sought comments on this method during the prior rulemaking and no comments were received on this method. See 46 Pa.B. 5655 (August 27, 2016). This final-omitted rulemaking does not change the method by which the calculation is made. Instead, this final-omitted rulemaking corrects an error that the Department of Environmental Protection (Department) made in the transcription of the result of the Aldrin calculation and corrects the inputs to the beryllium and cadmium calculations. Additional public notice and comment would not alter the need to correct these errors and is therefore unnecessary. In addition, these corrections will ensure that any remediation of Aldrin, beryllium or cadmium conforms to current science regarding the protection of human health and is consistent with Chapter 250, which is in the public interest.

This final-omitted rulemaking was adopted by the Board at its meeting of December 12, 2017.

#### A. Effective Date

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

#### B. Contact Persons

For further information contact Troy Conrad, Program Manager, Land Recycling Program, P.O. Box 8471, Rachel Carson State Office Building, Harrisburg, PA 17105-8471, (717) 783-7816; or Keith Salador, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 783-8075. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-omitted rulemaking is available on the Department’s web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select “Public Participation,” then “Environmental Quality Board (EQB)”).

#### C. Statutory Authority

This final-omitted rulemaking is being made under the authority of sections 104(a) and 303(a) of the Land

Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.104(a) and 6026.303(a)) and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20). Section 104(a) of the act authorizes the Board to adopt Statewide health standards and appropriate mathematically valid statistical tests to define compliance with the act. Section 303(a) of the act authorizes the Board to promulgate Statewide health standards for regulated substances for each environmental medium and methods used to calculate the standards. Section 1920-A of The Administrative Code of 1929 authorizes the Board to formulate, adopt and promulgate rules and regulations that are necessary for the proper work of the Department.

#### D. Background and Purpose

The Statewide health standard MSCs are in Appendix A. Three errors in MSC values were discovered after the most recent amendments became effective on August 27, 2016.

#### Aldrin

Toxicity values and physical/chemical properties in Appendix A, Tables 5A and 5B are used along with ingestion and inhalation exposure parameters presented in §§ 250.306 and 250.307 (relating to ingestion numeric values; and inhalation numeric values) to calculate the numeric values presented in Appendix A, Tables 1—4. The equations and methodology used to calculate ingestion and inhalation numeric values are also provided in §§ 250.306 and 250.307, respectively. The equations have been converted to formulas in an Excel spreadsheet which is used to calculate the numeric values in Appendix A, Tables 1—4. The calculated numeric values are transcribed from the Excel spreadsheet into Word tables which are used for rulemaking.

The MSC for Aldrin in groundwater for an aquifer with total dissolved solids (TDS) of less than or equal to 2,500 milligrams per liter used for residential purposes is 0.043 microgram per liter ( $\mu\text{L}$ ), but was incorrectly transcribed as 0.43  $\mu\text{L}$ . The Aldrin MSC for groundwater under “Used Aquifers, TDS  $\leq$  2500, R” in Appendix A, Table 1 has been corrected.

#### Beryllium and cadmium

Section 303(c) of the act requires the Department to develop risk-based Statewide health standards using valid scientific methods, reasonable exposure pathways assumptions, and exposure factors for residential and nonresidential land use that are no more stringent than the standard default exposure factors established by the United States Environmental Protection Agency. The Department calculates MSCs based on Nationally recognized, peer-reviewed toxicological data from the sources in § 250.605 (relating to sources of toxicity information). The toxicity value sources in § 250.605 are presented in a hierarchy of tiers where the first-tier source is preferred over the second-tier source and the second-tier source is preferred over the third-tier source. The third tier consists of multiple sources which all have the same level of preference. The toxicity values are used along with the physical/chemical properties from Appendix A, Tables 5A and 5B and the ingestion and inhalation exposure parameters and equations from §§ 250.306 and 250.307 to calculate the numeric values. The same procedure described for Aldrin using the Excel spreadsheet is used to calculate the numeric values for beryllium and cadmium. The calculated numeric values are transcribed from the Excel spreadsheet into Word tables which are used for rulemaking.

The toxicity value used for the ingestion model is the Oral Cancer Slope Factor ( $CSF_o$ ), and the toxicity value used for the inhalation model is the Inhalation Unit Risk (IUR). IUR is calculated using an Inhalation Cancer Slope Factor ( $CSF_i$ ) and accounts for the inhalation rate of a receptor.  $CSF_o$  values are based on oral exposure (ingestion) while  $CSF_i$  values are based on exposure from inhalation. These toxicity values are used along with current exposure parameters to calculate numeric values used to determine the MSCs. Exposure parameters, such as exposure frequency, soil and groundwater ingestion rates, body weight, and the like, are specific to soil or groundwater exposure and to residential or nonresidential exposure scenarios. The equations and methodology used to calculate ingestion and inhalation numeric values are provided in §§ 250.306 and 250.307, respectively.

During the development of the MSCs for soil in the amendments to Chapter 250 published at 46 Pa.B. 5655, the  $CSF_i$  values were incorrectly interpreted as  $CSF_o$  values for both beryllium and cadmium. This error resulted in the incorrect toxicity values to be posted in Appendix A, Table 5B, which resulted in the direct contact soil MSCs for these compounds to be artificially low.

Thus, the  $CSF_o$  values of  $8.4 \text{ (mg/kg/day)}^{-1}$  and  $15 \text{ (mg/kg/day)}^{-1}$  for beryllium and cadmium, respectively, have been deleted from Appendix A, Table 5B because they are not actually oral toxicity values. Changes to Appendix A, Table 4A, regarding direct contact numeric values for inorganic regulated substances in soil, include correcting the beryllium residential MSC value from 2 milligrams per kilogram (mg/kg) to 440 mg/kg and the nonresidential surface soil MSC value from 11 mg/kg to 6,400 mg/kg. The cadmium residential MSC value changed from 1.2 mg/kg to 110 mg/kg, and the nonresidential surface soil MSC value changed from 6 mg/kg to 1,600 mg/kg.

This final-omitted rulemaking was discussed with, and received the support of, the Cleanup Standards Scientific Advisory Board at its November 16, 2016, meeting.

#### E. Summary of the Final-Omitted Rulemaking

##### Appendix A, Tables 1, 4A and 5B

The Aldrin MSC for groundwater under "Used Aquifers, TDS  $\leq$  2500, R" in Appendix A, Table 1 has been changed from 0.43  $\mu\text{L}$  to 0.043  $\mu\text{L}$ . Changes to Appendix A, Table 4A include correcting the beryllium residential MSC value from 2 mg/kg to 440 mg/kg and the nonresidential surface soil MSC value from 11 mg/kg to 6,400 mg/kg. The cadmium residential MSC value changed from 1.2 mg/kg to 110 mg/kg, and the nonresidential surface soil MSC value changed from 6 mg/kg to 1,600 mg/kg. The  $CSF_o$  values of  $8.4 \text{ (mg/kg/day)}^{-1}$  and  $15 \text{ (mg/kg/day)}^{-1}$  for beryllium and cadmium, respectively, have been deleted from Appendix A, Table 5B.

#### F. Benefits, Costs and Compliance

##### Benefits

Correcting errors in the toxicity values and the MSCs in Chapter 250 serve the public and the regulated community as they provide accurate information needed for remediating contaminated sites. Having access to that information allows the public to know the acceptable level of contamination at a site based on the intended use of the property, and it provides remediators with a uniform endpoint to the remediation process.

##### Compliance costs

This final-omitted rulemaking is not expected to add costs, overall, to the cleanup of contaminated sites under the Land Recycling Program. The decrease in the Aldrin MSC will only impact ten sites. Remediators of these sites can use either the background standard or the site-specific standard if the reduction in the Aldrin MSC impacts their project. The beryllium and cadmium corrections result in increases in their respective MSC values and are not anticipated to have an adverse impact on the regulated community.

##### Compliance assistance plan

The Land Recycling Program will disseminate information concerning these corrections using the Department's web site and e-mails to environmental consultants involved in the Land Recycling Program.

##### Paperwork requirements

This final-omitted rulemaking does not require forms or reports.

#### G. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance requirements.

During remediation of a contaminated site, potential sources of pollution are often removed to attain the standards in the act, thus eliminating or minimizing the potential for continued migration.

#### H. Sunset Review

The Board is not establishing a sunset date for these regulations since they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

#### I. Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on January 22, 2018, the Department 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 and Senate Environmental Resources and Energy Committees. 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 February 21, 2018, 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 February 22, 2018, and approved the final-omitted rulemaking.

*J. Findings*

The Board finds that:

- (1) The amendments are appropriate to implement the Land Recycling Program.
- (2) Use of the omission of notice of proposed rule-making procedure is appropriate because the proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) are, in this instance, unnecessary and contrary to the public interest.
- (3) These amendments are necessary and appropriate for administration and enforcement of the authorizing acts identified in section C of this preamble and in the public interest.

*K. Order*

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

- (a) The regulations of the Department, 25 Pa. Code Chapter 250, are amended by amending Appendix A, Tables 1, 4A and 5B to read as set forth in Annex A, with ellipses referring to the existing text of the tables.
- (b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.
- (c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House

Environmental Resources and Energy Committees as required under the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

- (d) The Chairperson of the Board shall certify this order and Annex A, as approved for legality and form, and deposit them with the Legislative Reference Bureau, as required by law.
- (e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,  
*Chairperson*

*(Editor’s Note: See 48 Pa.B. 1482 (March 10, 2018) for IRRC’s approval order.)*

**Fiscal Note:** 7-538. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 25. ENVIRONMENTAL PROTECTION**  
**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Subpart D. ENVIRONMENTAL HEALTH AND SAFETY**  
**ARTICLE VI. GENERAL HEALTH AND SAFETY**  
**CHAPTER 250. ADMINISTRATION OF LAND RECYCLING PROGRAM**  
**Appendix A**

Table 1—Medium-Specific Concentrations (MSCs) for Organic Regulated Substances in Groundwater

Regulated Substance	CASRN	Used Aquifers						Nonuse Aquifers	
		TDS < 2500			TDS > 2500			R	NR
		R	NR	S	R	NR	S		
ACENAPHTHENE	83-32-9	2,500 G	3,800 S	3,800 S	3,800 S	3,800 S	3,800 S	NR	
ACENAPHTHYLENE	208-96-8	2,500 G	7,000 G	16,000 S	16,000 S	16,000 S	16,000 S	16,000 S	
ACEPHATE	30560-19-1	84 G	390 G	8,400 G	39,000 G	84 G	84 G	390 G	
ACETALDEHYDE	75-07-0	19 N	79 N	1,900 N	7,900 N	19 N	19 N	79 N	
ACETONE	67-64-1	38,000 G	110,000 G	3,800,000 G	11,000,000 G	380,000 G	380,000 G	1,100,000 G	
ACETONITRILE	75-05-8	130 N	530 N	13,000 N	53,000 N	1,300 N	1,300 N	5,300 N	
ACETOPHENONE	98-86-2	4,200 G	12,000 G	420,000 G	1,200,000 G	4,200 G	4,200 G	12,000 G	
ACETYLAMINOFLUORENE, 2-(2AAF)	53-96-3	0.19 G	0.89 G	19 G	89 G	190 G	190 G	890 G	
ACROLEIN	107-02-8	0.042 N	0.18 N	4.2 N	18 N	0.42 N	0.42 N	1.8 N	
ACRYLAMIDE	79-06-1	0.19 N	2.5 N	19 N	250 N	0.19 N	0.19 N	2.5 N	
ACRYLIC ACID	79-10-7	2.1 N	8.8 N	210 N	880 N	210 N	210 N	880 N	
ACRYLONITRILE	107-13-1	0.72 N	3.7 N	72 N	370 N	72 N	72 N	370 N	
ALACHLOR	15972-60-8	2 M	2 M	200 M	200 M	2 M	2 M	2 M	
ALDICARB	116-06-3	3 M	3 M	300 M	300 M	3,000 M	3,000 M	3,000 M	
ALDICARB SULFONE	1646-88-4	2 M	2 M	200 M	200 M	2 M	2 M	2 M	
ALDICARB SULFOXIDE	1646-87-3	4 M	4 M	400 M	400 M	4 M	4 M	4 M	
ALDRIN	309-00-2	0.043 G	0.2 G	4.3 G	20 G	20 S	20 S	20 S	
ALLYL ALCOHOL	107-18-6	0.21 N	0.88 N	21 N	88 N	21 N	21 N	88 N	
AMETRYN	834-12-8	60 H	60 H	6,000 H	6,000 H	60 H	60 H	60 H	
AMINOBIHENYL, 4-	92-67-1	0.035 G	0.16 G	3.5 G	16 G	35 G	35 G	160 G	
AMITROLE	61-82-5	0.78 G	3.6 G	78 G	360 G	780 G	780 G	3,600 G	
AMMONIA	7664-41-7	30,000 H	30,000 H	3,000,000 H	3,000,000 H	30,000 H	30,000 H	30,000 H	
AMMONIUM SULFAMATE	7773-06-0	2,000 H	2,000 H	200,000 H	200,000 H	2,000 H	2,000 H	2,000 H	
ANILINE	62-53-3	2.1 N	8.8 N	210 N	880 N	2.1 N	2.1 N	8.8 N	
ANTHRACENE	120-12-7	66 S	66 S	66 S	66 S	66 S	66 S	66 S	
ATRAZINE	1912-24-9	3 M	3 M	300 M	300 M	3 M	3 M	3 M	
AZINPHOS-METHYL (GUTHION)	86-50-0	130 G	350 G	13,000 G	32,000 S	130 G	130 G	350 G	
BAYGON (PROPOXUR)	114-26-1	3 H	3 H	300 H	300 H	3,000 H	3,000 H	3,000 H	
BENOMYL	17804-35-2	2,000 S	2,000 S	2,000 S	2,000 S	2,000 S	2,000 S	2,000 S	
BENTAZON	25057-89-0	200 H	200 H	20,000 H	20,000 H	200 H	200 H	200 H	
BENZENE	71-43-2	5 M	5 M	500 M	500 M	500 M	500 M	500 M	
BENZIDINE	92-87-5	0.00098 G	0.015 G	0.098 G	1.5 G	0.98 G	0.98 G	1.5 G	
BENZO[A]ANTHRACENE	56-55-3	0.32 G	4.9 G	11 S	11 S	11 S	11 S	11 S	
BENZO[A]PYRENE	50-32-8	0.2 M	0.2 M	3.8 S	3.8 S	3.8 S	3.8 S	3.8 S	

All concentrations in µg/L  
 M = Maximum Contaminant Level  
 N = Inhalation  
 R = Residential  
 H = Lifetime health advisory level  
 S = Aqueous solubility cap  
 NR = Non-Residential  
 G = Ingestion  
 THMs—The values listed for trihalomethanes (THMs) are the total for all THMs combined.  
 HAAs—The values listed for haloacetic acids (HAAs) are the total for all HAAs combined.

\* \* \* \* \*

Table 4—Medium-Specific Concentrations (MSCs) for Inorganic Regulated Substances in Soil  
A. Direct Contact Numeric Values

REGULATED SUBSTANCE	CASRN	Residential MSC 0-15 feet		Nonresidential MSCs			
				Surface Soil 0-2 feet		Subsurface Soil 2-15 feet	
ALUMINUM	7429-90-5	190,000	C	190,000	C	190,000	C
ANTIMONY	7440-36-0	88	G	1,300	G	190,000	C
ARSENIC	7440-38-2	12	G	61	G	190,000	C
BARIUM AND COMPOUNDS	7440-39-3	44,000	G	190,000	C	190,000	C
BERYLLIUM	7440-41-7	440	G	6,400	G	190,000	C
BORON AND COMPOUNDS	7440-42-8	44,000	G	190,000	C	190,000	C
CADMIUM	7440-43-9	110	G	1,600	G	190,000	C
CHROMIUM III	16065-83-1	190,000	C	190,000	C	190,000	C
CHROMIUM VI	18540-29-9	4	G	220	G	20,000	N
COBALT	7440-48-4	66	G	960	G	190,000	N
COPPER	7440-50-8	8,100	G	120,000	G	190,000	C
CYANIDE, FREE	57-12-5	130	G	1,900	G	190,000	C
FLUORIDE	16984-48-8	8,800	G	130,000	G	190,000	C
IRON	7439-89-6	150,000	G	190,000	C	190,000	C
LEAD	7439-92-1	500	U	1,000	S	190,000	C
LITHIUM	7439-93-2	440	G	6,400	G	190,000	C
MANGANESE	7439-96-5	10,000	G	150,000	G	190,000	C
MERCURY	7439-97-6	35	G	510	G	190,000	C
MOLYBDENUM	7439-98-7	1,100	G	16,000	G	190,000	C
NICKEL	7440-02-0	4,400	G	64,000	G	190,000	C
PERCHLORATE	7790-98-9	150	G	2,200	G	190,000	C
SELENIUM	7782-49-2	1,100	G	16,000	G	190,000	C
SILVER	7440-22-4	1,100	G	16,000	G	190,000	C
STRONTIUM	7440-24-6	130,000	G	190,000	C	190,000	C
THALLIUM	7440-28-0	2	G	32	G	190,000	C
TIN	7440-31-5	130,000	G	190,000	C	190,000	C
VANADIUM	7440-62-2	15	G	220	G	190,000	C
ZINC	7440-66-6	66,000	G	190,000	C	190,000	C

All concentrations in mg/kg  
 R—Residential  
 NR—Non-Residential  
 G—Ingestion  
 N—Inhalation  
 C—Cap  
 U—UBK Model  
 S—SEGH Model  
 NA—Not Applicable



Table 5—Physical and Toxicological Properties  
B. Inorganic Regulated Substances

Regulated Substance	CAS	RfDo (mg/kg-d)		CSFo (mg/kg-d) <sup>1</sup>		RfCi (mg/m <sup>3</sup> )		IUR (ug/m <sup>3</sup> ) <sup>1</sup>		Kd
ALUMINUM	7429-90-5	1	P			0.005	P			9.9
ANTIMONY	7440-36-0	0.0004	I							45
ARSENIC	7440-38-2	0.0003	I	1.5	I	0.000015	C	0.0043	I	29
BARIUM AND COMPOUNDS	7440-39-3	0.2	I			0.0005	H			41
BERYLLIUM	7440-41-7	0.002	I			0.00002	I	0.0024	I	790
BORON AND COMPOUNDS	7440-42-8	0.2	I			0.02	H			3
CADMIUM	7440-43-9	0.0005	I			0.00001	D	0.0018	I	75
CHROMIUM III	16065-83-1	1.5	I							1,800,000
CHROMIUM VI	18540-29-9	0.003	I	0.42	C	0.000008	I	0.084	I	19
COBALT	7440-48-4	0.0003	P			0.000006	P	0.009	P	45
COPPER	7440-50-8	0.037	H							430
CYANIDE, FREE	57-12-5	0.0006	I			0.0008	I			9.9
FLUORIDE	16984-48-8	0.04	C			0.013	C			
IRON	7439-89-6	0.7	P							25
LEAD	7439-92-1			0.0085	C			0.000012	C	900
LITHIUM	7439-93-2	0.002	P							300
MANGANESE	7439-96-5	0.047	I			0.00005	I			65
MERCURY	7439-97-6	0.00016	C			0.0003	I			52
MOLYBDENUM	7439-98-7	0.005	I							20
NICKEL	7440-02-0	0.02	I			0.00009	D	0.00024	Is	65
NITRATE NITROGEN	14797-55-8	1.6	I							
NITRITE NITROGEN	14797-65-0	0.1	I							
PERCHLORATE	7790-98-9	0.0007	I							0
SELENIUM	7782-49-2	0.005	I			0.02	C			5
SILVER	7440-22-4	0.005	I							8.3
STRONTIUM	7440-24-6	0.06	I							
THALLIUM	7440-28-0	0.00001	X							71
TIN	7440-31-5	0.6	H							250
VANADIUM	7440-62-2	0.00007	P			0.0001	D			1,000
ZINC	7440-66-6	0.3	I							62

Toxicity Value Sources:  
 C = California EPA Cancer Potency Factor  
 D = ATSDR Minimal Risk Level  
 H = Health Effects Assessment Summary Table (HEAST)  
 I = Integrated Risk Information System (IRIS)  
 P = EPA Provisional Peer-Reviewed Toxicity Value  
 s = surrogate

[Pa.B. Doc. No. 18-392. Filed for public inspection March 16, 2018, 9:00 a.m.]

## Title 28—HEALTH AND SAFETY

### DEPARTMENT OF HEALTH [ 28 PA. CODE CH. 1210 ]

#### Medical Marijuana; Clinical Registrants and Academic Clinical Research Centers; Temporary Regulations

The Department of Health (Department) is publishing temporary regulations in Chapter 1210 (relating to clinical registrants and academic clinical research centers—

temporary regulations) to read as set forth in Annex A. The temporary regulations are published under the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110). Section 1107 of the act (35 P.S. § 10231.1107) specifically provides that, to facilitate the prompt implementation of the act, the Department may promulgate temporary regulations that are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)).



To implement the Medical Marijuana Program, the Department will be periodically publishing temporary regulations regarding various sections of the act.

Chapter 1210 pertains to clinical registrants and academic clinical research centers in this Commonwealth who wish to participate in the Medical Marijuana Program. The temporary regulations for clinical registrants and academic clinical research centers will expire on March 17, 2020.

Interested persons are invited to submit written comments, suggestions or objections regarding the temporary regulations to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3047, RA-DHMedMarijuana@pa.gov. Persons with a disability who wish to submit comments, suggestions or objections regarding the temporary regulations or who require an alternative format of the temporary regulations (for example, large print, audiotape or Braille) may do so by using the previous contact information. Speech and/or hearing impaired persons may call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
Acting Secretary

(Editor's Note: Title 28 of the *Pennsylvania Code* is amended by adding temporary regulations in §§ 1210.21—1210.37 to read as set forth in Annex A.)

**Fiscal Note:** 10-203. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 28. HEALTH AND SAFETY  
PART IX. MEDICAL MARIJUANA**

**CHAPTER 1210. CLINICAL REGISTRANTS AND  
ACADEMIC CLINICAL RESEARCH  
CENTERS—TEMPORARY REGULATIONS**

- Sec. 1210.21. Definitions.
- 1210.22. Clinical registrants generally.
- 1210.23. Limitation on permits.
- 1210.24. Capital requirements.
- 1210.25. Certifying ACRCs.
- 1210.26. Revocation of a certification of an ACRC.
- 1210.27. Application for approval of a clinical registrant.
- 1210.28. Request for conversion of an existing permit.
- 1210.29. Practices and procedures of institutional review boards.
- 1210.30. Approval or denial of an application for approval of a clinical registrant.
- 1210.31. Renewal of approval of a clinical registrant.
- 1210.32. Revocation of approval of a clinical registrant.
- 1210.33. Dispensing and tracking medical marijuana products.
- 1210.34. Prohibition.
- 1210.35. Reporting requirements.
- 1210.36. Sale or exchange.
- 1210.37. Appeals.

**§ 1210.21. Definitions.**

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

**ACRC**—An accredited medical school in this Commonwealth that operates or partners with an acute care hospital licensed and operating in this Commonwealth.

**Accredited medical school**—An institution that is:

- (i) Located in this Commonwealth.
- (ii) Accredited by the Liaison Committee of Medical Education or the Commission on Osteopathic College Accreditation.

**Acute care hospital**—A facility having an organized medical staff that provides equipment and services primarily for inpatient medical care and other related services to persons who require definitive diagnosis or treatment, or both, for injury, illness, pregnancy or other disability and is licensed by the Department to operate as a hospital in this Commonwealth under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b) and the regulations promulgated thereunder.

**Applicant**—A person who submits an application to the Department to become an approved clinical registrant.

**Approved clinical registrant**—An entity that applied for and received the approval of the Department to do all of the following:

- (i) Hold a permit as both a grower/processor and a dispensary.
- (ii) Enter into a research contract with a certified ACRC.

**Approved research project**—A research project that has been approved by an institutional review board and submitted by an approved clinical registrant to the Department.

**Certified ACRC**—An ACRC that has applied for and has been certified by the Department to enter into a research contract with an approved clinical registrant.

**Institution of higher education**—A community college, State-owned institution, State-related institution, or private college or university approved by the Department of Education.

**Institutional review board**—Any board, committee or group designated by a certified ACRC that reviews and evaluates the anticipated scope of an approved clinical registrant's research involving patients or patient data.

**Research**—Any systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.

**Research contract**—A written agreement between an approved clinical registrant and a certified ACRC that contains the responsibilities and duties of each party with respect to the research project that the approved clinical registrant and the certified ACRC intend to conduct under this chapter and under which the certified ACRC will provide medical advice to the approved clinical registrant regarding, among other areas, patient health and safety, medical applications, and dispensing and management of controlled substances.

**Research project**—A distinct plan for research.

**Research protocol**—A written procedure for conducting a research project that includes all of the following information:

- (i) With respect to the investigator:
  - (A) Name and address.
  - (B) Institutional affiliation.
  - (C) Qualifications, including a curriculum vitae and list of publications, if any.
- (ii) With respect to the research project:
  - (A) Title of the project.
  - (B) Statement of the purpose.
  - (C) Type of medical marijuana product involved and the amount needed.

(D) Description of the research to be conducted, including the number and type of medical marijuana product, the dosage, the route and method of administration, and the duration of the research project.

(E) The locations of the dispensaries that will be participating in the research project.

**§ 1210.22. Clinical registrants generally.**

(a) The qualifications that a clinical registrant shall meet to be approved by the Department are continuing qualifications.

(b) An applicant that has already been issued a grower/processor permit or a dispensary permit by the Department under sections 601—616 of the act (35 P.S. §§ 10231.601—10231.616) who wishes to become an approved clinical registrant shall:

(1) Submit a request to the Department under § 1210.28 (relating to request for conversion of an existing permit) with the application for approval of a clinical registrant.

(2) Not be required to apply for, or be eligible to receive, an additional grower/processor permit or dispensary permit under the act, this chapter, Chapter 1141, Chapter 1151 or Chapter 1161, as applicable.

(c) The Department will not approve more than eight clinical registrants.

(d) An approved clinical registrant may not dispense or offer to dispense any medical marijuana products at any dispensary location until:

(1) The Department has determined that an approved clinical registrant is ready, willing and able to operate as a grower/processor and a dispensary.

(2) The approved clinical registrant demonstrates to the satisfaction of the Department that it will be able to begin an approved research project within 6 months following the date the Department determines the approved clinical registrant's dispensary to be operational.

**§ 1210.23. Limitation on permits.**

(a) An approved clinical registrant may not hold more than one grower/processor permit and one dispensary permit.

(b) A dispensary permit held by an approved clinical registrant for use under this chapter may be used to dispense medical marijuana products at no more than six separate locations as approved by the Department. An approved clinical registrant may dispense medical marijuana products to a patient or caregiver who presents a valid identification card to an employee who is authorized to dispense medical marijuana products at a dispensary location operated by an approved clinical registrant under this chapter.

(c) An approved clinical registrant may not locate more than three of its approved dispensaries in the same medical marijuana region or in the same county.

**§ 1210.24. Capital requirements.**

(a) An applicant is not required to meet the same capital requirements as a medical marijuana organization under § 1141.30 (relating to capital requirements).

(b) An applicant shall provide all of the following information with its application under § 1210.27 (relating to application for approval of a clinical registrant):

(1) An affidavit, on a form prescribed by the Department, stating that the applicant has at least \$15 million in capital.

(2) A release sufficient to obtain information from a state governmental agency, financial institutions, an employer or any other person to verify the requirements of paragraph (1). Failure to provide a release will result in the rejection of the application for approval of a clinical registrant.

**§ 1210.25. Certifying ACRCs.**

(a) The qualifications that an ACRC shall meet to be approved by the Department are continuing qualifications.

(b) An accredited medical school may file an application with the Department to be approved as a certified ACRC using a form prescribed by the Department. The Department will publish a notice in the *Pennsylvania Bulletin* announcing the availability of the application and the time period during which the Department will accept applications.

(c) An application submitted under subsection (b) must include all of the following information:

(1) The legal name, address and telephone number of the accredited medical school and the name, telephone number and professional e-mail address of an individual at the accredited medical school who will be the primary contact for the Department during the Department's review of the application.

(2) The legal name, address and telephone number of the acute care hospital that is operated by or partnered with the accredited medical school and the name, telephone number and professional e-mail address of an individual at the accredited medical school who will be the primary contact for the Department during the Department's review of the application.

(3) An affidavit, on a form prescribed by the Department, disclosing any payments to the accredited medical school or any of its affiliates made by a person with whom the accredited medical school intends to enter into a research contract for purposes of operating as an approved clinical registrant or by any principal or financial backer of the person, up to and including the date of the submission of the application. The affidavit must include the amount and purpose of each payment made.

(4) A statement that the accredited medical school is currently accredited by the Liaison Committee of Medical Education or the Commission on Osteopathic College Accreditation.

(5) A statement that the acute care hospital designated by the accredited medical school under paragraph (2) holds a valid license from the Department.

(6) The State and Federal tax identification numbers of the accredited medical school.

(7) A statement that a false statement made by the accredited medical school submitting the application is punishable under the applicable provisions of 18 Pa.C.S. Chapter 49 (relating to falsification and intimidation).

(8) Any other information deemed necessary by the Department.

(d) The Department will publish a list containing the name and address of each certified ACRC on its publicly-accessible web site and in the *Pennsylvania Bulletin*.

**§ 1210.26. Revocation of a certification of an ACRC.**

(a) The certification of an ACRC will be revoked by the Department upon the occurrence of any of the following:

(1) The ACRC is no longer accredited by the Liaison Committee of Medical Education or the Commission on Osteopathic College Accreditation, as applicable.

(2) The ACRC no longer operates or is partnered with the acute care hospital listed in its application for certification.

(3) The ACRC is no longer located in this Commonwealth.

(b) If the Department intends to revoke the certification of an ACRC under this section, the Department will provide written notice of its intention to the ACRC. Upon receipt of a notice under this subsection, the ACRC shall have 90 days from the date of the notice to provide the Department with evidence satisfactory to the Department that it has received reaccreditation by the Liaison Committee of Medical Education or the Commission on Osteopathic College Accreditation, as applicable, that it operates or is partnered with another acute care hospital or that it has relocated within this Commonwealth. If the ACRC does not comply with this subsection within 90 days from the date of the notice, the Department may revoke the certification of the ACRC.

**§ 1210.27. Application for approval of a clinical registrant.**

(a) An applicant shall file an application for approval of a clinical registrant with the Department on a form prescribed by the Department. The Department will publish a notice in the *Pennsylvania Bulletin* announcing the availability of applications and the time period during which the Department will accept applications.

(b) An application for approval of a clinical registrant submitted under this section must include all of the following information:

(1) The legal name, address and telephone number of the applicant and the name, telephone number and professional e-mail address of an individual who will be the primary contact for the Department during the Department's review of the application.

(2) The name of the certified ACRC under § 1210.25 (relating to certifying ACRCs).

(3) The applicant's State and Federal tax identification numbers.

(4) An affidavit, on a form prescribed by the Department, disclosing any payments made by the applicant, a principal or financial backer of the applicant to a certified ACRC or any affiliates of a certified ACRC, up to and including the date of the submission of the application. The affidavit must include the amount and purpose of each payment made.

(5) The name of an institution of higher education, if any, that will be participating in an approved research project.

(6) An affidavit and release under § 1210.24 (relating to capital requirements).

(7) Evidence that the applicant is responsible and capable of successfully operating as an approved clinical registrant, including all of the following:

(i) A copy of the research contract between the applicant and the certified ACRC.

(ii) A description of the research projects the applicant and the certified ACRC intend to conduct.

(iii) A statement that the applicant may not engage in the business of selling, dispensing or offering to dispense medical marijuana products at an applicant's dispensary until the dispensary is ready, willing and able to dispense medical marijuana products.

(8) Except as provided in subsection (d), an application for a grower/processor permit under Chapters 1141 and 1151 (relating to general provisions; and growers/processors).

(9) Except as provided in subsection (d), an application for a dispensary permit under Chapter 1141 and Chapter 1161 (relating to dispensaries).

(10) A statement that a false statement made by the applicant is punishable under the applicable provisions of 18 Pa.C.S. Chapter 49 (relating to falsification and intimidation).

(11) Any other information deemed necessary by the Department.

(c) An applicant may only include one certified ACRC in its application for approval of a clinical registrant.

(d) Subject to the limitations in § 1210.23 (relating to limitation on permits), an applicant that already holds a grower/processor permit or a dispensary permit, or both, under sections 601—616 of the act (35 P.S. §§ 10231.601—10231.616), shall include in its application for approval of a clinical registrant a request for conversion of an existing permit under § 1210.28 (relating to request for conversion of an existing permit).

(e) The following documents provided to the Department under this chapter are confidential and not subject to disclosure under the Right-to-Know Law (65 P.S. §§ 67.101—67.3104):

- (1) A research contract.
- (2) A description of a research project.
- (3) A certified ACRC's intellectual property.
- (4) An approved clinical registrant's intellectual property.

**§ 1210.28. Request for conversion of an existing permit.**

(a) An applicant holding a grower/processor permit or a dispensary permit, or both, under sections 601—616 of the act (35 P.S. §§ 10231.601—10231.616), may submit a request for conversion of an existing permit under this section on a form prescribed by the Department when submitting an application for approval of a clinical registrant under § 1210.27 (relating to application for approval of a clinical registrant).

(b) Upon approval of a clinical registrant under subsection (a), the clinical registrant shall surrender its grower/processor permit or dispensary permit, or both, previously issued under sections 601—616 of the act.

(c) A grower/processor permit or dispensary permit, or both, surrendered under subsection (b) will increase the number of grower/processor permits or dispensary permits, as applicable, available to other persons applying for permits under sections 601—616 of the act, Chapter 1141 (relating to general provisions) and Chapter 1151 or 1161 (relating to growers/processors; and dispensaries), as applicable.

(d) An applicant may include additional dispensary locations in its request for conversion of an existing



permit or may request additional dispensary locations at a later date under § 1161.40 (relating to application for additional dispensary locations).

**§ 1210.29. Practices and procedures of institutional review boards.**

An institutional review board shall adopt practices and procedures regarding research projects which, at a minimum, address all of the following:

- (1) Protecting the rights and welfare of patients involved in research projects conducted under this chapter.
- (2) Minimizing the risk to patients by using procedures that are consistent with sound research design and that do not unnecessarily expose patients to risk being performed on subjects for diagnosis or treatment purposes.
- (3) Determining that the risks to patients involved in research projects are reasonable in relation to the anticipated benefits (if any) to the patients, and the importance of the knowledge that may be expected to result from the research project.
- (4) Guaranteeing that informed consent will be sought from each prospective patient or the patient's legally authorized representative and is properly documented.
- (5) Protecting the privacy of every patient.

**§ 1210.30. Approval or denial of an application for approval of a clinical registrant.**

(a) An applicant shall be an approved clinical registrant upon the Department's approval of an application under § 1210.27 (relating to application for approval of a clinical registrant).

(b) The Department may deny the application for approval of a clinical registrant if the payments disclosed in the affidavit submitted under § 1210.27(b)(4) violate the prohibition in § 1210.34 (relating to prohibition).

(c) Before the Department denies an application for approval of a clinical registrant under subsection (b), the Department will provide the applicant with written notice specifying the violation. The applicant may submit to the Department, within 10 days following receipt of the Department's written notice, a supplemental affidavit indicating that the certified ACRC or its affiliate has refunded to the applicant or a principal or financial backer of the applicant that portion of payments in violation of § 1210.34. Upon receipt of the supplemental affidavit, the Department may approve the application for approval of a clinical registrant. If the applicant fails to provide a supplemental affidavit within 10 days of the Department's written notice, the Department will deny the application for approval of a clinical registrant.

(d) An approved clinical registrant shall have the same rights and obligations as a medical marijuana organization that holds a grower/processor permit or a dispensary permit under sections 601—616 of the act (35 P.S. §§ 10231.601—10231.616) and Chapters 1141, 1151 and 1161 (relating to general provisions; growers/processors; and dispensaries), as applicable, subject to any modifications or limitations in sections 2001—2003 of the act (35 P.S. §§ 10231.2001—10231.2003) and this chapter.

(e) A grower/processor permit and a dispensary permit issued to an approved clinical registrant will expire upon the nonrenewal, revocation or suspension by the Department of the approved clinical registrant's approval.

**§ 1210.31. Renewal of approval of a clinical registrant.**

(a) The term of an approval of a clinical registrant will coincide with the term of the clinical registrant's grower/processor permit and dispensary permit.

(b) An approved clinical registrant shall renew its approval as part of the renewal for a grower/processor permit and a dispensary permit under § 1141.36 (relating to permit renewal applications). The renewal application must be on a form prescribed by the Department and include all of the following:

- (1) A copy of the research contract.
- (2) A list of the approved research projects that are continuing or, if any of them are concluded, the dates they were concluded.
- (3) A report of the current status of active research projects being conducted under the research contract, including preliminary findings, if applicable, and any expectations and projections the approved clinical registrant and the certified ACRC have for future research projects over the course of the 2 years following the date of submission of the report.

(4) A description of proposed research projects covered by the research contract that the approved clinical registrant intends to conduct within the next year following submission of the renewal application including evidence of institutional review board approval for each research project.

(5) A statement that a false statement made by the approved clinical registrant or the certified ACRC is punishable under the applicable provisions of 18 Pa.C.S. Chapter 49 (relating to falsification and intimidation).

(6) Any other information deemed necessary by the Department.

(c) The Department will not renew an approval for a clinical registrant under this section if the Department determines that none of the dispensary locations under the dispensary permit held by the approved clinical registrant are participating in an approved research project and the approved clinical registrant does not intend to commence any additional approved research projects within the first 6 months following the approval of its application for renewal.

**§ 1210.32. Revocation of approval of a clinical registrant.**

(a) The approval of a clinical registrant will be revoked immediately by the Department upon the occurrence of any of the following:

- (1) The Department revokes, suspends or does not renew the grower/processor permit or dispensary permit held by the approved clinical registrant.
- (2) Subject to subsection (b), the Department revokes the certification of the ACRC listed in the clinical registrant's application under § 1210.27 (relating to application for approval of a clinical registrant).

(3) The research contract between the approved clinical registrant and the certified ACRC expires without being renewed or is terminated by either party.

(b) If the Department intends to revoke the certification of the ACRC under subsection (a)(2), the Department will provide written notice of its intention to the approved clinical registrant. Upon receipt of a notice under this subsection, the approved clinical registrant shall have 90 days from the date of the notice to contract with another

certified ACRC that is not already a party to a research contract with another approved clinical registrant and to provide the Department with all relevant information relating to the certified ACRC. If the approved clinical registrant does not comply with this subsection within 90 days from the date of the notice, the Department may revoke the clinical registrant's approval.

**§ 1210.33. Dispensing and tracking medical marijuana products.**

In addition to the information to be entered in the electronic tracking system under § 1161.39 (relating to electronic tracking system) with respect to medical marijuana products dispensed to all patients and caregivers, the dispensary of an approved clinical registrant shall enter information into the electronic tracking system as required by the Department that identifies patients that are enrolled in an approved research project.

**§ 1210.34. Prohibition.**

Except for reasonable remuneration specifically in a research contract for the services to be performed or costs to be incurred by a certified ACRC, a certified ACRC may not solicit or accept anything of value from an approved clinical registrant or a principal or financial backer of an approved clinical registrant. Reasonable remuneration may include up-front deposits or other payments to a certified ACRC under a research contract to defray start-up and ongoing costs of the certified ACRC in connection with the establishment of the contractual relationship in the research contract. This section does not apply to charitable contributions that are part of a history of giving to a certified ACRC established 1 year or more prior to the effective date of the act.

**§ 1210.35. Reporting requirements.**

(a) Except as provided in subsection (b), an approved clinical registrant shall provide a written report of its findings to the Department within 365 days of the completion of an approved research project.

(b) In the event the approved clinical registrant or its certified ACRC intends to submit a manuscript of the results of an approved research project to a peer-reviewed medical journal for publication, the written report required under subsection (a) shall be provided to the Department within 30 days following publication.

(c) The Department may post the findings received under this section on its publicly-accessible web site and share them with other approved clinical registrants, certified ACRCs or any other person it determines would benefit from the findings.

**§ 1210.36. Sale or exchange.**

(a) The grower/processor of an approved clinical registrant may sell or exchange the following items to another grower/processor of an approved clinical registrant for the purposes of conducting research:

- (1) Seeds.
- (2) Immature medical marijuana plants.
- (3) Medical marijuana plants.
- (4) Medical marijuana products.

(b) The grower/processor of an approved clinical registrant may sell or exchange the following items to another grower/processor holding a permit under sections 601—616 of the act (35 P.S. §§ 10231.601—10231.616):

- (1) Seeds.
- (2) Immature medical marijuana plants.

(3) Medical marijuana plants.

(4) Medical marijuana products

(c) The grower/processor of an approved clinical registrant may only sell its medical marijuana products to either its own approved dispensaries or any other approved dispensaries of an approved clinical registrant.

(d) Notwithstanding subsection (c), an approved clinical registrant may petition the Department, on a form prescribed by the Department, to sell its medical marijuana products to a dispensary holding a permit under sections 601—616 of the act.

(e) A petition filed under subsection (d) must include either the report or manuscript required under § 1210.35 (relating to reporting requirements). If a clinical registrant fails to provide the report or manuscript required under § 1210.35, the petition shall be denied.

**§ 1210.37. Appeals.**

Chapter 5 of 2 Pa.C.S. (relating to practice and procedure) applies to actions of the Department under this chapter constituting an adjudication as defined in 2 Pa.C.S. § 101 (relating to definitions).

[Pa.B. Doc. No. 18-393. Filed for public inspection March 16, 2018, 9:00 a.m.]

**Title 58—RECREATION**

**PENNSYLVANIA GAMING CONTROL BOARD**

**[ 58 PA. CODE CHS. 805—808 ]**

**General Interactive Gaming Provisions; Temporary Regulations**

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 13B03(b) (relating to regulations) and the specific authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers), adds the licensing provisions for interactive gaming manufacturers, interactive gaming suppliers, interactive gaming service providers and all categories of licensure for individuals associated with interactive gaming that will be required to be licensed by the Board to read as set forth in Annex A.

*Purpose of this Temporary Rulemaking*

This temporary rulemaking includes the licensing provisions for interactive gaming manufacturers, interactive gaming suppliers, interactive gaming service providers and categories of licensure for individuals associated with interactive gaming that will be required to be licensed by the Board.

*Explanation of Chapters 805—808*

Chapters 805—808 provide the licensing provisions for interactive gaming manufacturers, interactive gaming suppliers, interactive gaming service providers and categories of licensure for individuals associated with interactive gaming that will be required to be licensed by the Board.

Chapter 804 will be adopted in a separate temporary rulemaking. It will include the licensing requirements for qualified gaming entities to be delineated by the Board at a future time.

*Affected Parties*

This temporary rulemaking provides interested parties information relative to entities that may participate in

interactive gaming in this Commonwealth and the petition/application process for some of those parties.

#### *Fiscal Impact*

##### *Commonwealth*

The Board expects that this temporary rulemaking will have minimal fiscal impact on the Board and other Commonwealth agencies. Impact should be confined to the additional personnel and expenses relating to processing new applications and continued oversight of expanded gaming with portions of these costs absorbed by existing Board staff.

##### *Political subdivisions*

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

##### *Private sector*

This temporary rulemaking includes the licensing provisions for interactive gaming manufacturers, interactive gaming suppliers, interactive gaming service providers and categories of licensure for individuals associated with interactive gaming that will be required to be licensed by the Board. It is anticipated that this temporary rulemaking will have an impact only on those individuals seeking to acquire these licenses, the impact being for licensing costs which will be recouped through proceeds from the provision of interactive gaming.

##### *General public*

This temporary rulemaking will not have direct fiscal impact on the general public.

##### *Paperwork Requirements*

Individuals eligible for an interactive gaming manufacturer license, an interactive gaming supplier license, an interactive gaming service provider registration or certificate, and categories of individuals associated with interactive gaming that will be required to be licensed by the Board shall file an application to participate in these activities in this Commonwealth. These applications will be made available on the Board's public web site at a later date.

##### *Effective Date*

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin* and expires 2 years after publication.

##### *Public Comments*

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved.

Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Laura R. Burd, Senior Counsel, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation # 125-210.

##### *Contact Person*

The contact person for questions about this temporary rulemaking is Laura R. Burd, Senior Counsel, (717) 346-8300.

#### *Regulatory Review*

Under 4 Pa.C.S. § 13B03, the Board has the authority to promulgate temporary regulations to facilitate the prompt implementation of interactive gaming in this Commonwealth. The temporary regulations adopted by the Board are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)). Under 4 Pa.C.S. § 13B03(c), these temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

#### *Findings*

The Board finds that:

(1) Under 4 Pa.C.S. § 13B03, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and section 204(b) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to Pennsylvania Race Horse Development and Gaming Act).

#### *Order*

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code, are amended by adding temporary §§ 805.1—805.7, 806.1—806.7, 807.1—807.9 and 808.1—808.8 to read as set forth in Annex A.

(2) The temporary regulations will be posted on the Board's web site.

(3) The temporary regulations are subject to amendment as deemed necessary by the Board.

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

(5) These temporary regulations are effective upon publication in the *Pennsylvania Bulletin* and expire on March 17, 2020.

DAVID M. BARASCH,  
*Chairperson*

**Fiscal Note:** 125-210. No fiscal impact; (8) recommends adoption.

#### **Annex A**

#### **TITLE 58. RECREATION**

#### **PART VII. GAMING CONTROL BOARD**

#### **Subpart L. INTERACTIVE GAMING**

#### **CHAPTER 805. INTERACTIVE GAMING MANUFACTURER—TEMPORARY REGULATIONS**

Sec.	
805.1.	Interactive gaming manufacturer license requirements.
805.2.	Interactive gaming manufacturer license application and standards.
805.3.	Interactive gaming manufacturer license term and renewal.
805.4.	Interactive gaming manufacturer abbreviated license process.
805.5.	Interactive gaming manufacturer conditional license process.
805.6.	Interactive gaming manufacturer licensee responsibilities.
805.7.	Interactive gaming manufacturer licensee change of control.

#### **§ 805.1. Interactive gaming manufacturer license requirements.**

(a) An interactive gaming manufacturer seeking to manufacture interactive devices or associated equipment



for use in this Commonwealth shall apply to the Board for an interactive gaming manufacturer license.

(b) In accordance with section 1317.1(e)(3) of the act (relating to manufacturer licenses), an applicant for or the holder of an interactive gaming manufacturer license or any of the applicant's or holder's affiliates, intermediaries, subsidiaries or holding companies may not apply for or hold a slot machine license or an interactive gaming supplier license.

**§ 805.2. Interactive gaming manufacturer license application and standards.**

(a) An applicant for an interactive gaming manufacturer license shall submit all of the following:

(1) An original and one copy of the Enterprise Entity Application and Disclosure Information Form for the applicant and each of the applicant's principal affiliates.

(2) The nonrefundable application fee posted on the Board's web site.

(3) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481a (relating to diversity).

(4) An application from every key employee under §§ 435a.2 and 808.3 (relating to key employee license; and interactive key employees) and principal under Chapter 433a (relating to principal licenses) and § 808.2 (relating to interactive gaming principals) as specified by the Enterprise Entity Application and Disclosure Information Form and other persons as determined by the Board.

(5) An affirmation that neither the applicant nor any of its affiliates, intermediaries, subsidiaries or holding companies is an applicant for or holder of a slot machine license and that the applicant has neither applied for nor holds an interactive gaming supplier license.

(6) A sworn or affirmed statement that the applicant has developed and implemented internal safeguards and policies to prevent a violation of section 1513 of the act (relating to political influence) and a copy of the safeguards and policies.

(b) In addition to the materials required under subsection (a), an applicant for an interactive gaming manufacturer license shall do all of the following:

(1) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(2) Demonstrate that the applicant has the ability to manufacture, build, rebuild, repair, fabricate, assemble, produce, program, design or otherwise make modifications to interactive gaming devices or associated equipment which meet one or more of the following criteria:

(i) Are specifically designed for use in the operation of interactive gaming or an interactive gaming device or associated equipment.

(ii) Are needed to conduct an authorized interactive game.

(iii) Have the capacity to affect the outcome of the play of an interactive game.

(iv) Have the capacity to affect the calculation, storage, collection or control of gross interactive gaming revenue.

(c) In determining whether an applicant is suitable to be licensed as an interactive gaming manufacturer under this section, the Board will consider all of the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the applicant.

(2) If all principals of the applicant are eligible and suitable under the standards of section 1311.1 of the act (relating to licensing of principals).

(3) The integrity of all financial backers.

(4) The suitability of the applicant and the principals of the applicant based on the satisfactory results of all of the following:

(i) The background investigation of the principals.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

**§ 805.3. Interactive gaming manufacturer license term and renewal.**

(a) An interactive gaming manufacturer license and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(b) A renewal application for an interactive gaming manufacturer license shall be filed at least 6 months prior to the expiration of the current license.

(c) An interactive gaming manufacturer license for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

**§ 805.4. Interactive gaming manufacturer abbreviated license process.**

(a) The Board may use an abbreviated licensing process if the applicant holds a license issued by the Board to manufacture slot machines, table games, table game devices or associated equipment and all of the following apply:

(1) The license was issued by the Board within a 36-month period immediately preceding the date the entity files an application to manufacture interactive gaming devices or associated equipment.

(2) The entity to whom the manufacturer license was issued affirms there has been no material change in circumstances relating to the license.

(3) The Board determines, in its sole discretion, that there has been no material change in circumstances relating to the licensee that necessitates that the abbreviated process not be used.

(b) This section may not be construed to waive any fees associated with obtaining an interactive gaming manufacturer license through the application process in this Commonwealth.

**§ 805.5. Interactive gaming manufacturer conditional license process.**

(a) The Board may issue conditional authorization to a person applying for an interactive gaming manufacturer license until September 17, 2019.

(1) Conditional authorization issued under this subpart will remain in effect until the earlier of the date occurring 12 months after the issuance of the authorization or the date upon which the Board makes a final determination on the person's application.

(i) The effectiveness of a conditional authorization may be extended by the Board not more than once, upon a showing of good cause.

(ii) Conditional authorization shall allow an applicant for an interactive gaming manufacturer license to engage in all of the functions of a licensed interactive gaming manufacturer for the duration of the conditional authorization.

(2) A conditional authorization will not be issued unless:

(i) The applicant has submitted a complete application for an interactive gaming manufacturer license to the Board.

(ii) The applicant is a certified gaming service provider in this Commonwealth or licensed in good standing to manufacture or provide interactive gaming devices or associated equipment in another jurisdiction in the United States or Canada that the Board has determined has licensing standards that are as comprehensive and thorough and provide similar adequate safeguards as those required under the act.

(iii) Submit a written statement from an interactive certificateholder or interactive gaming operator that the entity intends to do business with the applicant and a description of the services or products to be provided by the applicant.

(iv) Pass a preliminary review of the applicant's and its principal's criminal history.

(v) The applicant agrees to pay or has paid the nonrefundable application fee posted on the Board's web site prior to the issuance of conditional authorization.

(vi) The Bureau does not have an objection to the issuance of a conditional authorization to the applicant.

(b) An applicant for an interactive gaming manufacturer license that has received a conditional license shall provide to the Board in a manner and in the form as the Board will prescribe, on the 20th day following the end of each calendar quarter thereafter, a summary of the quarterly sales made to all interactive gaming certificateholders and interactive gaming operators in this Commonwealth, as well as all contracts or invoices concerning these sales upon request by the Board.

(c) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for an interactive gaming manufacturer license that has received a conditional license, the Bureau of Licensing will rescind the conditional license. If the conditional license is rescinded, the conditional licensee shall cease conducting business by the date specified in the notice of the rescission sent to the conditional licensee by the Bureau of Licensing under subsection (d).

(d) When the Bureau of Licensing rescinds a conditional license, the Bureau of Licensing will notify the holder of the conditional license and all interactive gaming certificateholders and interactive gaming operators by registered mail and e-mail that:

(1) Permission for the conditional licensee to conduct business under this subpart has been rescinded.

(2) Interactive gaming certificateholders and interactive gaming operators and any other licensee shall cease conducting business with the conditional licensee by the date specified in the notice.

(e) Pending a hearing on the Notice of Recommendation for Denial, the conditional licensee may not seek or

conduct any new business in this Commonwealth and may only complete transactions that were commenced prior to the date specified in the notice of rescission.

(f) Nothing in this section may be construed to waive fees associated with obtaining a license through the application process in this Commonwealth.

**§ 805.6. Interactive gaming manufacturer licensee responsibilities.**

(a) A holder of an interactive gaming manufacturer license shall have a continuing duty to do all of the following:

(1) Comply with the general requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(2) For publicly traded interactive gaming manufacturer licensees, provide notification of all SEC filings or if the manufacturer is publicly traded on a foreign exchange, a copy of all filings submitted to the securities regulator that has jurisdiction over the foreign publicly traded corporation. The notification or copies of the filings shall be submitted to the Bureau of Licensing within 30 days after the date of filing with the SEC or securities regulator that has jurisdiction over the foreign publicly traded corporation.

(b) An employee of a licensed manufacturer who is a gaming or nongaming employee as defined in §§ 401a.3 and 801.2 (relating to definitions) shall obtain a permit under §§ 435a.3 and 808.4 (relating to occupation permit; and interactive gaming employees) or registration under §§ 435a.5 and 808.5 (relating to nongaming employee registration; and interactive nongaming employees).

**§ 805.7. Interactive gaming manufacturer licensee change of control.**

(a) For purposes of this section, a change of control of an interactive gaming manufacturer licensee will be deemed to have occurred when a person or group of persons acquires:

(1) More than 20% of an interactive gaming manufacturer licensee's securities, assets or other ownership interests.

(2) More than 20% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 20% of the voting or other securities or other ownership interests of the interactive gaming manufacturer licensee.

(3) Any other interest in an interactive gaming manufacturer licensee which allows the acquirer to control the interactive gaming manufacturer licensee.

(b) An interactive gaming manufacturer licensee shall notify the Bureau and the Bureau of Licensing by filing a Notification of Proposed Transfer of Interest Form immediately upon becoming aware of any proposed or contemplated change of control of the interactive gaming manufacturer licensee.

(c) Prior to acquiring a controlling interest in an interactive gaming manufacturer licensee, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) requesting Board approval of the acquisition. The petition must include all of the following:

(1) A copy of all documents governing the acquisition.

(2) Completed applications for the acquiring company, as required under this chapter, principals as required under Chapters 433a (relating to principal licenses) and § 808.2 (relating to interactive gaming principals) and

key employees as required under §§ 435a.2 and 808.3 (relating to key employee license; and interactive key employees).

(3) An affirmation that neither the acquirer nor any of its affiliates, intermediaries, subsidiaries or holding companies is a slot machine licensee or interactive gaming certificateholder and that the acquirer has neither applied for nor holds an interactive gaming supplier license.

(d) A person or group of persons seeking to acquire a controlling interest in an interactive gaming manufacturer licensee shall promptly provide any additional information requested by the Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under subsection (c).

(e) A person or group of persons may not acquire a controlling interest in an interactive gaming manufacturer licensee until the petition required under subsection (c) has been approved. A person or group of persons seeking to acquire a controlling interest in an interactive gaming manufacturer licensee and the interactive gaming manufacturer licensee may enter into an agreement of sale that is contingent on Board approval of the petition.

(f) The requirements in this section do not apply to the acquisition of a controlling interest in an interactive gaming manufacturer licensee when all of the following conditions are met:

(1) The acquirer is an existing licensed slot machine, table game or interactive gaming manufacturer.

(2) The existing licensed interactive gaming manufacturer has provided the Bureau and the Bureau of Licensing notification and a copy of all documents governing the acquisition at least 60 days prior to the acquisition.

(3) After reviewing the documentation, the Bureau and the Bureau of Licensing determine that the filing of a petition is not required.

**CHAPTER 806. INTERACTIVE GAMING SUPPLIER—  
TEMPORARY REGULATIONS**

Sec.	
806.1.	Interactive gaming supplier license requirements.
806.2.	Interactive gaming supplier application and standards.
806.3.	Interactive gaming supplier entity term and renewal.
806.4.	Interactive gaming supplier abbreviated license process.
806.5.	Interactive gaming supplier conditional license process.
806.6.	Interactive gaming supplier licensee responsibilities.
806.7.	Interactive gaming supplier change of control.

**§ 806.1. Interactive gaming supplier license requirements.**

(a) A supplier seeking to sell, lease, offer or otherwise provide, distribute or service interactive gaming devices or associated equipment to an interactive gaming certificateholder or interactive gaming operator in this Commonwealth shall apply to the Board for an interactive gaming supplier license.

(b) In accordance with sections 1317 and 1317.1 of the act (relating to supplier licenses; and manufacturer licenses), an applicant for or the holder of an interactive gaming supplier license or any of the applicant's or holder's affiliates, intermediaries, subsidiaries or holding companies may not apply for or hold a slot machine license or an interactive gaming manufacturer license.

**§ 806.2. Interactive gaming supplier application and standards.**

(a) An applicant for an interactive gaming supplier license shall submit all of the following:

(1) An original and one copy of the Enterprise Entity Application and Disclosure Information Form for the applicant and each of the applicant's principal affiliates.

(2) The nonrefundable application fee posted on the Board's web site.

(3) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481a (relating to diversity).

(4) An application from every key employee under §§ 435a.2 and 808.3 (relating to key employee license; and interactive key employees) and principal under Chapter 433a (relating to principal licenses) and § 808.2 (relating to interactive gaming principals) as specified by the Enterprise Entity Application and Disclosure Information Form and other persons as determined by the Board.

(5) An affirmation that neither the applicant nor any of its affiliates, intermediaries, subsidiaries or holding companies is an applicant for or holder of a slot machine license and that the applicant has neither applied for nor holds an interactive gaming manufacturer license.

(6) A sworn or affirmed statement that the applicant has developed and implemented internal safeguards and policies to prevent a violation of section 1513 of the act (relating to political influence) and a copy of the safeguards and policies.

(b) In addition to the materials required under subsection (a), an applicant for an interactive gaming supplier license shall comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(c) In determining whether an applicant is suitable to be licensed as an interactive gaming supplier under this section, the Board will consider all of the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the applicant.

(2) If all principals of the applicant are eligible and suitable under the standards of section 1311.1 of the act (relating to licensing of principals).

(3) The integrity of all financial backers.

(4) The suitability of the applicant and the principals of the applicant based on the satisfactory results of all of the following:

(i) The background investigation of the principals.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

**§ 806.3. Interactive gaming supplier entity term and renewal.**

(a) An interactive gaming supplier license and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(b) A renewal application for an interactive gaming supplier license shall be filed at least 6 months prior to the expiration of the current license.

(c) An interactive gaming supplier license for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.



**§ 806.4. Interactive gaming supplier abbreviated license process.**

(a) The Board may use an abbreviated licensing process if the applicant holds a license issued by the Board to supply slot machines, table games, table game devices or associated equipment and all of the following apply:

(1) The license was issued by the Board within a 36-month period immediately preceding the date the entity files an application to supply interactive gaming devices or associated equipment.

(2) The entity to whom the supplier license was issued affirms there has been no material change in circumstances relating to the license.

(3) The Board determines, in its sole discretion, that there has been no material change in circumstances relating to the licensee that necessitates that the abbreviated process not be used.

(b) This section may not be construed to waive any fees associated with obtaining an interactive gaming supplier license through the application process in this Commonwealth.

**§ 806.5. Interactive gaming supplier conditional license process.**

(a) The Board may issue conditional authorization to a person applying for an interactive gaming supplier license until September 17, 2019.

(1) Conditional authorization issued under this subpart will remain in effect until the earlier of the date occurring 12 months after the issuance of the authorization or the date upon which the Board makes a final determination on the person's application.

(i) The effectiveness of a conditional authorization may be extended by the Board not more than once, upon a showing of good cause.

(ii) Conditional authorization will allow an applicant for an interactive gaming supplier license to engage in all of the functions of a licensed interactive gaming supplier for the duration of the conditional authorization.

(2) A conditional authorization will not be issued unless all of the following apply:

(i) The applicant has submitted a complete application for an interactive gaming supplier license to the Board.

(ii) The applicant is a certified gaming service provider in this Commonwealth or licensed in good standing to supply or service interactive gaming devices or associated equipment in another jurisdiction in the United States or Canada that the Board has determined has licensing standards that are as comprehensive and thorough and provide similar adequate safeguards as those required under the act.

(iii) Submit a written statement from an interactive certificateholder or interactive gaming operator that the entity intends to do business with the applicant and a description of the services or products to be provided by the applicant.

(iv) Pass a preliminary review of the applicant's and its principal's criminal history.

(v) The applicant agrees to pay or has paid the non-refundable application fee posted on the Board's web site prior to the issuance of conditional authorization.

(vi) The Bureau does not have an objection to the issuance of a conditional authorization to the applicant.

(b) An applicant for an interactive gaming supplier license that has received a conditional license shall provide to the Board in a manner and in the form as the Board will prescribe, on the 20th day following the end of each calendar quarter thereafter, a summary of the quarterly sales made to all interactive gaming certificateholders and interactive gaming operators in this Commonwealth, as well as all contracts or invoices concerning these sales upon request by the Board.

(c) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for an interactive gaming supplier license that has received a conditional license, the Bureau of Licensing may rescind the conditional license. If the conditional license is rescinded, the conditional licensee shall cease conducting business by the date specified in the notice of the rescission sent to the conditional licensee by the Bureau of Licensing under subsection (d).

(d) When the Bureau of Licensing rescinds a conditional license, the Bureau of Licensing will notify the holder of the conditional license and all interactive gaming certificateholders and interactive gaming operators by registered mail and e-mail that:

(1) Permission for the conditional licensee to conduct business under this subpart has been rescinded.

(2) Interactive gaming certificateholders and interactive gaming operators and any other licensee shall cease conducting business with the conditional licensee by the date specified in the notice.

(e) Pending a hearing on the Notice of Recommendation for Denial, the conditional licensee may not seek or conduct any new business in this Commonwealth and may only complete transactions that were commenced prior to the date specified in the notice of rescission.

(f) Nothing in this section may be construed to waive fees associated with obtaining a license through the application process in this Commonwealth.

**§ 806.6. Interactive gaming supplier licensee responsibilities.**

(a) A supplier shall submit to the Bureau of Licensing for review any agreements with a licensed interactive gaming manufacturer, licensed interactive gaming operator, slot machine licensee or interactive gaming certificateholder. The review may include financing arrangements, technical competency, compensative agreements and other terms or conditions to ensure the financial independence of the licensed interactive gaming supplier from any licensed interactive gaming manufacturer or licensed or certified interactive gaming entity.

(b) A holder of a supplier license shall have a continuing duty to do all of the following apply:

(1) Comply with the general requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(2) For publicly traded interactive gaming suppliers, provide notification of all SEC filings or, if the supplier is publicly traded on a foreign exchange, a copy of all filings submitted to the securities regulator that has jurisdiction over the foreign publicly traded corporation. The notification or copies of the filings shall be submitted to the Bureau of Licensing within 30 days after the date of filing with the SEC or securities regulator that has jurisdiction over the foreign publicly traded corporation.

(c) An employee of a licensed interactive gaming supplier who is a gaming or nongaming employee as defined

in §§ 401a.3 and 801.2 (relating to definitions) shall obtain a permit under §§ 435a.3 and 808.4 (relating to occupation permit; and interactive gaming employees) or registration under §§ 435a.5 and 808.5 (relating to nongaming employee registration; and interactive nongaming employees).

**§ 806.7. Interactive gaming supplier change of control.**

(a) For purposes of this section, a change of control of an interactive gaming supplier licensee will be deemed to have occurred when a person or group of persons acquires:

(1) More than 20% of an interactive gaming supplier licensee's securities, assets or other ownership interests.

(2) More than 20% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 20% of the voting or other securities or other ownership interests of the interactive gaming supplier licensee.

(3) Any other interest in an interactive gaming supplier licensee which allows the acquirer to control the interactive gaming supplier licensee.

(b) An interactive gaming supplier licensee shall notify the Bureau and the Bureau of Licensing by filing a Notification of Proposed Transfer of Interest Form immediately upon becoming aware of any proposed or contemplated change of control of the interactive gaming supplier licensee.

(c) Prior to acquiring a controlling interest in an interactive gaming supplier licensee, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) requesting Board approval of the acquisition. The petition must include all of the following:

(1) A copy of all documents governing the acquisition.

(2) Completed applications for the acquiring company, as required under this chapter, principals as required under Chapter 433a (relating to principal licenses) and § 808.2 (relating to interactive gaming principals) and key employees as required under §§ 435a.2 and 808.3 (relating to key employee license; and interactive key employees).

(3) An affirmation that neither the acquirer nor any of its affiliates, intermediaries, subsidiaries or holding companies is a slot machine licensee or interactive gaming certificateholder and that the acquirer has neither applied for nor holds an interactive gaming manufacturer license.

(d) A person or group of persons seeking to acquire a controlling interest in an interactive gaming supplier licensee shall promptly provide any additional information requested by the Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under subsection (b).

(e) A person or group of persons may not acquire a controlling interest in an interactive gaming supplier licensee until the petition, required under subsection (b), has been approved. A person or group of persons seeking to acquire a controlling interest in an interactive gaming supplier licensee and the supplier licensee may enter into a sales agreement that is contingent on Board approval of the petition.

(f) The requirements in this section do not apply to the acquisition of a controlling interest in an interactive gaming supplier licensee when all of the following conditions are met:

(1) The acquirer is an existing licensed slot machine, table game or interactive gaming supplier.

(2) The existing licensed interactive gaming supplier has provided the Bureau and the Bureau of Licensing notification and a copy of all documents governing the acquisition at least 60 days prior to the acquisition.

(3) After reviewing the documentation, the Bureau and the Bureau of Licensing determine that the filing of a petition is not required.

**CHAPTER 807. INTERACTIVE GAMING SERVICE PROVIDERS—TEMPORARY REGULATIONS**

Sec.	
807.1.	General interactive gaming service provider requirements.
807.2.	Interactive gaming service provider certification applications.
807.3.	Interactive gaming service provider registration applications.
807.4.	Qualification of individuals and entities of certified interactive gaming service providers.
807.5.	Interactive gaming service provider registration and certification term and renewal.
807.6.	Authorized interactive gaming service providers list; prohibited interactive gaming service providers.
807.7.	Permission to conduct business prior to certification or registration.
807.8.	Emergency interactive gaming service provider.
807.9.	Duty to investigate.

**§ 807.1. General interactive gaming service provider requirements.**

(a) Except as provided in § 807.9 (relating to duty to investigate), an interactive gaming service provider or person seeking to conduct business with an interactive gaming certificateholder or interactive gaming operator shall apply to the Board for certification if the interactive gaming service provider or person is providing:

(1) Data warehousing hosting services unless the hosting service is in a jurisdiction, the standards of which are recognized by the Board, with which the Commonwealth has an interactive agreement, the owner of the hardware is licensed as an interactive gaming operator by the Board and the facility is approved by the Board.

(2) Payment processing and related money-transmitting services with direct contact with a patron's interactive gaming certificateholder account or the interactive gaming platform.

(3) Customer identity, age verification and geo-location verification used in the conduct of interactive and mobile gaming, regardless of the interactive gaming service provider or person's contractual relationship with an interactive certificateholder.

(4) Interactive affiliate goods or services and the interactive affiliate is being paid a revenue share. As used in this subsection, "interactive affiliate" means as an individual or entity involved in promoting, marketing and directing business to online gaming sites in exchange for compensation paid based on player activity not a flat fee.

(5) Any other person as determined by the Board.

(b) Except as provided in § 807.9, a gaming service provider or person seeking to conduct business with an interactive gaming certificateholder or interactive gaming operator shall apply to the Board for a registration if the interactive gaming service provider or person is providing goods or services related to interactive gaming or interactive wagering and the interactive gaming service provider or person is not required to be certified as an interactive gaming service provider. This subsection applies to interactive affiliates involved in promoting, marketing and directing business to online gaming sites in exchange for a flat fee.

(c) A holder of an interactive gaming service provider certification, registration or authorization shall have a continuing duty to comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

**§ 807.2. Interactive gaming service provider certification applications.**

(a) An interactive gaming service provider seeking certification shall submit an original and one copy of a Certification Application and Disclosure Form. The original, copy and the application fee toward the cost of the investigation of the applicant, as posted on the Board's web site, shall be submitted to the Bureau of Licensing by the interactive gaming service provider unless otherwise directed by the Bureau of Licensing.

(b) In addition to the requirements in subsection (a), an applicant for an interactive gaming service provider certification shall do all of the following:

(1) Submit applications and release authorizations for each individual required to be qualified under § 807.4 (relating to qualification of individuals and entities of certified interactive gaming service providers).

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(c) An applicant for an interactive gaming service provider certification shall reimburse the Board for costs incurred in conducting the investigation of the applicant.

(d) An interactive gaming service provider certification will not be issued until all fees and costs have been paid.

**§ 807.3. Interactive gaming service provider registration applications.**

(a) An interactive gaming service provider seeking registration shall complete an original and one copy of a Gaming Service Provider Registration Form. The original, copy and the application fee toward the cost of the investigation of the applicant, as posted on the Board's web site, shall be submitted to the Bureau of Licensing by the interactive gaming service provider unless otherwise directed by the Bureau of Licensing.

(b) In addition to the materials required under subsection (a), an applicant for an interactive gaming service provider registration shall do all of the following:

(1) Submit release authorizations for each individual required to be qualified under § 807.4 (relating to qualification of individuals and entities of certified interactive gaming service providers).

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(3) Submit fingerprints of all of the following individuals in a manner prescribed by the Bureau:

(i) Each officer and director of the registered interactive gaming service provider applicant. For purposes of this subparagraph, "officer" means a president, a chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(ii) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the registered interactive gaming service provider applicant.

(iii) Each salesperson of a registered interactive gaming service provider applicant who solicits business from, or has regular contact with, any representatives of an interactive certificateholder or interactive gaming operator or any employee of a registered interactive gaming service provider applicant who will be engaging in that conduct.

(c) A person who holds any direct or indirect ownership or beneficial interest in a registered interactive gaming service provider or applicant for interactive gaming service provider registration, or has the right to any profits or distributions directly or indirectly, from the registered interactive gaming service provider or applicant for interactive gaming service provider registration may be required to submit fingerprints if the Bureau determines that the submission of fingerprints of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(d) Each of the individuals required to submit fingerprints under subsection (b)(3) shall be found qualified by the Board. An individual who is a gaming or nongaming employee as defined in §§ 401a.3 and 801.2 (relating to definitions) shall obtain a gaming employee occupation permit in accordance with §§ 435a.3 and 808.4 (relating to occupation permit; and interactive gaming employees) or a nongaming employee registration in accordance with §§ 435a.5 and 808.5 (relating to nongaming employee registration; and interactive nongaming employees).

(e) An applicant for an interactive gaming service provider registration shall reimburse the Board for costs incurred in conducting the investigation of the applicant.

(f) An interactive gaming service provider registration will not be issued until all fees and costs have been paid.

**§ 807.4. Qualification of individuals and entities of certified interactive gaming service providers.**

(a) The following individuals shall submit a Pennsylvania Personal History Disclosure Form and be found qualified by the Board:

(1) Each officer and director of a certified interactive gaming service provider or applicant for interactive gaming service provider certification. For the purposes of this paragraph, "officer" means a president, a chief executive officer, a chief financial officer, and a chief operating officer and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(2) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the certified interactive gaming service provider or applicant for interactive gaming service provider certification. A certified interactive gaming service provider or applicant for interactive gaming service provider certification shall provide information or documentation requested by the Board necessary to determine compliance with this paragraph.

(3) Each salesperson of a certified interactive gaming service provider or applicant for interactive gaming service provider certification who solicits business from, or has regular contact with, any representatives of an interactive certificateholder or interactive gaming operator or any employee of a certified interactive gaming service provider or applicant for interactive gaming service provider certification who will be engaging in that conduct.



(b) Each entity that directly owns 20% or more of the voting securities of a certified interactive gaming service provider or person applying for interactive gaming service provider certification shall file a Certification Form—Private Holding Company with the Bureau of Licensing and be found qualified by the Board.

(c) The following persons may be required to submit a Certification Form—Private Holding Company or a Pennsylvania Personal History Disclosure Form and be found qualified by the Board if the Bureau of Licensing determines that the qualification of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(1) An intermediary or holding company of a certified interactive gaming service provider or applicant for interactive gaming service provider certification not otherwise required to be qualified.

(2) An officer or director of an intermediary or holding company of a certified interactive gaming service provider or applicant for interactive gaming service provider certification.

(3) An employee of a certified interactive gaming service provider or applicant for interactive gaming service provider certification.

(4) A person who holds any direct or indirect ownership or beneficial interest in a certified interactive gaming service provider or applicant for interactive gaming service provider certification, or has the right to any profits or distribution, directly or indirectly, from the certified interactive gaming service provider or applicant for interactive gaming service provider certification.

(5) A trustee of a trust that is required to be found qualified under this section.

(d) The Bureau of Licensing may issue a temporary credential to an individual who is required to be qualified by the Board under this section if all of the following apply:

(1) The individual's presence in an interactive gaming restricted area is needed.

(2) The company with which the individual is associated is on the authorized gaming service provider list.

(e) Upon request, the Bureau of Licensing will issue a credential to an individual who has been found qualified under this section if the interactive gaming service provider has been certified.

(f) An employee of a certified or registered interactive gaming service provider who is a gaming or nongaming employee as defined in §§ 401a.3 and 801.2 (relating to definitions) shall obtain a permit under §§ 435a.3 and 808.4 (relating to occupation permit; and interactive gaming employees) or registration under §§ 435a.5 and 808.5 (relating to nongaming employee registration; and interactive nongaming employees).

**§ 807.5. Interactive gaming service provider registration and certification term and renewal.**

(a) Interactive gaming service provider certifications, registrations and renewals issued under this subpart will be valid for 5 years from the date of Board approval.

(b) Registered and certified interactive gaming service providers shall submit to the Board a completed renewal application or form and renewal fee at least 180 days prior to the expiration of a certification, registration or authorization.

(c) A certification or registration for which a completed renewal application and fee has been received by the Bureau of Licensing will continue to be in effect until the Board sends written notification to the holder of the certification or registration that the Board has approved or denied the certification or registration.

**§ 807.6. Authorized interactive gaming service providers list; prohibited interactive gaming service providers.**

(a) The Board will maintain a list of authorized interactive gaming service providers and a list of prohibited interactive gaming service providers. The authorized list will contain the names of persons who have been:

(1) Registered or certified.

(2) Authorized to conduct business with interactive certificateholder or interactive gaming operator under § 437a.9 (relating to permission to conduct business prior to certification or registration).

(b) Except as permitted under §§ 437a.1(a)(2), (d) and (g) and 437a.10 (relating to general gaming service provider requirements; and emergency gaming service provider), an interactive gaming certificateholder or interactive gaming operator may not purchase goods or services from an interactive gaming service provider unless the interactive gaming service provider is on the authorized interactive gaming service provider list. A slot machine licensee, interactive gaming certificateholder or interactive gaming operator or applicant or any affiliate, intermediary, subsidiary or holding company thereof acting on behalf of the slot machine licensee, interactive gaming certificateholder, interactive gaming operator or applicant may not enter into an agreement or continue to do business with an interactive gaming service provider on the prohibited gaming service providers list.

(c) The Board may place a person on the prohibited interacted gaming service provider list if all of the following apply:

(1) The interactive gaming service provider has failed to comply with this chapter.

(2) The interactive gaming service provider has failed to cooperate with Board staff in its review and investigation of the interactive gaming service provider's application.

(3) The interactive gaming service provider's application for certification or registration has been denied or withdrawn with prejudice or the interactive gaming service provider has had its interactive gaming service provider certification or registration suspended or revoked.

(4) The interactive gaming service provider has failed to provide information to a slot machine licensee, an interactive gaming certificateholder or interactive gaming operator that is necessary for the slot machine licensee, interactive gaming certificateholder or interactive gaming operator to comply with this chapter.

(d) A person seeking to be removed from the list of prohibited interactive gaming service providers shall file a petition for removal in accordance with § 493a.4 (relating to petitions generally) and shall be responsible for all costs associated with the person's petition for removal from the list of prohibited interactive gaming service providers. The petition must state the specific grounds believed by the petitioner to constitute good cause for removal from the prohibited interactive gaming service providers list and how the interactive gaming service

provider has cured any deficiencies that led to the interactive gaming service provider being placed on the prohibited interactive gaming service providers list.

(e) The Board may impose a monetary penalty or other appropriate sanction in connection with the removal of a person from the list of prohibited interactive gaming service providers, or attach any reasonable condition to the removal of a person from the list of prohibited interactive gaming service providers.

**§ 807.7. Permission to conduct business prior to certification or registration.**

(a) Notwithstanding § 807.1 (relating to general interactive gaming service provider requirements), the Bureau of Licensing may authorize an applicant for an interactive gaming service provider certification or registration to conduct business with a slot machine licensee, an interactive gaming certificateholder or interactive gaming operator prior to the certification or registration of the interactive gaming service provider applicant if all of the following criteria are met:

(1) A completed Gaming Service Provider Registration Form has been filed by the interactive gaming service provider or a completed Gaming Service Provider Certification Application and Disclosure Information Form has been filed by the slot machine licensee, interactive gaming certificateholder or interactive gaming operator in accordance with § 807.2 or § 807.3 (relating to interactive gaming service provider certification applications; and interactive gaming service provider registration applications).

(2) The slot machine licensee, interactive gaming certificateholder or interactive gaming operator certifies that it has performed due diligence on the interactive gaming service provider.

(3) The applicant for an interactive gaming service provider registration or certification agrees, in writing, that the grant of permission to conduct business prior to registration or certification does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the authorization granted pursuant to this section, with or without prior notice to the applicant, if the Bureau of Licensing is informed that the suitability of the applicant may be at issue or the applicant fails to cooperate in the application or investigatory process.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for certification or registration, the Bureau of Licensing may rescind the permission granted to the applicant for certification or registration to conduct business with a slot machine licensee, interactive gaming certificateholder, interactive gaming operator or applicant under subsection (a). If the permission is rescinded, the applicant for certification or registration shall cease conducting business with the slot machine licensee, interactive gaming certificateholder, interactive gaming operator or applicant by the date specified in the notice of the rescission by the Bureau of Licensing under subsection (c).

(c) The Bureau of Licensing will notify the applicant for certification or registration and the slot machine licensee, interactive gaming certificateholder, interactive gaming operator or applicant by registered mail and e-mail that permission for the applicant for certification or registration to conduct business with the slot machine licensee, interactive gaming certificateholder, interactive gaming operator or applicant under subsection (a) has been rescinded and that the slot machine licensee, inter-

active gaming certificateholder, interactive gaming operator or applicant shall cease conducting business with the applicant for certification or registration by the date specified in the notice.

**§ 807.8. Emergency interactive gaming service provider.**

(a) An interactive gaming certificateholder or interactive gaming operator may utilize an interactive gaming service provider that is not registered, certified or authorized to conduct business in accordance with § 807.7 (relating to permission to conduct business prior to certification or registration) when a threat to public health, welfare or safety exists or circumstances outside the control of the slot machine licensee, interactive gaming certificateholder or interactive gaming operator create an urgency of need which does not permit the delay involved in using the formal method of interactive gaming service provider certification or registration. A slot machine licensee, interactive gaming certificateholder or interactive gaming operator may not use an interactive gaming service provider on the prohibited list.

(b) When using an interactive gaming service provider that is not registered, certified or authorized to conduct business to respond to an emergency, the slot machine licensee, interactive gaming certificateholder or interactive gaming operator shall do all of the following:

(1) Immediately notify the Bureau of Licensing of the emergency and the interactive gaming service provider that was selected to provide emergency services.

(2) File an Interactive Gaming Service Provider Emergency Notification Form with the Bureau of Licensing within 72 hours after commencement of the interactive gaming service provider's services and a written explanation of the basis for the procurement of the emergency interactive gaming service provider.

(c) An employee of the emergency interactive gaming service provider who is providing emergency services that requires access to an interactive gaming restricted area shall obtain a temporary access credential in accordance with § 808.7 (relating to emergency and temporary credentials) prior to performing any work.

(d) If the slot machine licensee, interactive gaming certificateholder or interactive gaming operator continues to utilize the interactive gaming service provider after the emergency circumstances have passed or if the Bureau of Licensing determines that the circumstances did not necessitate the use of an emergency interactive gaming service provider that was not registered, certified or on the authorized list, the slot machine licensee, interactive gaming certificateholder, interactive gaming operator and interactive gaming service provider shall comply with this chapter.

**§ 807.9. Duty to investigate.**

(a) A slot machine licensee, interactive gaming certificateholder or interactive gaming operator shall investigate the background and qualifications of the applicants for interactive gaming service provider registration or certification with whom it intends to have a contractual relationship or enter into an agreement.

(b) A slot machine licensee, interactive gaming certificateholder or interactive gaming operator shall have an affirmative duty to avoid agreements or relationships with persons applying for an interactive gaming service provider registration or certification whose background or associations are injurious to the public health, safety, morals, good order and general welfare of the residents of

this Commonwealth, or who threaten the integrity of gaming in this Commonwealth.

(c) A slot machine licensee, an interactive gaming certificateholder or interactive gaming operator shall have a duty to inform the Board of an action by an applicant for or holder of an interactive gaming service provider registration or certification, which the slot machine licensee, interactive gaming certificateholder or interactive gaming operator believes would constitute a violation of the act or this part.

**CHAPTER 808. INTERACTIVE GAMING PRINCIPALS AND KEY, GAMING AND NONGAMING EMPLOYEES—TEMPORARY REGULATIONS**

Sec.  
 808.1. General provisions.  
 808.2. Interactive gaming principals.  
 808.3. Interactive key employees.  
 808.4. Interactive gaming employees.  
 808.5. Interactive nongaming employees.  
 808.6. Board credentials.  
 808.7. Emergency and temporary credentials.  
 808.8. Loss, theft or destruction of credentials.

**§ 808.1. General provisions.**

(a) An individual seeking a principal, key employee license, gaming employee occupation permit or nongaming employee registration to participate in interactive gaming in this Commonwealth shall apply to the Board as follows:

(1) Principal and key employee applicants shall submit an original and one copy of a completed Multi-Jurisdictional Personal History Disclosure Form as well as an original and one copy of a completed Principal/Key Employee Form—Pennsylvania Supplement to the Multi-Jurisdictional Personal History Disclosure Form.

(2) Gaming employee occupation permit and nongaming employee registration applicants shall submit the Gaming Employee or Nongaming Employee Registration Application using the SLOTS Link.

(3) All applicants shall submit the nonrefundable application fee posted on the Board’s web site.

(b) In addition to the materials required in subsection (a), an applicant shall comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(c) The holder of a principal, key employee license, gaming employee occupation permit or nongaming employee registration shall provide an updated photograph at the request of Board staff.

(d) An applicant for a gaming employee occupation permit or nongaming employee registration shall be at least 18 years of age.

(e) After reviewing the application and the results of the applicant’s background investigation, the Board may issue a principal license, key employee license, gaming employee occupation permit or nongaming employee registration if the individual has proven that he is a person of good character, honesty and integrity, and is eligible and suitable to be licensed as a principal, key employee, gaming employee or nongaming employee.

(f) Slot machine licensees, interactive gaming certificateholders, interactive gaming operators, interactive gaming manufacturers, interactive gaming suppliers and interactive gaming service providers that hire an individual who holds a key employee license, gaming

employee occupation permit or registration issued by the Board shall contact the Bureau of Licensing to confirm that the individual’s key employee license, gaming employee occupation permit or registration is in good standing prior to allowing the individual to perform work associated with interactive gaming in this Commonwealth.

(g) An individual who holds a principal license, key employee license, gaming employee occupation permit or registration is subject to all of the following wagering restrictions relative to interactive gaming:

(1) An individual whose job duties include interactive gaming and who holds a license, permit or registration and is currently employed by or is a principal of an interactive certificateholder may not place wagers on web sites offered by or associated with the interactive certificate holder. The licensed, permitted or registered individual shall wait at least 30 days following the date that the individual is no longer employed in a position that includes interactive gaming job duties before the individual may wager on web sites offered by or associated with the interactive certificate holder.

(2) An individual who holds a license, permit or registration and is currently employed by or is a principal of an interactive gaming operator may not wager on web sites operated by the interactive gaming operator. The licensed, permitted or registered individual shall wait at least 30 days following the date that the individual is no longer employed by the interactive gaming operator before the individual may wager on web sites operated by the interactive gaming operator.

(3) An individual whose job duties include interactive gaming and who holds a license, permit or registration and is currently employed by or is a principal of an interactive manufacturer or interactive supplier may not wager on web sites associated with interactive certificateholders in this Commonwealth that offer games or use equipment manufactured, supplied, developed or programmed by the interactive manufacturer or interactive supplier.

**§ 808.2. Interactive gaming principals.**

(a) Principals, as defined in §§ 401a.3 and 433a.1 (relating to definitions), shall submit an application for licensure as described in this section.

(b) A principal license and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(c) A renewal application for a principal license shall be filed at least 6 months prior to expiration of the current license.

(d) A principal license for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

(e) A principal license issued under this subpart will be only be valid for the licensed or certified entity with which the principal is associated.

**§ 808.3. Interactive key employees.**

(a) Key employees, as defined in §§ 401a.3 and 801.2 (relating to definitions), shall submit an application for licensure as described in § 808.2 (relating to interactive gaming principals).

(b) A key employee license and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.



(c) A renewal application for a key employee license shall be filed at least 6 months prior to expiration of the current license.

(d) A key employee license for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

(e) A key employee license issued under this subpart will be valid for employment with any licensed or certified entity.

**§ 808.4. Interactive gaming employees.**

(a) Gaming employees, as defined in §§ 401a.3 and 801.2 (relating to definitions), shall submit an application for licensure as described in § 808.2 (relating to interactive gaming principals).

(b) In addition to the materials required to be submitted under this subpart, gaming employee occupation permit applicants shall submit verification of an offer of employment from a licensed or certified entity.

(c) A gaming employee occupation permit and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(d) A renewal application for a gaming employee occupation permit shall be filed at least 6 months prior to expiration of the current permit.

(e) A gaming employee occupation permit for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

(f) An individual who wishes to receive a gaming employee occupation permit under this subpart may authorize an applicant for or holder of a slot machine license, interactive gaming certificate, interactive gaming operator license, interactive gaming manufacturer license, interactive gaming supplier license, or interactive gaming service provider certification or registration to file an application on the individual's behalf.

(g) A gaming employee occupation permit issued under this chapter will be valid for employment with any licensed, certified or registered entity.

**§ 808.5. Interactive nongaming employees.**

(a) Nongaming employees, as defined in § 401a.3 (relating to definitions), shall submit an application for licensure as described in § 808.2 (relating to interactive gaming principals).

(b) In addition to the materials required to be submitted under this subpart, nongaming employee registration applicants shall submit verification of an offer of employment from a licensed or certified entity.

(c) A nongaming employee registration and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(d) A renewal application for a nongaming employee registration shall be filed at least 6 months prior to expiration of the current registration.

(e) A nongaming employee registration for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

(f) An individual who wishes to receive a nongaming employee registration under this subpart may authorize an applicant for or holder of a slot machine license, interactive gaming certificate, interactive gaming opera-

tor license, interactive gaming manufacturer license, interactive gaming supplier license, or interactive gaming service provider certification or registration to file an application on the individual's behalf.

(g) A nongaming employee registration issued under this chapter will be valid for employment with any licensed, certified or registered entity.

**§ 808.6. Board credentials.**

The individuals required to be licensed, permitted or registered under this subpart shall obtain a Board credential as described in this subpart.

**§ 808.7. Emergency and temporary credentials.**

The individuals required to be licensed, permitted or registered under this subpart may obtain an emergency or temporary Board credential as described in §§ 435a.7 and 435.8 (relating to emergency credentials; and temporary credentials).

**§ 808.8. Loss, theft or destruction of credentials.**

(a) As soon as possible, but no later than 24 hours following the loss, theft or destruction of a Board credential, emergency credential or temporary credential, the person to whom the credential was issued shall notify the Bureau of Licensing.

(b) The slot machine licensee, interactive gaming certificateholder or interactive gaming operator licensee, on behalf of an employee whose Board-issued credential was lost, stolen or destroyed, may request a replacement Board credential by submitting a Request for Duplicate PGCB Credential Form and the fee established by the Board to the Bureau of Licensing.

[Pa.B. Doc. No. 18-394. Filed for public inspection March 16, 2018, 9:00 a.m.]

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

#### [ 58 PA. CODE CHS. 1101—1120 ]

#### Video Gaming at Licensed Truck Stop Establishments; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. §§ 3301 and 3302 (relating to powers of board; and regulatory authority of board) and the specific authority in 4 Pa.C.S. § 3303 (relating to temporary regulations), promulgates temporary regulations governing the licensing, conduct and regulatory oversight of video gaming in this Commonwealth to read as set forth in Annex A.

#### *Purpose of this Temporary Rulemaking*

This temporary rulemaking will provide a regulatory oversight structure for the conduct of video gaming at licensed truck stop establishments in this Commonwealth.

This temporary rulemaking is necessary to implement 4 Pa.C.S. Part III (relating to video gaming). The intent of 4 Pa.C.S. Part III is to provide truck stops that meet certain eligibility criteria the option of providing video gaming through a terminal operator licensee on the premises of the licensed truck stop establishment, and to ensure the integrity of the acquisition and operation of the video gaming terminals, redemption terminals and associated equipment. See 4 Pa.C.S. § 3301.



*Explanation*

Subpart N (relating to video gaming) establishes the complete regulatory package necessary for the Board to begin licensing truck stop establishments that elect to host video gaming activities, terminal operators who place and operate video gaming terminals in truck stop establishments, manufacturers, suppliers and gaming service providers. In addition, Subpart N provides for testing of all equipment used in video gaming operations, and establishes rules for the possession of video gaming terminals, accounting, internal controls and the conduct of video gaming in this Commonwealth. Finally, Subpart N addresses compulsive and problem gambling, self-exclusion and Board-imposed exclusion upon persons whose presence in a video gaming area would be inimical to the Commonwealth's interests.

Subpart N establishes a broad regulatory oversight structure for video gaming. Section 1101.2 (relating to definitions) provides the relevant definitions used throughout Subchapter N for the conduct of video gaming.

Subpart N identifies six categories of licensees based upon the statutory criteria for licensure in 4 Pa.C.S. Part III. See generally 4 Pa.C.S. §§ 3502—3520. The categories of persons subject to licensure include terminal operators, establishment licensees, principals, key employees, suppliers, manufacturers and occupation permittees. Chapters 1102—1109 establish the application and general requirements under which a terminal operator, establishment licensee, principal, key employee supplier, manufacturer and video gaming terminal occupation permittees shall apply to the Board for approval to participate in the regulated conduct of video gaming.

Chapters 1101—1111 provide for a preliminary review of applications, followed by the processing of applications by Board staff, addressing deficient and abandoned applications, avenues for withdrawing an application from consideration, and the terms and renewal periods for licenses.

Chapter 1112 (relating to video gaming terminal, redemption terminal and associated equipment testing and certification—temporary regulations) addresses the testing and certification standards and processes for video gaming terminals, redemption terminals and associated equipment used in the conduct of video gaming. Testing of the video gaming terminals, redemption terminals and associated equipment is vital to assuring the proper operation of the machines within statutorily mandated guidelines as well as to assure fairness to patrons utilizing video gaming terminals.

Chapters 1113—1115 (relating to possession of video gaming terminals—temporary regulations; accounting and internal controls—temporary regulations; and record retention—temporary regulations) address the possession of video gaming terminals and establish video gaming accounting and internal control, as well as record retention requirements. The purpose of these chapters is to ensure accountability for revenues, play of games and overall integrity of the video gaming product.

Chapter 1116 (relating to conduct of video gaming—temporary regulations) establishes standards for the video gaming area, video gaming terminals, redemption terminals, automated teller machines, and restrictions on terminal operators, establishment licensees and employees of licensees in relation to the operation and conduct of video gaming.

Chapter 1117 (relating to video terminal placement agreements—temporary regulations) requires that video

terminal placement agreements between terminal operators and establishment licensees be approved by the Board. It also establishes the standards which those agreements must satisfy to achieve Board approval.

Chapters 1118 and 1119 (relating to compulsive and problem gaming—temporary regulations; and self-exclusion—temporary regulations) relate to problem and compulsive gaming, establish requirements for signage in video gaming areas, the provision of problem gaming information and training, as well as for the creation of a video gaming self-exclusion list and procedures by which individuals may self-exclude from the conduct of video gaming as well as removing oneself from the self-exclusion list.

Chapter 1120 (relating to exclusion of persons from video gaming—temporary regulations) provides a mechanism establishing the Board's mandatory exclusion list and lists the basis upon which exclusion can be imposed, that is, generally if the person's conduct and presence at an establishment licensee's premises would be inimical to the interests of the Commonwealth and licensed gaming therein. This chapter further establishes the process which shall be undertaken to initiate proceedings to exclude a person, including notice and a right to be heard, outlines a licensed establishments obligation to exclude the person, and provides an opportunity for an excluded person to seek his removal from the list of excluded persons.

*Fiscal Impact**Commonwealth*

The Board expects that this temporary rulemaking will have a relatively minimal fiscal impact on the Board and other Commonwealth agencies, which primarily is the result of the need for some additional personnel needed to process applications and review, monitor and regulate the conduct of video gaming. Some of the additional duties will be absorbed by existing Board staff. The costs of this temporary rulemaking will be paid for by an assessment against the gross terminal revenue generated by terminal operator licensees.

*Political subdivisions*

This temporary rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

*Private sector*

This temporary rulemaking is not anticipated to impose a negative fiscal impact on the regulated entities. The decision to participate in video gaming by an eligible truck stop establishment is not mandated by 4 Pa.C.S. Part III but is left to the discretion of those qualifying establishments.

If pursued, there will be some equipment costs for video gaming terminals, redemption terminals, and surveillance and security-related equipment, as well as some limited renovation within the truck stop premises to obtain a segregated video gaming area. In addition, regulated video gaming terminal operators and establishment licensees may need to hire, train and license a limited number of staff in the conduct of video gaming. Costs incurred to hire, train and license employees or purchase/lease equipment should be offset by the proceeds of the video gaming activity.

*General public*

This temporary rulemaking will not have fiscal impact on the general public.

*Paperwork Requirements*

A terminal operator, establishment licensee, manufacturer, supplier and person employed by those entities will be required to file applications with the Board providing information regarding the person's proposed activity, security and surveillance, accounting and internal control protocols and background information of each individual sufficient to permit the Board to determine the individual's suitability for licensure.

*Effective Date*

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin* and expire 2 years after publication.

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin*. Public comments should be addressed to R. Douglas Sherman, Chief Counsel, Attention: Regulation # 125-211 Public Comment, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060.

*Contact Person*

The contact person for questions about this temporary rulemaking is R. Douglas Sherman, Chief Counsel, (717) 346-8300.

*Regulatory Review*

Under 4 Pa.C.S. § 3303, the Board is granted the authority to promulgate temporary regulations which shall expire no later than 2 years following publication of in the *Pennsylvania Bulletin*. The temporary regulations are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)). The authority to adopt temporary regulations expires 2 years after the publication of the temporary regulations, after which regulations adopted by the Board will be promulgated as provided by law.

*Findings*

The Board finds that:

(1) Under 4 Pa.C.S. § 3303, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and section 204(b) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part III.

*Order*

The Board, acting under 4 Pa.C.S. Part III, orders that:

(1) The regulations of the Board, 58 Pa. Code, are amended by adding temporary §§ 1101.1, 1101.2, 1102.1—1102.3, 1103.1—1103.3, 1104.1, 1105.1, 1106.1, 1107.1, 1108.1—1108.3, 1109.1, 1109.2, 1110.1—1110.4, 1111.1, 1112.1—1112.17, 1113.1—1113.5, 1113.7, 1114.1, 1115.1, 1116.1—1116.8, 1117.1, 1117.2, 1118.1—1118.5, 1119.1—1119.5 and 1120.1—1120.9 to read as set forth in Annex A.

(2) The temporary regulations will be posted on the Board's web site.

(3) The temporary regulations are subject to amendment as deemed necessary by the Board.

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

(5) These temporary regulations are effective upon publication in the *Pennsylvania Bulletin* and expire on March 17, 2020.

DAVID M. BARASCH,  
Chairperson

**Fiscal Note:** 125-211. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 58. RECREATION****PART VII. GAMING CONTROL BOARD****Subpart N. VIDEO GAMING**

<b>Chap.</b>	<b>VIDEO GAMING GENERALLY—TEMPORARY REGULATIONS</b>
<b>1101.</b>	<b>TERMINAL OPERATOR LICENSEES—TEMPORARY REGULATIONS</b>
<b>1102.</b>	<b>ESTABLISHMENT LICENSEES—TEMPORARY REGULATIONS</b>
<b>1103.</b>	<b>PRINCIPALS—TEMPORARY REGULATIONS</b>
<b>1104.</b>	<b>KEY EMPLOYEES—TEMPORARY REGULATIONS</b>
<b>1105.</b>	<b>SUPPLIERS—TEMPORARY REGULATIONS</b>
<b>1106.</b>	<b>MANUFACTURERS—TEMPORARY REGULATIONS</b>
<b>1107.</b>	<b>GAMING SERVICE PROVIDERS—TEMPORARY REGULATIONS</b>
<b>1108.</b>	<b>OCCUPATION PERMITS—TEMPORARY REGULATIONS</b>
<b>1109.</b>	<b>APPLICATIONS GENERALLY—TEMPORARY REGULATIONS</b>
<b>1110.</b>	<b>LICENSE TERMS AND RENEWALS—TEMPORARY REGULATIONS</b>
<b>1111.</b>	<b>VIDEO GAMING TERMINAL, REDEMPTION TERMINAL AND ASSOCIATED EQUIPMENT TESTING AND CERTIFICATION—TEMPORARY REGULATIONS</b>
<b>1112.</b>	<b>POSSESSION OF VIDEO GAMING TERMINALS—TEMPORARY REGULATIONS</b>
<b>1113.</b>	<b>ACCOUNTING AND INTERNAL CONTROLS—TEMPORARY REGULATIONS</b>
<b>1114.</b>	<b>RECORD RETENTION—TEMPORARY REGULATIONS</b>
<b>1115.</b>	<b>CONDUCT OF VIDEO GAMING—TEMPORARY REGULATIONS</b>
<b>1116.</b>	<b>VIDEO TERMINAL PLACEMENT AGREEMENTS—TEMPORARY REGULATIONS</b>
<b>1117.</b>	<b>COMPULSIVE AND PROBLEM GAMING—TEMPORARY REGULATIONS</b>
<b>1118.</b>	<b>SELF-EXCLUSION—TEMPORARY REGULATIONS</b>
<b>1119.</b>	<b>EXCLUSION OF PERSONS FROM VIDEO GAMING—TEMPORARY REGULATIONS</b>
<b>1120.</b>	

**CHAPTER 1101. VIDEO GAMING GENERALLY—TEMPORARY REGULATIONS**

<b>Sec.</b>	
1101.1.	Scope.
1101.2.	Definitions.

**§ 1101.1. Scope.**

The purpose of this subpart is to govern the operation of video gaming terminals in this Commonwealth. Parts I, II and III of 4 Pa.C.S. (relating to amusements generally; gaming; and video gaming) and the Board's regulations promulgated thereunder otherwise apply when not in conflict with this subpart.

**§ 1101.2. Definitions.**

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

*Applicant*—A person who, on his own behalf or on behalf of another, applies for permission to engage in an act or activity that is regulated under this subpart.

*Associated equipment*—Equipment or a mechanical, electromechanical or electronic contrivance, component or

machine used in connection with video gaming terminals or redemption terminals, including replacement parts, hardware and software.

*Background investigation*—A security, criminal, credit and suitability investigation of a person as provided for in this part that includes the status of taxes owed to the United States, the Commonwealth and political subdivisions.

*Bureau*—The Bureau of Investigations and Enforcement of the Board.

*Bureau of Licensing*—The Bureau of Licensing of the Board.

*Cash*—United States currency and coin.

*Cash equivalent*—A ticket, token, chip, card or other similar instrument or representation of value that the Board deems a cash equivalent in accordance with this part.

*Central control computer*—A central site computer controlled by the Department and accessible by the Board to which all video gaming terminals communicate for the purpose of auditing capacity, real-time information retrieval of the details of a financial event that occurs in the operation of a video gaming terminal or redemption terminal, including coin in, coin out, ticket in, ticket out, jackpots, video gaming terminal and redemption terminal door openings and power failure, and remote video gaming terminal or redemption terminal activation, and disabling of video gaming terminals or redemption terminals.

*Cheat*—

(i) To defraud or steal from a player, terminal operator licensee, establishment licensee or the Commonwealth while operating or playing a video gaming terminal, including causing, aiding, abetting or conspiring with another person to do so.

(ii) The term also means to alter or causing, aiding, abetting or conspiring with another person to alter the elements of chance, method of selection or criteria that determine:

- (A) The result of a video gaming terminal game.
- (B) The amount or frequency of payment in a video gaming terminal game.
- (C) The value of a wagering instrument.
- (D) The value of a wagering credit.

(iii) The term does not include altering a video gaming terminal or associated equipment for maintenance or repair with the approval of a terminal operator licensee and the Board.

*Cheating or thieving device*—A device, software or hardware used or possessed with the intent to be used to cheat during the operation or play of a video gaming terminal. The term includes any device, software or hardware used to alter a video gaming terminal without the terminal operator licensee's and the Board's approval.

*Commercial motor vehicle*—As defined in 75 Pa.C.S. § 1603 (relating to definitions).

*Conduct of video gaming*—The licensed placement, operation and play of video gaming terminals under this subpart as authorized and approved by the Board.

*Convenience store*—A retail establishment which sells a limited selection of packaged foods, drug store items, food

for consumption on or off the premises, and basic supplies for the home and table, which may include the retail sale of liquid fuels.

*Conviction*—

(i) A finding of guilt or a plea of guilty or nolo contendere, whether or not a judgment of sentence has been imposed as determined by the law of the jurisdiction in which the prosecution was held.

(ii) The term does not include a conviction that has been expunged or overturned or for which an individual has been pardoned or had an order of accelerated rehabilitative disposition entered.

*Corporation*—The term includes a publicly traded corporation.

*Establishment license*—A license issued by the Board authorizing a truck stop establishment to permit a terminal operator licensee to place and operate video gaming terminals on the truck stop establishment's premises under this part.

*Establishment licensee*—A truck stop establishment that holds an establishment license.

*Financial backer*—An investor, mortgagee, bondholder, noteholder, or other sources of equity or capital provided to an applicant or licensed entity.

*Gaming employee*—

(i) Any of the following individuals:

(A) An employee of a terminal operator licensee, establishment licensee or supplier licensee that is not a key employee who is involved in the conduct of video gaming, including servicing and maintaining video gaming terminals, redemption terminals, and security and surveillance equipment, and monitoring the conduct of video gaming and patrons in the video gaming area of an establishment licensee.

(B) An employee of a supplier or manufacturer licensee whose duties are directly involved with the repair or distribution of video gaming terminals or associated equipment sold or provided to a terminal operator licensee in this Commonwealth as determined by the Board.

(C) An employee of a gaming service provider who, in connection with the performance of his duties, has access to a video gaming area, video terminals, redemption terminals, and the security and surveillance systems monitoring a video gaming area.

(ii) The term does not include nongaming personnel as determined by the Board or an employee of an establishment licensee who does not have duties involving the conduct or monitoring of video gaming.

*Gaming service provider*—

(i) A person who is not required to be licensed as a terminal operator, manufacturer, supplier or establishment licensee who provides goods or services to a terminal operator licensee that directly relates to the operation and security of a video gaming terminal or redemption terminal.

(ii) The term does not include a person who supplies goods or services that, at the discretion of the Board, does not impact the integrity of video gaming, video gaming terminals or the connection of video gaming terminals to the central control computer system, including all of the following:



(A) Seating to accompany video gaming terminals.

(B) Structural or cosmetic renovations, improvements or other alterations to a video gaming area.

*Gross terminal revenue*—

(i) The total of cash or cash equivalents received by a video gaming terminal minus the total of cash or cash equivalents paid out to players as a result of playing a video gaming terminal.

(ii) The term does not include counterfeit cash or cash taken in a fraudulent act perpetrated against a terminal operator licensee for which the terminal operator licensee is not reimbursed.

*Incentive*—Consideration, including a promotion or prize, provided to a player or potential player as an enticement to play a video gaming terminal.

*Inducement*—

(i) Any of the following:

(A) Consideration paid directly or indirectly, from a manufacturer, supplier, terminal operator, procurement agent, gaming employee, employee or another person on behalf of an applicant or anyone licensed under this part, to a truck stop establishment, establishment licensee, establishment licensee owner or an employee of the establishment licensee, directly or indirectly, as an enticement to solicit or maintain the establishment licensee or establishment licensee owner's business.

(B) Cash, incentive, marketing and advertising cost, gift, food, beverage, loan, prepayment of gross terminal revenue and other contribution or payment that offsets an establishment licensee's operational costs, or as otherwise determined by the Board.

(ii) The term does not include costs paid by a terminal operator applicant or terminal operator licensee related to making video gaming terminals operate at the premises of an establishment licensee, including for improvements and renovations to the video gaming area, wiring and rewiring, software updates, ongoing video gaming terminal maintenance, redemption terminals, network connections, site controllers and costs associated with communicating with the central control computer system.

*Key employee*—An individual who is employed by a manufacturer licensee, supplier licensee or terminal operator licensee who is determined by the Board to be a director or department head or otherwise empowered to make discretionary decisions that regulate the conduct of video gaming.

*Key employee licensee*—An individual who holds a key employee license.

*Key employee qualifier*—An individual required to be qualified as part of the truck stop establishment who is determined by the Board to be a director or department head or otherwise empowered to make discretionary decisions that regulate the conduct of video gaming.

*Law enforcement authority*—The power to conduct investigations of or to make arrests for criminal offenses.

*Licensed entity*—A terminal operator licensee, establishment licensee, manufacturer licensee or supplier licensee under this part.

*Licensed facility*—As defined in section 1103 of the act (relating to definitions).

*Licensed gaming entity*—As defined in section 1103.

*Licensee*—A person listed under this part.

*Manufacturer*—A person who manufactures, builds, re-builds, fabricates, assembles, produces, programs, designs or otherwise makes modifications to a video gaming terminal, redemption terminal or associated equipment for use or play of video gaming terminals in this Commonwealth for video gaming purposes.

*Manufacturer license*—A license issued by the Board authorizing a manufacturer to manufacture or produce video gaming terminals, redemption terminals or associated equipment for use in this Commonwealth for video gaming purposes.

*Manufacturer licensee*—A person that holds a manufacturer license.

*Minor*—An individual under 21 years of age.

*Nongaming employee*—An individual who is employed by a terminal operator licensee, manufacturer licensee, supplier licensee, gaming service provider or establishment licensee and whose duties do not involve the conduct of video gaming or the monitoring of a video gaming area, either directly or through surveillance.

*Nonkey employee*—An individual employed by a terminal operator licensee who, unless otherwise designated by the Board, is not a key employee.

*Occupation permit*—A permit authorizing an individual to be employed or to work as a gaming employee for a terminal operator licensee, an establishment licensee, a gaming service provider, a supplier licensee or as an employee of a manufacturer who performs duties at the premises of a terminal operator or establishment licensee relating to video gaming terminals or redemption terminals.

*Permittee*—A holder of a permit issued under this part.

*Person*—A natural person, corporation, foundation, organization, business trust, estate, limited liability company, trust, partnership, limited liability partnership, association or other form of legal business entity.

*Player*—An individual who wagers cash or a cash equivalent in the play or operation of a video gaming terminal and the play or operation of which may deliver or entitle the individual playing or operating the video gaming terminal to receive cash or a cash equivalent from a terminal operator licensee.

*Principal*—An officer, director or person who directly holds a beneficial interest in or ownership of the securities of an applicant or licensee under this part as a terminal operator, manufacturer or supplier or who has a controlling interest in an applicant or licensee as a terminal operator, manufacturer or supplier under this part or has the ability to elect a majority of the board of directors of a terminal operator, manufacturer or supplier licensee or to otherwise control anyone licensed under this part, procurement agent, lender or other licensed financial institution of an applicant or a terminal operator, manufacturer or supplier licensee under this part, other than a bank or lending institution which makes a loan or holds a mortgage or other lien acquired in the ordinary course of business, underwriter of an applicant or anyone licensed under this part or other person or employee of a terminal operator licensee, establishment licensee, manufacturer licensee or supplier licensee deemed to be a principal by the Board, including a procurement agent.

*Principal qualifier*—Each owner, officer and director of the truck stop establishment who is required to be qualified as part of the truck stop establishment applica-



tion. For purposes of this definition, an owner is each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the truck stop establishment or other person as determined by the Board. An officer is a president, chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

*Procurement agent*—A person that shares in the gross terminal revenue or is otherwise compensated for the purpose of soliciting or procuring a terminal placement agreement.

*Progressive payout*—A video game terminal wager payout that increases in a monetary amount based on the amounts wagered in a progressive system.

*Progressive system*—A computerized system linking video gaming terminals on the premises of an establishment licensee and offering one or more common progressive payouts based on the amounts wagered.

*Publicly traded corporation*—A person, other than an individual, who:

(1) Has a class or series of securities registered under the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a—78qq).

(2) Is a registered management company under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64).

(3) Is subject to the reporting obligations imposed by section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. § 78o(d)) by reason of having filed a registration statement that has become effective under the Securities Act of 1933 (15 U.S.C.A. §§ 77a—77aa).

*Redemption terminal*—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the payment of cash or a cash equivalent to a player as a result of playing a video gaming terminal.

*Registrant*—A holder of a nongaming registration under this part.

*Security*—As defined in the Pennsylvania Securities Act of 1972 (70 P.S. §§ 1-101—1-703.1).

*Subsidiary*—As defined in section 1103 of the act.

*Supplier*—A person that sells, leases, offers or otherwise provides, distributes or services any video gaming terminal, redemption terminal or associated equipment to a terminal operator licensee for use or play in this Commonwealth.

*Supplier license*—A license issued by the Board authorizing a supplier to provide products or services related to video gaming terminals, redemption terminals or associated equipment to terminal operator licensees for use in this Commonwealth for the conduct of video gaming.

*Supplier licensee*—A person that holds a supplier license.

*Terminal operator*—A person that owns, services or maintains video gaming terminals for placement and operation on the premises of an establishment licensee.

*Terminal operator license*—A license issued by the Board authorizing a terminal operator to place and operate video gaming terminals in an establishment licensee's premises under this part.

*Terminal operator licensee*—A person that holds a terminal operator license.

*Terminal placement agreement*—The formal written agreement or contract between an applicant for a terminal operator license or terminal operator licensee and an applicant for an establishment license or establishment licensee that establishes the terms and conditions regarding the conduct of video gaming.

*Truck stop establishment*—A premises that:

(i) Is equipped with diesel islands used for fueling commercial motor vehicles.

(ii) Has sold on average 50,000 gallons of diesel or biodiesel fuel each month for the previous 12 months or is projected to sell an average of 50,000 gallons of diesel or biodiesel fuel each month for the next 12 months.

(iii) Has at least 20 parking spaces dedicated for commercial motor vehicles as defined in 75 Pa.C.S. § 1603.

(iv) Has a convenience store.

(v) Is situated on a parcel of land of not less than 3 acres that the truck stop establishment owns or leases.

(vi) Is not located on any property owned by the Pennsylvania Turnpike Commission.

*Video gaming area*—The area of an establishment licensee's premises where video gaming terminals and redemption terminals are installed for operation and play.

*Video gaming employees*—The term includes gaming employees, key employees and nonkey employees.

*Video gaming terminal*—

(i) A mechanical or electrical contrivance, terminal, machine or other device approved by the Board that, upon insertion of cash or cash equivalents, is available to play or operate one or more gambling games, the play of which utilizes a random number generator and:

(A) May award a winning player either a free game or credit that shall only be redeemable for cash or cash equivalents at a redemption terminal.

(B) May utilize video displays.

(C) May use an electronic credit system for receiving wagers and making payouts that are only redeemable at a redemption terminal.

(ii) Associated equipment necessary to conduct the operation of the contrivance, terminal, machine or other device.

(iii) The term does not include a slot machine operated at a licensed facility in accordance with the act or a coin-operated amusement game.

(iv) The term does not include "lottery" as defined in section 302 of the State Lottery Law (72 P.S. § 3761-302).

**CHAPTER 1102. TERMINAL OPERATOR LICENSEES—TEMPORARY REGULATIONS**

Sec.	
1102.1.	Terminal operator licenses.
1102.2.	Terminal operator license issuance and statement of conditions.
1102.3.	Conditional terminal operator licenses.

**§ 1102.1. Terminal operator licenses.**

(a) An applicant for a terminal operator license may conduct video gaming upon approval by the Board and in accordance with 4 Pa.C.S. Part III (relating to video gaming) and this chapter.

(b) An applicant shall submit all of the following:

(1) An original and one copy of the Enterprise Entity Application and Disclosure Information Form shall be submitted on forms approved by the Board.

(2) The nonrefundable application fee of \$25,000 in accordance with 4 Pa.C.S. § 4101(a) (relating to fees).

(3) A diversity plan as set forth in 4 Pa.C.S. § 3307 (relating to diversity).

(4) A current tax lien certificate issued by the Department.

(5) An application for each proposed key employee under Chapter 1105 (relating to key employees—temporary regulations) and principal under Chapter 1104 (relating to principals—temporary regulations) as specified in the Enterprise Entity Application and Disclosure Information Form.

(6) A sworn or affirmed statement that the applicant has developed and implemented internal safeguards and policies to prevent a violation of 4 Pa.C.S. § 4305 (relating to political influence) and a copy of the safeguards and policies.

(7) Details of any loans or other financial commitments to fund license costs and costs of operating video gaming.

(8) Information and documentation concerning financial background and resources, as the Board or the Bureau may require, to establish by clear and convincing evidence the financial stability, integrity and responsibility of the applicant.

(9) A consent authorizing the Board to conduct a background investigation, the scope of which is to be determined by the Bureau, in its discretion consistent with 4 Pa.C.S. Part III (relating to video gaming), and a release signed by all persons subject to investigation of all information required to complete the investigation.

(10) Information concerning maintenance and operation of video gaming terminals in other jurisdictions.

(11) Proof that the applicant has or will establish a place of business in this Commonwealth.

(12) A copy of, or a detailed description of, the terms and conditions of any terminal placement agreement entered into with an establishment licensee applicant or licensee.

(13) Any other information as the Board or the Bureau may require.

(c) Upon request of the Board or the Bureau, the applicant shall cooperate and provide supplemental information in support of its application. The applicant shall provide requested documents, records, supporting data and other information within the time period specified in the request or, if a time is not specified, within 30 days of the date of the request. If the applicant fails to provide the requested information within the required time period as set forth in the request, the Board may deny the application.

(d) The application, and amendments thereto, and other specific documents designated by the Board will be sworn to or affirmed by the applicant before a notary public which shall be filed promptly with the application or amendments thereto.

(e) An application and related materials that have been submitted to the Board will become the property of the Board and will not be returned.

#### § 1102.2. Terminal operator license issuance and statement of conditions.

(a) *Criteria.* In addition to the criteria in 4 Pa.C.S. Part III (relating to video gaming), the Board will not issue a terminal operator license unless all of the following criteria have been established by the applicant:

(1) The applicant has fulfilled each condition set by the Board, including the execution of a statement of conditions.

(2) The applicant is found suitable consistent with the laws of the Commonwealth and is otherwise qualified to be issued a terminal operator license.

(b) *Statement of conditions.*

(1) The applicant, as a condition precedent to the issuance of a terminal operator license, shall execute a Statement of Conditions in the manner and form required by the Board. Execution of the Statement of Conditions constitutes the acceptance of each provision contained in the Statement of Conditions by the applicant.

(2) Failure to fully comply with any provision contained in an executed Statement of Conditions constitutes a violation and may result in Board-imposed administrative sanctions, up to and including revocation of the license.

#### § 1102.3. Conditional terminal operator licenses.

(a) Upon accepting a terminal operator application for filing, the Board will issue a conditional terminal operator license if the applicant has satisfied, as determined by the Board, all of the following:

(1) The applicant has submitted a completed application for a terminal operator license.

(2) The applicant has never had a similar gaming license denied or revoked in another jurisdiction.

(3) The applicant has never been convicted of a felony in any jurisdiction.

(4) The applicant has never been convicted of a gambling law violation in any jurisdiction.

(5) The applicant is current on all State taxes.

(6) The applicant attests by affidavit under penalty of perjury that the applicant is not otherwise prohibited from licensure under 4 Pa.C.S. Part III (relating to video gaming).

(b) The Board will issue a conditional terminal operator license within 60 days after the completed application has been received by the Board, and the Board has determined that the criteria in subsection (a) have been satisfied.

(c) If the Board determines that the criteria in subsection (a) have not been satisfied, the Board will give the applicant written notice and explanation of that determination.

(d) A conditional license issued under this section will be valid until:

(1) The Board approves or denies the application for a terminal operator license.

(2) The conditional license is terminated for a violation of the act or this part.

(3) One calendar year has passed since the conditional license has been issued.

(e) The Board may extend the duration of a conditional license for one year.

(f) A request for conditional licensure must include a \$100 fee in addition to the applicable fee required under 4 Pa.C.S. § 4101 (relating to fees).

**CHAPTER 1103. ESTABLISHMENT LICENSEES—TEMPORARY REGULATIONS**

- Sec.
- 1103.1. Establishment licenses.
- 1103.2. Establishment principal and key employee qualification.
- 1103.3. Conditional establishment licenses.

**§ 1103.1. Establishment licenses.**

(a) A truck stop establishment in this Commonwealth seeking to offer video gaming terminals through a licensed terminal operator on its premises shall apply for an establishment license by filing an Enterprise Entity Application and Disclosure Information Form with the Board.

(b) To be eligible to file an application for an establishment license, the truck stop establishment must meet all of the following requirements:

(1) Be equipped with diesel islands for the fueling of commercial motor vehicles and have sold on average 50,000 gallons of diesel or biodiesel fuel each month for the previous 12 months or is projected to sell an average of 50,000 gallons of diesel or biodiesel fuel each month for the next 12 months.

(2) Have at least 20 parking spaces dedicated for commercial motor vehicles. For purposes of this paragraph, “parking spaces dedicated for commercial motor vehicles” must be of sufficient size to accommodate vehicles which are 8 feet in width and 53 feet in length or which otherwise have a gross combination weight rating or gross combination weight of 26,000 pounds inclusive of a tow unit with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater.

(3) Have a convenience store.

(4) Be situated on a parcel of land not less than 3 acres and which is not located on property owned by the Pennsylvania Turnpike Commission.

(5) Be licensed as a lottery sales agent under section 305 of the State Lottery Law (72 P.S. § 3761-305).

(c) An applicant for an establishment license shall submit all of the following:

(1) An original and one copy of the Enterprise Entity Application and Disclosure Information Form.

(2) The nonrefundable application fee of \$1,000 in accordance with 4 Pa.C.S. § 4101(a) (relating to fees).

(3) Documentation to establish its eligibility to apply to be an establishment licensee as set forth in subsection (b).

(4) A to-scale schematic or architectural rendering of the floor plan of the establishment which shows all of the following:

- (i) Total square footage of the video gaming area.
- (ii) A depiction of the video gaming area where video gaming will be offered in relation to the overall facility.
- (iii) Location of the video gaming terminals and redemption terminals, and security and surveillance equipment locations.
- (iv) A detailed description of the surveillance to be utilized.

(5) A description of the proposed surveillance and security measures to ensure the security of the proposed video gaming area.

(6) A diversity plan as set forth in 4 Pa.C.S. § 3307 (relating to diversity).

(7) A current tax lien certificate issued by the Department.

(8) Information for each key employee qualifier and principal qualifier as specified in the Enterprise Entity Application and Disclosure Information Form.

(9) The consent to a background investigation by the Bureau of the applicant, its principal qualifiers and key employee qualifiers or other persons required by the Board and a release to obtain the information necessary for the completion of the background investigation.

**§ 1103.2. Establishment principal and key employee qualification.**

(a) In addition to the information required under § 1103.1(c)(8) (relating to establishment licenses), a principal qualifier and key employee qualifier shall apply for qualification as follows:

(1) Submit fingerprints in a manner prescribed by the Bureau.

(2) Consent to a background investigation by the Bureau of the principal qualifier and key employee qualifier and a release to obtain the information necessary for the completion of the background investigation.

(3) Provide any other information required by the Board.

(b) In addition to individuals meeting the definition of principal qualifier and key employee qualifier, the Board may require the submission of fingerprints or any other information required by the Board from a person who holds any direct or indirect ownership or beneficial interest in a truck stop establishment, or has the right to any profits or distributions directly or indirectly, from the truck stop establishment if the Bureau determines that the submission of fingerprints of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(c) Each of the individuals required to submit fingerprints under subsection (a) and (b) must be found qualified by the Board. An individual who is found qualified and is also a gaming or nongaming employee as defined in § 401a.3 (relating to definitions) shall obtain a gaming employee occupation permit in accordance with § 435a.3 (relating to occupation permit) or a nongaming employee registration in accordance with § 435a.5 (relating to nongaming employee registration).

**§ 1103.3. Conditional establishment licenses.**

(a) Upon accepting an establishment license application for filing, the Board will issue a conditional establishment license if the applicant has satisfied, as determined by the Board, all of the following:

(1) The applicant has submitted a completed application for an establishment license.

(2) The applicant has never been convicted of a felony in any jurisdiction.

(3) The applicant has never been convicted of a gambling law violation in any jurisdiction.

(4) The applicant is current on all State taxes.



(5) The applicant attests by affidavit under penalty of perjury that the applicant is not otherwise prohibited from licensure under 4 Pa.C.S. Part III (relating to video gaming).

(b) The Board will issue a conditional license within 60 days after the completed application has been received by the Board, and the Board has determined that the criteria in subsection (a) have been satisfied.

(c) If the Board determines that the criteria in subsection (a) have not been satisfied, the Board will give the applicant written notice and explanation of that determination.

(d) A conditional license issued under this section will be valid until:

(1) The Board approves or denies the application for an establishment license.

(2) The conditional license is terminated for a violation of this part.

(3) One calendar year has passed since the conditional license has issued.

(e) The Board may extend the duration of a conditional license for 1 year.

(f) A request for a conditional license must include a \$100 fee which shall be in addition to the applicable fee required under 4 Pa.C.S. § 4101 (relating to fees).

#### CHAPTER 1104. PRINCIPALS— TEMPORARY REGULATIONS

Sec.  
1104.1. Principal licenses.

##### § 1104.1. Principal licenses.

(a) A principal as defined in this subpart shall apply for licensure as a principal in accordance with § 433a.8 (relating to principal applications).

(b) In addition to information required under § 433a.8, an individual required to be licensed as a principal, unless otherwise directed by the Board, shall file all of the following:

(1) Verification of status as a principal from a terminal operator licensee, an establishment licensee, a manufacturer licensee or supplier licensee.

(2) A description of responsibilities as a principal.

(3) Details relating to a similar license, permit or other authorization obtained in another jurisdiction.

(4) The consent to a background investigation by the Bureau of the principal applicant and a release to obtain the information necessary for the completion of the background investigation.

(5) Other information required by the Board.

(c) Following review of the application and background investigation, the Board may issue a principal license if the applicant has proven by clear and convincing evidence that the applicant is a person of good character, honesty and integrity, and is eligible and suitable to be licensed as a principal.

(d) A principal license is not transferable.

(e) A temporary credential, which may be valid up to 270 days, may be issued by the Board to a principal if the Board determines additional time is needed to complete an investigation for licensure.

#### CHAPTER 1105. KEY EMPLOYEES— TEMPORARY REGULATIONS

Sec.  
1105.1. Key employee licenses.

##### § 1105.1. Key employee licenses.

(a) A key employee as defined in this subpart shall apply for licensure as a key employee in accordance with § 435a.2 (relating to key employee license).

(b) In addition to information required under § 435a.2, an individual required to be licensed as a key employee, unless otherwise directed by the Board, shall file all of the following:

(1) Verification of status as a key employee from a terminal operator licensee, an establishment licensee, manufacturer licensee or supplier licensee.

(2) A description of employment responsibilities.

(3) The consent to a background investigation by the Bureau of the applicant, and a release to obtain the information necessary for the completion of the background investigation, including information from governmental agencies, employers and other organizations.

(4) Details relating to a similar license or other authorization obtained in another jurisdiction.

(5) Other information required by the Board.

(c) Following review of the application and background investigation, the Board may issue a key employee license if the applicant has proven by clear and convincing evidence that the applicant is a person of good character, honesty and integrity and is eligible and suitable to be licensed as a key employee.

(d) A key employee license is not transferable.

(e) A temporary credential, which may be valid up to 270 days, may be issued by the Board to a key employee if the Board determines additional time is needed to complete an investigation for licensure.

(f) An individual may not perform duties associated with a position that requires a key employee license prior to receiving a temporary or permanent credential unless otherwise authorized by the Board.

#### CHAPTER 1106. SUPPLIERS— TEMPORARY REGULATIONS

Sec.  
1106.1. Supplier licenses.

##### § 1106.1. Supplier licenses.

(a) *Application for licensure.* A supplier as defined in this subpart shall apply for licensure in accordance with § 431a.2 (relating to supplier license applications and standards).

(b) *Submittals.* In addition to the information submitted under § 431a.2, an applicant for a supplier license shall submit all of the following:

(1) The name and business address of the applicant and the applicant's affiliates, intermediaries, subsidiaries and holding companies, the principals and key employees of each business, and a list of employees and their positions within each business, as well as financial information required by the Board.

(2) A statement that the applicant and each affiliate, intermediary, subsidiary or holding company of the applicant are not terminal operator licensees or establishment licensees.



(3) Proof that the applicant has or will establish a place of business in this Commonwealth. A supplier licensee shall maintain a place of business in this Commonwealth to remain eligible for licensure.

(4) The consent to a background investigation by the Bureau of the applicant, its principals and key employees or other persons required by the Board and a release to obtain the information necessary for the completion of the background investigation.

(5) The details of any supplier license issued by the Board to the applicant under section 1317 of the act (relating to supplier licenses), if applicable.

(6) The details of any equivalent license granted or denied by other jurisdictions where gaming activities as authorized by the act or this part are permitted.

(7) The type of products and services to be supplied and whether those products and services will be provided through purchase, lease, contract or otherwise.

(8) Other information determined by the Board to be appropriate.

(c) *Approval and issuance of license.* Upon being satisfied that the requirements in subsection (a) and (b) have been met, the Board may approve the application and issue the applicant a supplier license consistent with all of the following:

(1) A licensee shall have an affirmative duty to notify the Board of a change relating to the status of its license or to information in the application materials on file with the Board.

(2) The license is nontransferable.

(3) Other conditions established by the Board.

(d) *Considerations.* In determining whether an applicant is suitable to be licensed as a supplier under this section, the Board will consider all of the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the applicant.

(2) If all principals and key employees of the applicant are eligible and suitable for licensure.

(3) The integrity of financial backers.

(4) The suitability of the applicant and principals and key employees of the applicant based on the satisfactory results of:

(i) A background investigation of the applicant and its principals and key employees.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

(e) *Submittal of agreements.* A supplier shall submit to the Bureau of Licensing for review any agreements with a licensed manufacturer or with a terminal operator licensee. The review may include financing arrangements, inventory requirements, warehouse requirements, warehouse space, technical competency, compensative agreements and other terms or conditions to ensure the financial independence of the supplier licensee from any licensed manufacturer or terminal operator.

(f) *Occupation permit or nongaming registration.* An employee of a supplier licensee who is a gaming employee or nongaming employee as defined in § 1101.2 (relating

to definitions) shall obtain an occupation permit under § 1109.1 (relating to gaming employee occupation permits) or a nongaming registration under § 1109.2 (relating to nongaming employee registrations).

(g) *Change of control of a supplier licensee.*

(1) For purposes of this subsection, a change of control of a supplier licensee will be deemed to have occurred when a person or group of persons acquires:

(i) More than 20% of a supplier licensee's securities, assets or other ownership interests.

(ii) More than 20% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 20% of the voting or other securities or other ownership interests of the supplier licensee.

(iii) Any other interest in a supplier licensee which allows the acquirer to control the supplier licensee.

(2) A supplier licensee shall notify the Bureau and the Bureau of Licensing by filing a Notification of Proposed Transfer of Interest Form immediately upon becoming aware of any proposed or contemplated change of control of the supplier licensee.

(3) Prior to acquiring a controlling interest in a supplier licensee, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) requesting Board approval of the acquisition. The petition must include all of the following:

(i) A copy of all documents governing the acquisition.

(ii) Completed applications for the acquiring company, as required under this chapter, principals as required under § 1104.1 (relating to principal licenses) and key employees as required under § 1105.1 (relating to key employee licenses).

(iii) An affirmation that neither the acquirer nor any of its affiliates, intermediaries, subsidiaries or holding companies is a terminal operator licensee or establishment licensee.

(4) A person or group of persons seeking to acquire a controlling interest in a supplier licensee shall promptly provide any additional information requested by the Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under this subsection.

(5) A person or group of persons may not acquire a controlling interest in a supplier licensee until the petition required under this subsection, has been approved. A person or group of persons seeking to acquire a controlling interest in a supplier licensee and the supplier licensee may enter into a sales agreement that is contingent on Board approval of the petition.

**CHAPTER 1107. MANUFACTURERS—  
TEMPORARY REGULATIONS**

Sec.  
1107.1. Manufacturer licenses.

**§ 1107.1. Manufacturer licenses.**

(a) *Application for licensure.* A manufacturer as defined in this subpart who seeks to manufacture video gaming terminals, redemption terminals and associated equipment for use in this Commonwealth shall apply for licensure in accordance with §§ 427a.1 and 427a.2 (relating to manufacturer general requirements; and manufacturer license applications and standards).

(b) *Submittals.* In addition to the completed Manufacturer Application and Disclosure Information Form required under § 427a.2 an applicant shall include all of the following:

(1) The name and business address of the applicant and the applicant's affiliates, intermediaries, subsidiaries and holding companies, the principals and key employees of each business, and a list of employees and their positions within each business, as well as financial information required by the Board.

(2) A statement that the applicant and each affiliate, intermediary, subsidiary or holding company of the applicant are not terminal operator licensees or establishment licensees.

(3) The consent to a background investigation by the Bureau of the applicant, its principals and key employees or other persons required by the Board and a release to obtain the information necessary for the completion of the background investigation.

(4) The details of any equivalent manufacturer license granted or denied by other jurisdictions where gaming activities as authorized by this part are permitted.

(5) The details of any manufacturer license issued by the Board to the applicant under section 1317.1 of the act (relating to manufacturer licenses), if applicable.

(6) The type of video gaming terminals, redemption terminals or associated equipment to be manufactured or repaired.

(7) Other information determined by the Board or the Bureau to be appropriate.

(c) *Approval and issuance of license.* Upon being satisfied that the requirements in subsection (a) and (b) have been met, the Board may approve the application and issue the applicant a manufacturer license consistent with all of the following:

(1) A licensee shall have an affirmative duty to notify the Board of a change relating to the status of its license or to information in the application materials on file with the Board.

(2) The license shall be nontransferable.

(3) Other conditions established by the Board.

(d) *Considerations.* In determining whether an applicant is suitable to be licensed as a manufacturer under this section, the Board will consider all of the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the applicant.

(2) If all principals and key employees of the applicant are eligible and suitable for licensure.

(3) The integrity of financial backers.

(4) The suitability of the applicant and principals and key employees of the applicant based on the satisfactory results of:

(i) A background investigation of principals and key employees.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

(e) *Submittal of agreements.* A manufacturer shall submit to the Bureau of Licensing for review any agreements

with a licensed supplier or with a terminal operator licensee. The review may include financing arrangements, inventory requirements, warehouse requirements, warehouse space, technical competency, compensative agreements and other terms or conditions to ensure the financial independence of the licensed manufacturer from any licensed supplier, terminal operator or establishment licensee.

(f) *Occupation permit or nongaming registration.* An employee of a manufacturer licensee who is a gaming employee or nongaming employee as defined in § 1101.2 (relating to definitions) shall obtain an occupation permit under § 1109.1 (relating to gaming employee occupation permits) or a nongaming registration under § 1109.2 (relating to nongaming employee registrations).

(g) *Change of control of a manufacturer licensee.*

(1) For purposes of this subsection, a change of control of a manufacturer licensee will be deemed to have occurred when a person or group of persons acquires:

(i) More than 20% of a manufacturer licensee's securities, assets or other ownership interests.

(ii) More than 20% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 20% of the voting or other securities or other ownership interests of the manufacturer licensee.

(iii) Any other interest in a manufacturer licensee which allows the acquirer to control the manufacturer licensee.

(2) A manufacturer licensee shall notify the Bureau and the Bureau of Licensing by filing a Notification of Proposed Transfer of Interest Form immediately upon becoming aware of any proposed or contemplated change of control of the manufacturer licensee.

(3) Prior to acquiring a controlling interest in a manufacturer licensee, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) requesting Board approval of the acquisition. The petition must include all of the following:

(i) A copy of all documents governing the acquisition.

(ii) Completed applications for the acquiring company, as required under this chapter, principals as required under Chapter 433a (relating to principal licenses) and key employees as required under § 435a.2 (relating to key employee license).

(iii) An affirmation that neither the acquirer nor any of its affiliates, intermediaries, subsidiaries or holding companies is a terminal operator licensee or establishment licensee and that the acquirer has neither applied for nor holds a terminal operator license or establishment license.

(4) A person or group of persons seeking to acquire a controlling interest in a manufacturer licensee shall promptly provide any additional information requested by the Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under subsection (a).

(5) A person or group of persons may not acquire a controlling interest in a manufacturer licensee until the petition required under subsection (g) has been approved. A person or group of persons seeking to acquire a controlling interest in a manufacturer licensee and the manufacturer licensee may enter into an agreement of sale that is contingent on Board approval of the petition.

**CHAPTER 1108. GAMING SERVICE PROVIDERS—TEMPORARY REGULATIONS**

- Sec.
- 1108.1. Gaming service providers.
- 1108.2. Interim authorization.
- 1108.3. Emergency gaming service provider.

**§ 1108.1. Gaming service providers.**

(a) A gaming service provider providing goods or services to a terminal operator licensee that directly relates to the operation and security of a video gaming terminal or redemption terminal shall apply to the Board to be registered as a gaming service provider.

(b) A gaming service provider seeking registration shall complete an original and one copy of a Gaming Service Provider Registration Form. The original copy and the fee toward the cost of the investigation of the applicant posted on the Board’s web site shall be submitted to the Bureau of Licensing by the terminal operator applicant or licensee for whom the gaming service provider will provide goods or services unless otherwise directed by the Bureau of Licensing.

(c) In addition to the materials required under subsection (b), an applicant for a gaming service provider registration shall do all of the following:

(1) Submit the nonrefundable application fee posted on the Board’s web site.

(2) Submit fingerprints of the following individuals in a manner prescribed by the Bureau:

(i) Each officer and director of the registered gaming service provider applicant. For purposes of this paragraph, “officer” means a president, a chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(ii) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the registered gaming service provider applicant.

(iii) Each salesperson of a registered gaming service provider applicant who solicits business from, or has regular contact with, any representatives of a terminal operator applicant or licensee.

(d) A person who holds any direct or indirect ownership or beneficial interest in a registered gaming service provider or applicant for gaming service provider registration, or has the right to any profits or distributions directly or indirectly, from the registered gaming service provider or applicant for gaming service provider registration may be required to submit fingerprints if the Bureau determines that the submission of fingerprints of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(e) Each of the individuals required to submit fingerprints under subsection (b)(2) must be found qualified by the Board.

(f) A gaming service provider registration will not be issued until all fees and costs have been paid.

**§ 1108.2. Interim authorization.**

(a) Notwithstanding § 1108.1 (relating to gaming service providers), the Bureau of Licensing may authorize an applicant for a gaming service provider registration to conduct business with a terminal operator applicant or licensee prior to the registration of the gaming service provider applicant if all of the following criteria are met:

(1) A completed Gaming Service Provider Registration application has been filed by the gaming service provider.

(2) The terminal operator applicant or licensee contracting or doing business with the gaming service provider certifies that it has performed due diligence on the gaming service provider and believes that the applicant meets the qualification to be a gaming service provider under 4 Pa.C.S. Part III (relating to video gaming) and § 1108.1.

(3) The applicant for gaming service provider registration agrees, in writing, that the grant of interim authorization to conduct business prior to Board approval of registration does not create a right to continue to conduct business if the Board determines that the applicant is not suitable or continued authorization is not in the public interest.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for registration, the Bureau of Licensing may rescind the permission granted to the applicant to conduct business with a terminal operator applicant or licensee under subsection (a). If the permission is rescinded, the applicant for registration shall cease conducting business with the terminal operator applicant or licensee by the date specified in the notice of the rescission by the Bureau of Licensing under subsection (c).

(c) The Bureau of Licensing will notify the applicant and the terminal operator applicant or licensee by registered and electronic mail that permission to conduct business with the terminal operator applicant or licensee under subsection (a) has been rescinded and that the terminal operator applicant or licensee shall cease conducting business with the applicant by the date specified in the notice.

**§ 1108.3. Emergency gaming service provider.**

(a) A terminal operator licensee may utilize a gaming service provider that is not registered when a threat to public health, welfare or safety exists, or circumstances outside the control of the terminal operator licensee require immediate action to mitigate damage or loss to the licensee’s video gaming terminals.

(b) When using a gaming service provider that is not registered to conduct business to respond to an emergency, the terminal operator licensee shall do all of the following:

(1) Immediately notify the Board’s Bureau of Casino Compliance and Bureau of Licensing of the emergency and the gaming service provider that was selected to provide emergency services.

(2) File a Gaming Service Provider Emergency Notification Form with the Bureau of Licensing within 72 hours after commencement of the gaming service provider’s services and a written explanation of the basis for the procurement of the emergency gaming service provider.

(c) If the terminal operator licensee continues to utilize the gaming service provider after the emergency circumstances have passed or if the Bureau of Licensing determines that the circumstances did not necessitate the use of an emergency gaming service provider, the gaming service provider shall comply with the requirements in this chapter.



### CHAPTER 1109. OCCUPATION PERMITS— TEMPORARY REGULATIONS

Sec.

- 1109.1. Gaming employee occupation permits.  
1109.2. Nongaming employee registrations.

#### § 1109.1. Gaming employee occupation permits.

(a) A gaming employee as defined in this subpart shall apply for an occupation permit in accordance with § 435a.3 (relating to occupation permit).

(b) In addition to the requirements in subsection (a), a gaming employee applying for an occupation permit shall submit all of the following:

(1) Verification of an offer of employment from, or employment by a terminal operator licensee, an establishment licensee, a manufacturer licensee, a supplier licensee or a video gaming service provider and the nature and scope of the proposed duties of the person.

(2) The previous employment history of the person.

(3) The details of an occupation permit or similar license granted or denied to the applicant in other jurisdictions.

(4) A current photograph of the person.

(5) The criminal history record of the person, as well as the person's consent for the Bureau to conduct a background investigation.

(6) Other information as determined by the Board.

(c) After reviewing the application and the results of the applicant's background investigation, the Board may issue a gaming employee occupation permit if the individual has proven that he is a person of good character, honesty and integrity, and is eligible and suitable to hold an occupation permit.

#### § 1109.2. Nongaming employee registrations.

A person who is employed by an terminal operator licensee, establishment licensee, manufacturer, supplier or gaming service provider and whose duties do not involve monitoring a video gaming area or the conduct of video gaming may be required to apply for a nongaming employee registration in accordance with § 435a.5 (relating to nongaming employee registration) if the Board or the Bureau of Licensing determines that submitting an application and obtaining a registration is required to ensure the integrity of video gaming in this Commonwealth.

### CHAPTER 1110. APPLICATIONS GENERALLY— TEMPORARY REGULATIONS

Sec.

- 1110.1. Preliminary application submission review.  
1110.2. Application processing.  
1110.3. Deficient and abandoned applications.  
1110.4. Application withdrawal.

#### § 1110.1. Preliminary application submission review.

(a) Upon receipt, an application will be reviewed to ensure that it contains all of the following:

(1) The applicable application forms and additional information and accompanying documentation required by 4 Pa.C.S. Part III (relating to video gaming) or the Board.

(2) Completed authorization forms, if required, for release of information from governmental agencies and other entities.

(b) If an applicant fails to include any required information, the applicant will be notified and given an opportunity to cure the deficiency.

#### § 1110.2. Application processing.

(a) Upon a determination that the prerequisites for filing have been met, the application will be accepted for filing and Board staff, if applicable, will:

(1) Obtain information as may be necessary to determine the qualifications of the applicant and any matter relating to the application.

(2) Promptly conduct an investigation of the applicant and on any matter relating to the application.

(3) Request the Department to promptly conduct a tax clearance review.

(4) Request the Department of Labor and Industry to perform an Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review.

(5) Request any agencies, entities or persons to provide information to the Board as deemed necessary by the Board.

(b) An application submitted under this part and information obtained by Board staff relating to the application will be part of the evidentiary record to be utilized by the Board when deciding to approve, condition, issue or deny a license.

#### § 1110.3. Deficient and abandoned applications.

(a) If an application is found to be deficient, Board staff will notify the applicant of the deficiencies in the application and provide an opportunity for the applicant to cure the deficiencies within a specified time period.

(b) Failure to provide the information necessary to cure the deficiencies required under subsection (a) may result in the denial of the application or in the application being declared abandoned by the Bureau of Licensing under § 423a.4 (relating to deficient and abandoned applications).

(c) When an application is denied or declared abandoned under subsection (b), the applicant will be given written notice of this action.

#### § 1110.4. Application withdrawal.

A request for withdrawal of an application may be made at any time prior to the Board taking action by petition filed with the Office of Hearings and Appeals.

### CHAPTER 1111. LICENSE TERMS AND RENEWALS—TEMPORARY REGULATIONS

Sec.

- 1111.1. Terms and renewals.

#### § 1111.1. Terms and renewals.

(a) All licenses, permits and registrations issued under this part will be for a term of 5 years from the date of issuance.

(b) An application for renewal of an establishment license shall be submitted at least 3 months prior to the expiration of the license and must include an update of all information in the initial application and any prior renewal applications and any renewal fee.

(c) Except for renewal applications submitted under subsection (b), applications for renewal shall be submitted to the Board at least 180 days prior to the expiration of the license, permit or registration and must include an



update of all information in the initial application and any prior renewal applications and the payment of any renewal fee.

(d) A license, permit or registration for which an application for renewal has been timely filed will continue in effect until the Board acts upon the application for renewal.

**CHAPTER 1112. VIDEO GAMING TERMINAL, REDEMPTION TERMINAL AND ASSOCIATED EQUIPMENT TESTING AND CERTIFICATION—TEMPORARY REGULATIONS**

Sec.

1112.1. Definitions.

1112.2. Protocol requirements.

1112.3. Testing and approval generally.

1112.4. Submission for testing and approval.

1112.5. Video gaming terminal conversions.

1112.6. Revocations and additional conditions.

1112.7. Video gaming terminal minimum design standards.

1112.8. Gaming vouchers.

1112.9. Redemption terminals.

1112.10. Progressive video gaming terminals.

1112.11. Video gaming terminal monitoring systems.

1112.12. Remote system access.

1112.13. Video gaming terminals and associated equipment utilizing alterable storage media.

1112.14. Waivers.

1112.15. Disputes.

1112.16. Testing and software installation in the live video gaming area.

1112.17. RAM clear.

**§ 1112.1. Definitions.**

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

*Asset number*—A unique number assigned to a video gaming terminal by a terminal operator for the purpose of tracking the video gaming terminal, while owned by the terminal operator.

*Bill validator*—An electronic device designed to interface with a video gaming terminal for the purpose of accepting and validating any combination of United States currency, gaming vouchers, coupons or other instruments authorized by the Board for incrementing credits on a video gaming terminal.

*Conversion*—A change or alteration to a video gaming terminal that does not affect the manner or mode of play or operation of the video gaming terminal.

*Currency cassette*—A container that holds banknotes that are available for dispensing.

*Educational institution*—A facility that teaches and certifies students in video gaming terminal design, operation, repair or servicing.

*Finance department*—The department that is responsible for the management of the financial and accounting activities relating to video gaming terminals and table games being utilized in a licensed establishment.

*Gaming day*—A period of time not to exceed 24 hours corresponding to the beginning and ending times of gaming activities for the purpose of accounting reports and determination of gross terminal revenue.

*Gaming voucher*—An instrument that upon insertion into a bill validator entitles the patron inserting the gaming voucher to cashable credits on a video gaming terminal corresponding to the value printed on the gaming voucher.

*Gaming voucher system*—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the issuance of gaming

vouchers and the redemption of gaming vouchers by video gaming terminals and automated gaming voucher redemption machines.

*Machine displayed payout percentage*—The selectable payout percentage that is set by the terminal operator during the initial configuration or a subsequent reconfiguration of a video gaming terminal and is displayed in the video gaming terminal’s service menu during normal operation.

*Manufacturer’s par sheet*—A document supplied by the manufacturer that shows payable information including theoretical payout percentage, winning combinations, awards and reel strips.

*Minimum payout percentage*—The lowest aggregate awards expected to be paid out over one cycle of the game divided by the total number of combinations in the cycle of the game.

*Modification*—

(i) A change or alteration in a video gaming terminal or associated equipment that affects the manner or mode of play or operation of the video gaming terminal or associated equipment.

(ii) The term includes a change to control or graphics programs and to the theoretical hold percentage.

(iii) In the case of video gaming terminals, the term does not include:

- (A) A conversion.
- (B) Replacement of one approved component with an identical component.

(iv) In the case of a progressive system, the term includes a change in:

- (A) A system name or theme.
- (B) The odds to win the progressive payout.
- (C) The reset amount.
- (D) The rate at which a progressive award increases.
- (E) The wager necessary to win the progressive payout.

*Paytable*—A selectable part of a video gaming terminal program that contains video gaming terminal characteristics including the theoretical payout percentage, reel strips and awards.

*Progressive awards*—The award to be paid out when the event in the progressive game that triggered the award occurs.

*Progressive controller*—A program or computer system, other than an approved program that controls the operation of the video gaming terminal, which controls, adjusts and displays the amount of the progressive jackpot.

*Progressive payout*—A video gaming terminal payout that increases in a monetary amount based on the amounts wagered in a progressive system.

*Progressive video gaming terminal*—A video gaming terminal that offers a jackpot that may increase in value based upon the video gaming terminal wagers placed.

*Pseudo random number generator*—Software or hardware, or both, that ensures the randomness of video gaming terminal outcomes.

*RAM*—Random access memory.

*RAM clear*—A process initiated by a service technician that results in the zeroing out of any meter information, configuration information or data stored in the memory of a video gaming terminal.

*Randomness*—The observed unpredictability and absence of pattern in a set of elements or events that have definite probabilities of occurrence.

*Reel strips*—Components of a video gaming terminal which display symbols.

*Related systems*—Systems which interface with video gaming terminals or slot monitoring systems.

*Remote system access*—Connectivity to terminal operator systems from outside the terminal operator's network.

*Reset amount*—The award value that a progressive award reverts to after the progressive award is paid out.

*Server supported video gaming terminal system*—One or more video gaming terminals connected to a video gaming terminal server and an associated computer network.

*Theme*—A concept, subject matter and methodology of design of a video gaming terminal.

*Theoretical payout percentage*—The aggregate awards expected to be paid out over one cycle of the game divided by the total number of combinations in the cycle of the game.

*Unredeemed gaming voucher*—A gaming voucher that has not been redeemed in a ticket redemption unit or a video gaming voucher that has been found and returned to an establishment licensee.

*Video gaming terminal bill validator*—A component made up of software and hardware that accepts and reads instruments such as bills or vouchers into gaming devices such as video gaming terminals and automated gaming voucher redemption machines.

*Video gaming terminal monitoring system*—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, authorize, report and audit data with regard to activity at video gaming terminals, inclusive of video gaming terminal meter readings, error conditions, video gaming terminal security, accounting, player tracking and productivity analysis.

*Video gaming terminal operations department*—The department of a terminal operator that is responsible for all operations in any truck stop establishment where video gaming terminals are kept.

*Video gaming terminal server*—A computer configured to receive, store, authenticate and download to video gaming terminals, Board-approved video gaming terminal game themes and other approved software.

*Video gaming terminal system operator*—The persons designated in a video gaming terminal system agreement as being responsible for the operation and administration of a wide area progressive system.

*Wager*—Placing at risk in a video gaming terminal a bill or video gaming voucher.

### § 1112.2. Protocol requirements.

In accordance with 4 Pa.C.S. §§ 3309 and 3518 (relating to central control computer system; and video gaming accounting controls and audits), manufacturer licensees, supplier licensees and terminal operators are required to ensure all video gaming terminals are enabled to communicate with the Department's central control computer for

the purpose of transmitting auditing program information and activating and disabling video gaming terminals.

### § 1112.3. Testing and approval generally.

(a) In accordance with 4 Pa.C.S. § 3701 (relating to testing and certification of terminals), video gaming terminals and redemption terminals and associated equipment operated in this Commonwealth shall be tested and approved in accordance with § 1112.4 (relating to submission for testing and approval).

(b) The general cost of establishment and operation of the Board's testing facility shall be paid by each manufacturer licensee quarterly basis based upon the time spent testing and certifying each manufacturer's number of products reviewed.

(c) The Board will require payment of all costs for the testing and approval of video gaming terminals and redemption terminals and associated equipment submitted by manufacturers or gaming related gaming service providers or installed at an establishment licensee's facility based on the actual direct costs incurred by the Board.

(d) The Board will require a manufacturer licensee seeking approval of a video gaming terminal and redemption terminal and associated equipment to pay all costs of transportation, inspection and testing.

### § 1112.4. Submission for testing and approval.

(a) A video gaming terminal, redemption terminal and associated equipment identified in subsection (c) (collectively referred to as "products" or "equipment, device or software"), or a modification thereto, may not be offered for sale, lease or distribution for ultimate use by a manufacturer or supplier licensee in this Commonwealth unless a prototype identical in all mechanical, electrical, electronic and other respects has been tested by the Bureau of Gaming Laboratory Operations and approved by the Board's Executive Director.

(b) When an applicant for, or holder of a terminal operator license develops software or a system that is functionally equivalent to any of the video gaming system enumerated in subsection (c), that software or system is subject to the testing and approval process of this subpart to the same extent as if the software or system were developed by an applicant for, or holder of, a manufacturer license. A reference in this subpart to the responsibilities of a manufacturer applies to an applicant for, or holder of, a terminal operator license developing software or systems subject to testing and approval under this subpart.

(c) For the purposes of this section, video gaming terminals, redemption terminals and associated equipment that shall be submitted for testing and approval include all of the following:

(1) Video gaming terminals, including bill validators and printers.

(2) Video gaming monitoring systems, to the extent the systems interface with video gaming terminals and related systems.

(3) Progressive systems, including wide area progressive systems.

(4) Gaming voucher systems.

(5) Machines performing gaming voucher payout transactions.

(6) Other related systems.

(d) Video gaming terminal prototypes and modifications thereto, which are subject to testing and approval under this section, will be evaluated by the Bureau of Gaming Laboratory Operations for overall operational integrity and compliance with 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. In addition, with regard to any video gaming terminal or modification thereto, the Bureau of Gaming Laboratory Operations will test for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation, and disabling of slot machines and fully automated electronic gaming tables.

(e) The Bureau of Gaming Laboratory Operations may prescribe a standard product submission checklist, together with supplemental product specific submission checklists for completion by an applicant for, or holder of, a manufacturer license, to facilitate the examination and analysis of a prototype or modification.

(f) The Board may require the chief engineer of the applicant for, or holder of, a manufacturer license or the engineer in charge of the division of the manufacturer responsible for producing the product submitted to attest that the product was properly and completely tested by the manufacturer prior to its submission to the Bureau of Gaming Laboratory Operations.

(g) When an applicant for, or holder of, a manufacturer license seeks Board approval of a video gaming terminal prototype as described in subsection (c)(1), associated equipment prototype or any modification thereto, the manufacturer shall submit to the Bureau of Gaming Laboratory Operations all of the following:

(1) A prototype of the equipment, device or software accompanied by a written request for testing and approval. The manufacturer shall transport the equipment, device or software at its own expense and deliver it to the Bureau of Gaming Laboratory Operations in accordance with provided instructions.

(2) Certifications required under subsection (f) providing assurances from the manufacturer that the product was properly and completely tested and emulated by the manufacturer prior to its submission to the Bureau of Gaming Laboratory Operations and that the product, device or software complies with 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site, including applicable requirements related to the central control computer.

(3) An executed copy of a current product submission checklist and any product specific supplemental submission checklists applicable to the submitted equipment, device or software.

(4) A complete, comprehensive and technically accurate description of the equipment, device or software, accompanied by applicable diagrams, schematics and specifications, together with documentation with regard to the manner in which the product was tested and emulated by the manufacturer prior to its submission to the Bureau of Gaming Laboratory Operations.

(5) Any hardware, software and other equipment, inclusive of technical support and maintenance applicable thereto, required by the Bureau of Gaming Laboratory

Operations to conduct the testing and approval process contemplated by 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(6) In the case of a video gaming terminal prototype, all of the following additional information:

(i) A copy of all executable software, including data and graphics information, on electronically readable, unalterable media.

(ii) A copy of all source code for programs that cannot be reasonably demonstrated to have any use other than in a video gaming terminal on electronically readable, unalterable media.

(iii) A copy of all graphical images displayed on the video gaming terminal, including reel strips, rules, instructions and paytables.

(iv) A mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy.

(v) Hardware block diagrams of the major subsystems.

(vi) A complete set of schematics for all subsystems.

(vii) A wiring harness connection diagram.

(viii) A technical and an operator manual.

(ix) A description of security methodologies incorporated into the design of the video gaming terminal, including, when applicable, encryption methodology for all alterable media, auto-authentication of software and recovery capability of the video gaming terminal for power interruption.

(x) For meters required by this subpart or technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site, a cross-reference of product meters to the required meters, if necessary.

(xi) A description of error conditions and the corresponding action required by the operator.

(xii) A description of the use and function of available dip switch settings or configurable options.

(xiii) A description of the pseudo random number generator or generators used to determine game outcome, including a detailed explanation of operational methodology, and a description of the manner by which the pseudo random number generator and random number selection process is impervious to outside influences, interference from electro-magnetic, electrostatic and radio frequencies, and influence from ancillary equipment by means of data communications. Test results in support of representations shall be submitted. For the purposes of this subparagraph, "game outcome" means the results of a wager.

(xiv) Specialized hardware, software or testing equipment, inclusive of technical support and maintenance, needed to complete the evaluation, which may include an emulator for a specified microprocessor, personal computers, extender cables for CPU boards, target reel strips and door defeats. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(xv) A compiler, or reasonable access to a compiler, for the purpose of building applicable code modules.



(xvi) Program storage media including EPROMs, EEPROMs and any type of alterable media for video gaming terminals.

(xvii) Technical specifications for any microprocessor or microcontroller.

(xviii) A complete, comprehensive and technically accurate description of the manner in which the video gaming terminals were tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of video gaming terminals.

(xix) Additional documentation requested by the Bureau of Gaming Laboratory Operations relating to the video gaming terminals.

(7) In the case of a modification to a video gaming terminal prototype, including a change in theme, all of the following additional information:

(i) A complete, comprehensive and technically accurate description of the proposed modification to the video gaming terminals prototype, accompanied by applicable diagrams, schematics and specifications.

(ii) When a change in theme is involved, a copy of the graphical images displayed on the video gaming terminals including reel strips, rules, instructions and paytables.

(iii) When a change in the manner in which the theoretical payout percentage is achieved is involved, a mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy.

(iv) A complete, comprehensive and technically accurate description of the manner in which the video gaming terminals were tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of video gaming terminals.

(v) Additional documentation requested by the Bureau of Gaming Laboratory Operations relating to the modification of the video gaming terminals.

(8) In the case of a video gaming terminals monitoring system or automated gaming voucher machine, or any other equipment or system required to be tested and approved under subsection (c), all of the following:

(i) A technical and an operator manual.

(ii) A description of security methodologies incorporated into the design of the machine to include, when applicable, password protection, encryption methodology and its application, auto-authentication, network redundancy, back-up and recovery procedures.

(iii) A complete schematic or network diagram of the machine's major components accompanied by a description of each component's functionality and a software object report. The description must disclose the functions performed by each component.

(iv) A description of the data flow, in narrative and in schematic form, including specifics with regard to data cabling.

(v) A list of computer operating systems and third-party software incorporated into the system together with a description of their interoperability.

(vi) System software and hardware installation procedures.

(vii) A list of available system reports.

(viii) When applicable, features for each machine which may include employee card functions, reconciliation procedures and patron services.

(ix) A description of the interoperability testing including test results for each submitted machine's connection to, as applicable, computerized systems for counting money and vouchers. This list must identify the tested products by manufacturer, model and software identification and version number.

(x) A narrative describing the method used to authenticate software.

(xi) All source code.

(xii) A complete, comprehensive and accurate description, accompanied by applicable diagrams, schematics and specifications, of the creation of a voucher and the redemption options available.

(xiii) Any specialized hardware, software or other equipment, inclusive of technical support and maintenance applicable thereto, required by the Bureau of Gaming Laboratory Operations to conduct the testing and approval process contemplated by 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(xiv) Additional documentation requested by the Board related to the equipment or system being tested.

(9) In the case of a modification to any of the systems identified in paragraph (8), all of the following additional information:

(i) A complete, comprehensive and technically accurate description of the proposed modification to the machine, accompanied by applicable diagrams, schematics and specifications.

(ii) A brief narrative disclosing the purpose for the modification.

(iii) Additional documentation requested by the Bureau of Gaming Laboratory Operations relating to the modification.

(10) In the case of gaming related services, as described in § 613a.1 (relating to definitions; general requirements), which are submitted by an applicant for or holder of a manufacturer license or gaming related gaming service provider certification, all of the following:

(i) A mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of the strategy.

(ii) A detailed description of the gaming related service including the rules of play and wagering that would be used for the new table game or feature.

(iii) The true odds, the payout odds and the house advantage for each wager.



- (iv) A sketch or picture of the game layout, if any.
- (v) Sketches or pictures of the equipment used to play the game.

(h) At the conclusion of testing of a prototype or modification by the Bureau of Gaming Laboratory Operations, but prior to a decision to approve a prototype or modification, the Board's Executive Director may require a trial period of scope and duration as he deems appropriate to assess the operation of the prototype or modification in a live gaming environment. The conduct of the trial period is subject to compliance by the licensed manufacturer, applicable licensed suppliers, gaming related gaming service provider and the terminal operator with specific terms and conditions as may be required by the Board's Executive Director, which may include development and implementation of product specific accounting and internal controls, periodic data reporting to the Board's Executive Director and compliance with technical standards on trial periods or the prototype or modification adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. The Board's Executive Director may authorize the receipt of compensation by a licensed manufacturer, licensed supplier or gaming related gaming service provider during the trial period. The Board's Executive Director may terminate the trial period if he determines that the licensed manufacturer, licensed suppliers, gaming related gaming service provider or terminal operator conducting the trial period has not complied with the terms and conditions required by the Board's Executive Director or that the product is not performing as expected.

(i) At the conclusion of testing of a prototype or modification, the Bureau of Gaming Laboratory Operations will report to the Board's Executive Director the results of its testing. Upon receipt of the Bureau of Gaming Laboratory Operations' report, the Board's Executive Director will:

- (1) Approve, approve with conditions or reject the submitted prototype or modification.
- (2) Require additional testing or a trial period under subsection (h).
- (j) The Board's Executive Director approval of a prototype or modification does not constitute a guarantee of the prototype's or modification's safety.

(k) A terminal operator is prohibited from installing in an establishment licensee's facility a video gaming terminal or associated equipment, or modification thereto, that is required to be tested unless the equipment, device or software has been approved by the Board's Executive Director. A terminal operator may not modify, alter or tamper with an approved video gaming terminal or associated equipment. A video gaming terminal or associated equipment installed in an establishment licensee's facility in contravention of this requirement will be subject to seizure by the Board.

(l) Notwithstanding subsection (k), the Board's Executive Director may authorize installation of a modification to a video gaming terminal prototype, or associated equipment prototype on an emergency basis to prevent cheating or malfunction, upon the written request of a licensed manufacturer. The request must expressly detail the name and employer of any persons to be involved in the installation of the modification and the manner in which it is to be effected. Within 15 days of receipt of any authorization to install an emergency modification, the manufacturer shall submit the modification for full testing and approval in accordance with this subpart.

(m) A terminal operator shall immediately notify the Bureau of Gaming Laboratory Operations of any known or suspected defect or malfunction in any video gaming terminal or associated equipment installed in its licensed facility. The terminal operator shall comply with instructions issued by the Bureau of Gaming Laboratory Operations with regard to the continued operation of the video gaming terminal or associated equipment.

(n) Concurrent with the initial receipt of video gaming terminals, a terminal operator shall file a video gaming terminal master list.

(o) The testing of equipment, devices or software under this subpart may require the dismantling of the product and testing that may result in damage to, or destruction of, one or more systems or components. Once submitted for testing, equipment, devices or software will not be returned to the manufacturer.

**§ 1112.5. Video gaming terminal conversions.**

A slot machine licensee shall do all of the following:

- (1) Maintain complete and accurate records of all conversions.
- (2) Give prior notice of a video gaming terminal conversion to the Bureau of Casino Compliance in writing.
- (3) Notify the Department in accordance with § 463a.4 (relating to notice and connection to the central control computer system).

**§ 1112.6. Revocations and additional conditions.**

The Board may revoke the approval of or impose additional conditions on a video gaming terminal prototype or associated equipment prototype, or modification thereto, if the equipment, device or software meets either of the following criteria:

- (1) The equipment, device or software is not in compliance with 4 Pa.C.S. Part III (relating to video gaming), this subpart or technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.
- (2) The video gaming terminal, or modification thereto, is not compatible with, or compliant with the central control computer and protocol specifications approved by the Department or is unable to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval, and activation and disabling of video gaming terminal.

**§ 1112.7. Video gaming terminal minimum design standards.**

(a) A video gaming terminal may not be set to pay out less than the theoretical payout percentage, which may not be less than 85%, calculated using the lowest possible wager that could be played for any single play, or equal or exceed 100%, calculated using the highest eligible wager available. The theoretical payout percentage for the total value of video gaming terminal wagers will be calculated using the following:

- (1) The defined set of all symbols that will be displayed using spinning reels or video displays, or both.
- (2) The finite set of all possible combinations which shall be known as the cycle of the game. All possible combinations in a video gaming terminal cycle must be independent of each other and of all possible combinations from cycles in other video gaming terminal.
- (3) The value of each winning combination that corresponds with the set from paragraph (2) which, whether by

reason of skill or application of the element of chance, or both, may deliver or entitle the person or persons playing the video gaming terminal to wins.

(4) The odds of any winning combination may not exceed 50 million to 1.

(b) The calculation of the theoretical payout percentage may not include the amount of any progressive wins in excess of the initial or reset amount.

(c) A play offered by a video gaming terminal may not have a theoretical payout percentage which is less than, when calculated to one hundredth of a percentage point, the theoretical payout percentage for any other play offered by that video gaming terminal which is activated by a video gaming terminal wager in a lesser amount than the video gaming terminal wager required for that play. Notwithstanding the foregoing, the theoretical payout percentage of one or more particular plays may be less than the theoretical payout percentage of one or more plays which require a lesser wager provided that:

(1) The aggregate total of the decreases in the theoretical payout percentage for plays offered by the video gaming terminal is not more than 1/2 of 1%.

(2) The theoretical payout percentage for every play offered by the video gaming terminal is equal to or greater than the theoretical payout percentage for the play that requires the lowest possible wager that will activate the video gaming terminal.

(d) The selection from the set of all possible combinations of symbols shall be made applying a pseudo random number generator. At a minimum, a pseudo random number generator must adhere to all of the following criteria:

(1) The random selection process must meet a 95% confidence interval.

(2) A random number generator must pass a standard chi-squared test for goodness of fit.

(3) Each possible video gaming terminal combination which produces winning or losing video gaming terminal outcomes must be available for random selection at the initiation of each play.

(4) A video gaming terminal payout percentage that may be affected by reason of skill must meet the theoretical payout requirements in this subpart when evaluated by the Board using a method of play that will provide the greatest return to the player.

(5) Once a random selection process has occurred, the video gaming terminal must do all of the following:

(i) Display an accurate representation of the randomly selected outcome.

(ii) Not make a secondary decision which affects the result shown to the person playing the video gaming terminal.

(e) A video gaming terminal is prohibited from automatically altering any function of the video gaming terminal based on internal computation of the hold percentage.

(f) The available winning combinations and applicable rules of play for a video gaming terminal must be available at all times the video gaming terminal is idle to the patron playing the video gaming terminal. The award schedule of available winning combinations may not include possible aggregate awards achievable from free plays. A video gaming terminal that includes a strategy choice must provide mathematically sufficient information

for a patron to use optimal skill. Information regarding a strategy choice need not be made available for any strategy decisions whenever the patron is not required, in addition to the initial wager, to make an additional wager and, when as a result of playing a strategy choice, the patron cannot lose any credits earned thus far during that game play.

(g) Video gaming terminals approved for use in an establishment licensee's facility must be equipped with all of the following meters that comply with the technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site:

(1) Coin in. A meter that accumulates the total value of all wagers, whether the wager results from the insertion of currency, gaming vouchers, credits won or any other means. This meter must, for multigame and multidenomination/multigame video gaming terminal, monitor the information necessary, on a per payable basis, to calculate a weighted average actual payout percentage.

(2) Coin out. A meter that accumulates the total value of all amounts directly paid by the video gaming terminal as a result of winning wagers, whether the payout is made directly from the printer by issuance of a gaming voucher, directly to a credit meter or by any other means. This meter may not record amounts awarded as the result of a progressive payout.

(3) Attendant paid cancelled credits. A meter that accumulates the total value of all amounts paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the video gaming terminal.

(4) Bill in. A meter that accumulates the total value of currency accepted. The video gaming terminal must also have a specific meter for each denomination of currency accepted that records the number of bills accepted for each denomination.

(5) Voucher in—cashable/value. A meter that accumulates the total value of cashable gaming vouchers accepted by the video gaming terminal.

(6) Voucher in—cashable/count. A meter that accumulates the total number of cashable gaming vouchers accepted by a video gaming terminal.

(7) Voucher out—cashable/value. A meter that accumulates the total value of cashable gaming vouchers issued by the video gaming terminal.

(8) Voucher out—cashable/count. A meter that records the total number of cashable gaming vouchers issued by a video gaming terminal.

(9) Video gaming terminal paid progressive payout. A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the video gaming terminal. This meter may not record awards paid as a result of an external bonusing system.

(10) Attendant paid progressive payout. A meter that accumulates the total value of credits paid by a video gaming terminal attendant as a result of progressive awards that are not capable of being paid by the video gaming terminal. This meter may not include awards paid as a result of an external bonusing system.

(11) Additional requirements. Other meters required by technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(h) A video gaming terminal that does not meter one or more of the events required to be metered under subsection (g) may be approved when a terminal operator's system of internal controls establishes that the meter is not required to capture all critical transactions occurring on the video gaming terminal.

(i) The meters required under subsection (g) must continuously and automatically increment in units equal to the denomination of the video gaming terminal or, in the case of a video gaming terminal configured for multidomination play, must display the required information in dollars and cents.

(j) A video gaming terminal approved for use in an establishment licensee's must be equipped with all of the following noncumulative meters:

(1) Credits wagered. A meter, visible from the front exterior of a video gaming terminal, known as a credit wagered meter that advises the patron of the total value of amounts wagered in a particular game or round of video gaming.

(2) Win meter. A meter, visible from the front exterior of the video gaming terminal, known as a win meter that advises the patron of the total value of amounts won in the immediately concluded game or round of video gaming play.

(3) Credits paid. A meter, visible from the front exterior of the video gaming terminal, known as a credits paid meter that advises the patron of the total value of the last:

- (i) Cash out initiated by the patron.
- (ii) Attendant paid cancelled credit.

(4) Credit meter. A meter, visible from the front exterior of the video gaming terminal and specifically labeled as a credit meter, which advises the patron as to the number of credits or monetary value available for wagering on the video gaming terminal.

(k) A video gaming terminal must have a meter which stores the number of games played, in the manner and for a duration specified in this subpart or in technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site, since the following events:

- (1) Power reset.
- (2) Door close.
- (3) Game initialization (RAM clear).

(l) A video gaming terminal must be equipped with a device, mechanism or method for retaining the total value of all meters required under subsection (g) for 72 hours subsequent to a power loss.

(m) The required meters on a video gaming terminal must be accessible and legible without access to the interior of the video gaming terminal.

(n) A video gaming terminal must be equipped with a tower light capable of effectively communicating the status of the video gaming terminal in accordance with technical standards on tower lights and error conditions.

(o) A video gaming terminal must be equipped with a device, mechanism or method for detecting, displaying and communicating to a video gaming terminal monitoring system error conditions. The error conditions detected, displayed and communicated by a video gaming terminal, and the method to be utilized to clear the

message with regard to the error condition, must be in accordance with technical standards on tower lights and error conditions.

(p) A video gaming terminal must, in accordance with 4 Pa.C.S. § 3309 (relating to central control computer system), comply with the comprehensive protocol specifications necessary to enable the video gaming terminal to communicate with the Department's central control computer as that protocol is amended or supplemented, for the purpose of transmitting auditing program information, real time information retrieval and slot machine activation and disabling.

(q) Printers incorporated into a video gaming terminal must be:

(1) Designed to allow the video gaming terminal to detect and report a low paper level, paper out, presentation error, printer failure and paper jams.

(2) Mounted inside a lockable compartment within the video gaming terminal.

(r) Seating made available by a terminal operator licensee for use during video gaming play may be fixed and stationary or nonfixed. When fixed and stationary seating is used, it shall be installed in a manner that effectively precludes its ready removal by a patron but permits controlled removal, for example for American With Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213) purposes. When nonfixed seating is used, the terminal operator shall maintain a minimum aisle width of 48 inches, measured from the seat back to a wall, divide or another seat back when the nonfixed seating is vacant and is touching or is as close as possible to the video gaming terminal at which the nonfixed seating is being used.

(s) Unless a terminal operator's video gaming terminal monitoring system is configured to automatically record all of the information required by this subsection, the terminal operator is required to physically house in each video gaming terminal all of the following entry authorization logs:

(1) A machine entry authorization log that documents each time a video gaming terminal or any device connected thereto which may affect the operation of the video gaming terminal is opened. The log must contain, at a minimum, the date, time, purpose for opening the video gaming terminal or device, and the signature and license or permit number of the person opening and entering the video gaming terminal or device. Each log must have recorded thereon a sequence number and the manufacturer's serial number or the asset number corresponding to the video gaming terminal in which it is housed.

(2) A progressive entry authorization log that documents each time a progressive controller not housed within the cabinet of the video gaming terminal is opened. The log must contain, at a minimum, the date, time, purpose for accessing the progressive controller, and the signature and license or permit number of the person accessing the progressive controller. Each log must be maintained in the progressive controller unit and have recorded thereon a sequence number and the manufacturer's serial number of the progressive controller.

(t) A video gaming terminal must be equipped with a lock controlling access to the card cage door securing the microprocessor, the key to which must be different from any other key securing access to the video gaming terminal's components including its belly door or main door, bill validator or video gaming terminal cash storage



box. Access to the key securing the microprocessor shall be limited to an employee of a terminal operator who possesses a valid gaming occupation permit, unless another person is specifically authorized to possess a key by the Board's Executive Director.

(u) A video gaming terminal must be equipped with a mechanism for detecting and communicating to a video gaming terminal monitoring system any activity with regard to access to the card cage door securing its microprocessor.

(v) A video gaming terminal that does not require a full-time attendant for operation must be equipped with a service button designed to allow the player of a video gaming terminal to request assistance or report a terminal malfunction. The service button must:

(1) Be visible to and within easy reach of the player of the video gaming terminal.

(2) Communicate directly or through the video gaming terminal to the video gaming terminal's tower light which will provide a signal that is in compliance with the technical standards on video gaming terminal tower lights.

(w) A video gaming terminal on the gaming floor must have a label on the top of the video gaming terminal and on the front of the video gaming terminal near the bill validator that displays the asset number and the gaming floor plan location number of the video gaming terminal. The labels must have white lettering on a black background or other color combination approved by the Bureau of Gaming Operations, may not be easily removed and must be easily visible to surveillance cameras. The label on the top of the slot machine must be at least 1.5 inches by 5.5 inches and the label on the front of the video gaming terminal must be at least 1 inch by 2.5 inches or other sizes approved by the Bureau of Gaming Operations.

#### § 1112.8. Gaming vouchers.

(a) A terminal operator may utilize gaming vouchers and a gaming voucher system that has been tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).

(b) The design specifications for a gaming voucher, the voucher verification methodologies utilized and any limitation on the value of a gaming voucher must be in compliance with technical standards on gaming vouchers.

(c) The design specifications for a gaming voucher system must be in compliance with technical standards on gaming voucher systems.

(d) Prior to issuing a gaming voucher, a terminal operator shall establish a system of internal controls for the issuance and redemption of gaming vouchers. The internal controls shall be submitted and approved by the Board and address all of the following:

(1) Procedures for assigning an asset number and identifying other redemption locations in the system, and enabling and disabling voucher capabilities for video gaming terminal and redemption locations.

(2) Procedures for issuance, modification and termination of a unique system account for each user.

(3) Procedures used to configure and maintain user passwords.

(4) Procedures for restricting special rights and privileges, such as administrator and override capabilities.

(5) The duties and responsibilities of the information technology, internal audit, video gaming terminal operations and finance departments, respectively, and the level of access for each position with regard to the gaming voucher system.

(6) A description of physical controls on all critical hardware such as locks and surveillance, including the location and security protocols applicable to each piece of equipment.

(7) Procedures for the backup and timely recovery of critical data in accordance with technical standards.

(8) Logs used to document and maintain the details of Board-approved hardware and software modifications upon implementation.

(9) Procedures for the retention, tracking and payment of the value of unredeemed gaming vouchers to the State Treasurer as required under Article XIII.1 of The Fiscal Code (72 P.S. §§ 1301.1—1301.29), regarding the disposition of abandoned and unclaimed property.

(e) The system of internal controls required to be submitted and approved by the Board under subsection (d) must also include the procedures to be applied in all of the following instance:

(1) The terminal operator chooses to pay a patron the value of a video gaming voucher when the gaming voucher system is inoperable.

(2) The terminal operator chooses to pay a patron the value of a video gaming voucher when the redemption terminal is inoperable.

(f) At the end of each gaming day, the video gaming voucher system must generate reports and the reports must be provided to the terminal operator, either directly by the system or through the information technology department. The report, at a minimum, must contain all of the following information:

(1) A report of all gaming vouchers that have been issued which includes the asset number and the serial number of the video gaming terminal, and the value, date and time of issuance of each gaming voucher.

(2) A report of all gaming vouchers that have been redeemed and cancelled by redemption location, including the asset number of the video gaming terminal, the serial number, the value, date and time of redemption for each voucher, and the total value of all vouchers redeemed.

(3) The unredeemed liability for gaming vouchers.

(4) The readings on gaming voucher related video gaming terminal meters and a comparison of the readings to the number and value of issued and redeemed video gaming vouchers, as applicable.

(5) Exception reports and audit logs.

(g) A terminal operator shall immediately report to the Board evidence that a video gaming voucher has been counterfeited, tampered with or altered in any way which would affect the integrity, fairness, reliability or suitability of the voucher.

(h) Upon presentation of a gaming voucher for redemption at a video gaming terminal, the total value of which gaming voucher cannot be completely converted into an equivalent value of credits that match the denomination of the video gaming terminal, the video gaming terminal must perform one of the following procedures:

(1) Automatically issue a new gaming voucher containing the value that cannot be completely converted.



(2) Not redeem the gaming voucher and immediately return the gaming voucher to the patron.

(3) Allow for the additional accumulation of credits on an odd cents meter or a meter that displays the value in dollars and cents.

(i) A terminal operator that utilizes a system or a video gaming terminal that does not print a test gaming voucher that is visually distinguishable from a valid gaming voucher whenever the video gaming terminal is tested on the video gaming floor must have in place internal controls approved by the Board under for the issuance of test currency and the return and reconciliation of the test currency and any gaming vouchers printed during the testing process.

(j) Except as provided in subsection (n) with regard to employee redemption of gaming vouchers, a gaming voucher shall be redeemed by a patron for a specific value of cash through a redemption terminal on the premises of the establishment licensee or at a video gaming terminal. Notwithstanding the forgoing, a terminal operator may not permit a gaming voucher that is presented for redemption to be redeemed if it knows, or has reason to know, that the gaming voucher:

(1) Is materially different from the sample of the gaming voucher approved by the Board.

(2) Was previously redeemed.

(3) Was printed as a test gaming voucher.

(k) Gaming vouchers redeemed at automated gaming voucher redemption machines shall be retained by the terminal operator representatives with no incompatible functions shall perform, at a minimum, all of the following:

(1) On a weekly basis, or other period approved by the Board:

(i) Compare gaming voucher system report data to any redemption terminal report data available to ensure proper electronic cancellation of the gaming voucher.

(ii) Calculate the unredeemed liability for gaming vouchers, either manually or by means of the gaming voucher system.

(2) On a weekly basis, compare appropriate video gaming terminal meter readings to the number and value of issued and redeemed gaming vouchers per the gaming voucher system. Meter readings obtained through a video gaming terminal monitoring system may be utilized to complete this comparison.

(l) A terminal operator shall provide written notice to the Bureau of Casino Compliance of any adjustment to the value of any gaming voucher. The notice shall be made prior to, or concurrent with, the adjustment.

(m) A gaming voucher system must be configured to alert a terminal operator to any malfunction. Following a malfunction of a system, a terminal operator shall notify the Bureau of Casino Compliance within 24 hours of the malfunction and may not utilize the system until the malfunction has been successfully eliminated. Notwithstanding the foregoing, the Bureau of Casino Compliance may permit a terminal operator to utilize the system prior to its being successfully restored, for a period not to exceed 72 hours, provided all of the following apply:

(1) The malfunction is limited to a single storage media device, such as a hard disk drive.

(2) In addition to the malfunctioning storage media device, the system contains a backup storage media

device not utilized in the normal operation of the system. The backup device must immediately and automatically replace the malfunctioning device to permit a complete and prompt recovery of all information in the event of an additional malfunction.

(3) Continued use of the malfunctioning system would not inhibit the ability to perform a complete and prompt recovery of all information, and would not otherwise harm or affect the normal operation of the system.

(n) Other than a modification to a gaming voucher system required on an emergency basis to prevent cheating or malfunction and approved by the Board, a modification to a gaming voucher system may not be installed without the gaming voucher system having undergone the testing and approval process required under § 1112.4 (relating to submission for testing and approval).

**§ 1112.9. Redemption terminals.**

(a) A terminal operator shall utilize an automated redemption terminal that has been tested and approved by the Board under § 1112.4 (relating to submission for testing and approval).

(b) Redemption terminals must be located in the video gaming area of an establishment licensee and subject to surveillance coverage as approved by the Board. Each redemption terminal must have a label on the top of the redemption terminal and on the front of the redemption terminal that displays the asset number of the redemption terminal. The labels must have white lettering on a black background or other color combination approved by the Bureau of Gaming Operations and may not be easily removed. The label on the top of the redemption terminal must be at least 1.5 inches by 5.5 inches and the label on the front of the redemption terminal must be at least 1 inch by 2.5 inches or other sizes approved by the Bureau of Gaming Operations.

(c) A redemption terminal must have the capability of establishing the validity of a gaming voucher by comparing the instrument's unique serial number, automatically generated by the respective gaming voucher system in accordance with this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site with electronic records within the gaming voucher system.

(d) The methods utilized to comply with the requirements in subsection (c) shall be submitted to and approved by the Board under § 1112.4 in the context of the testing of a gaming voucher system.

(e) A redemption terminal may function as a bill breaker changing bills of one denomination into bills of a smaller denomination.

(f) A redemption terminal must contain a lockable gaming voucher and currency storage box which retains any gaming vouchers or currency accepted by the machine. The gaming voucher and currency storage box located inside the terminal must also have imprinted, affixed or impressed thereon the asset identification number of the corresponding terminal.

(g) A redemption terminal must have, at a minimum, all of the following:

(1) One lock securing the compartment housing the storage box and one lock securing the storage box within the compartment, the keys to which must be different from each other.

(2) One lock securing the compartment housing the currency cassettes.

(3) One lock securing the contents of the storage box, the key to which must be different from the keys referenced in paragraphs (1) and (2).

(h) A redemption terminal shall be designed to resist forced illegal entry.

(i) A redemption terminal's currency cassettes shall be designed to preclude access to its interior.

(j) Access controls relating to the operating system or applications of the redemption terminal, and ancillary systems, applications and equipment associated with the reconciliation thereof, must employ security measures that require authentication of the user and recording and maintaining of data regarding access and modifications made. Authentication must be in accordance with this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(k) A gaming voucher accepted by a redemption terminal shall be cancelled immediately upon exchange in a manner that effectively prevents its subsequent redemption by the same or another redemption terminal or its acceptance in a video gaming terminal bill validator. The methods utilized to comply with this requirement must be in accordance with this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(l) A redemption terminal shall be designed to be impervious to outside influences, interference from electro-magnetic, electro-static and radio frequencies, and influence from ancillary equipment.

(m) A redemption terminal must include a means to protect against transaction failure and data loss due to power loss.

(n) A redemption terminal machine must detect, display and record electronically power reset, door open, door just closed and system communication loss error conditions. These error conditions may be automatically cleared by the redemption terminal when the condition no longer exists and upon completion of a new transaction.

(o) A redemption terminal must detect, display and record electronically all of the following error conditions that disable the redemption terminal and prohibit new transactions:

(1) Failure to make payment, if the gaming voucher is not returned and a receipt is not issued.

(2) Failure to make complete payment if a receipt for the unpaid amount is not issued.

(3) Bill validator failure.

(4) Printer failure due to printer jam or lack of paper.

(p) A redemption terminal shall be designed to evaluate whether sufficient funds are available before stacking the voucher and completing the transaction.

(q) A redemption terminal must be capable of maintaining synchronization between its real-time clock and that of the gaming voucher system.

(r) A redemption terminal must be equipped with electronic digital storage meters. The information must be readily available through system reports. When a value is maintained, the value must be in dollars and cents. A redemption terminal must accumulate all of the following information:

(1) Physical coin out. The total value, by denomination, of coins paid by the redemption terminal.

(2) Voucher in—value. The value of cashable gaming vouchers accepted.

(3) Voucher in—count. The number of cashable gaming vouchers accepted.

(4) Bill in. The value of currency accepted by the redemption terminal. A redemption terminal must also have specific meters for each denomination of currency accepted that records the number of bills accepted.

(5) Bill out. The total value of currency dispensed. A redemption terminal must also provide for specific meters for each denomination of currency dispensed that record the number of bills dispensed.

(6) Additional requirements. Other meters as may be required by technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(s) A redemption terminal must have the capacity to record and retain, in an automated transaction log, all critical transaction history for at least 30 days. Transaction history must include records with the date, time, amount and disposition of each complete and incomplete transaction, error conditions, logical and physical access, and attempted access to the redemption terminal. If a redemption terminal is capable of redeeming multiple vouchers in a single transaction, the transaction history must include a breakdown of the transaction with regard to the individual gaming vouchers.

(t) A redemption terminal or ancillary systems, applications and equipment associated with the reconciliation thereof, must be capable of producing all of the following reports upon request:

(1) Gaming voucher transaction report. The report must include the disposition (paid, partial pay and unpaid) of gaming vouchers accepted by a redemption terminal which must include the validation number, the date and time of redemption, amount requested and the amount dispensed. This information must be available by reconciliation period which may be by day, shift or drop cycle.

(2) Reconciliation report. The report must include all of the following:

(i) Report date and time.

(ii) Unique asset identification number of the redemption terminal.

(iii) Total cash balance of the currency cassettes.

(iv) Total count of currency accepted by denomination.

(v) Total dollar amount of vouchers accepted.

(vi) Total count of gaming vouchers accepted.

(3) Gaming voucher and currency storage box report. The report must be generated, at a minimum, whenever a gaming voucher, and currency storage box is removed from a redemption terminal. The report must include all of the following:

(i) Report date and time.

(ii) Unique asset identification number of the machine.

(iii) Unique identification number for each storage box in the machine.

(iv) Total value of currency accepted.

(v) Total number of bills accepted by denomination.

(vi) Total count of gaming vouchers accepted.

(4) Transaction report. The report must include all critical patron transaction history including the date, time, amount and disposition of each complete and incomplete transaction. If a redemption terminal is capable of redeeming multiple vouchers in a single transaction, the transaction history must include a breakdown of the transaction with regard to the individual gaming vouchers accepted.

**§ 1112.10. Progressive video gaming terminals.**

(a) A progressive video gaming terminal may stand alone or be linked with other progressive video gaming terminals in the same establishment licensee's facility.

(b) Each video gaming terminal that offers a progressive jackpot must have all of the following:

(1) A progressive meter, visible from the front of the video gaming terminal, which may increase in value based upon wagers, that advises the player of the amount which can be won if the player receives the combination on the video gaming terminal that awards the progressive jackpot.

(2) A video gaming terminal paid progressive payout meter.

(3) A cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots paid directly by the video gaming terminal.

(4) A key and key switch or other reset mechanism to reset the progressive meter or meters.

(5) A key locking the compartment housing the progressive meter or meters or other means by which to preclude any unauthorized alterations to the progressive meters. The key or alternative security method must be different than the key or reset mechanism in paragraph (4).

(6) If the progressive controller is not secured in a video gaming terminal, the progressive controller:

(i) Must be maintained in a secure area approved by the Bureau of Gaming Laboratory Operations.

(ii) Must be dual key controlled with one key controlled by the terminal operator's operations department and the other key controlled by a different designated department with no incompatible functions, as specified in the licensee's internal controls.

(iii) May not be accessed until the Bureau of Gaming Laboratory Operations is electronically notified.

(c) In addition to the requirements in subsection (b), a video gaming terminal that is connected to a common progressive meter for the purpose of offering the same progressive jackpot on two or more video gaming terminals must:

(1) Have the same probability of hitting the combination that will award the progressive jackpot as every other video gaming terminal linked to the common progressive meter.

(2) Require that the same amount in wager be invested to entitle the player to a chance at winning the progressive jackpot and that each increase in wager increment the progressive meter by the same rate of progression as every other video gaming terminal linked to the common progressive meter.

(d) Notwithstanding the provisions of subsection (c), two or more linked video gaming terminals offering the same progressive jackpot may be of different denomina-

tions or have different wagers, or both, required to win the progressive jackpot, provided that all of the following apply:

(1) The probability of winning the progressive jackpot is directly proportional to the wager required to win that jackpot.

(2) Notice indicating the proportional probability of hitting the progressive jackpot on the linked progressive system is conspicuously displayed on each linked video gaming terminal.

(e) A terminal operator seeking to utilize a linked video gaming terminal shall submit for approval in accordance with § 1112.4 (relating to submission for testing and approval) the location and manner of installing any progressive meter display mechanism.

(f) A video gaming terminal that offers a progressive jackpot may not be placed in the video gaming area until the terminal operator has submitted all of the following to the Bureau of Gaming Laboratory Operations for review and approval in accordance with § 1112.4:

(1) The initial and reset amounts at which the progressive meter or meters will be set.

(2) The proposed system for controlling the keys and applicable logical access controls to the video gaming terminal.

(3) The proposed rate of progression for each progressive jackpot.

(4) The proposed limit for the progressive jackpot, if any.

(5) The calculated probability of winning each progressive jackpot. The probability may not exceed 50 million to 1.

(g) A video gaming terminal that offers either a new progressive jackpot or undergoes a modification or RAM clear of an existing progressive jackpot may not be made available for play by the public until the video gaming terminal has been tested and certified by the Bureau of Gaming Laboratory Operations. For purposes of this subsection, a modification includes any change in the software, hardware, including controllers, and any associated equipment that relates to progressive functionality.

(h) Progressive jackpot meters may not be turned back to a lesser amount unless one of the following occurs:

(1) The amount indicated has been actually paid to a winning patron and the progressive jackpot amount has been recorded in accordance with a system of internal controls.

(2) With written approval, the progressive jackpot has been transferred to another progressive video gaming terminal in accordance with subsection (k)(4).

(3) The change is necessitated by a video gaming terminal or meter malfunction. An explanation for the change shall be entered on the progressive video gaming terminal summary required under this subpart and the Bureau of Gaming Laboratory Operations shall be notified of the resetting in writing.

(i) Once an amount appears on a progressive meter, the probability of hitting the combination that will award the progressive jackpot may not be decreased unless the progressive jackpot has been won by a patron, has been to another progressive video gaming terminal or has been removed in accordance with subsection (k).



(j) When a video gaming terminal has a progressive meter with digital limitations on the meter, the terminal operator shall set a limit on the progressive jackpot not to exceed the display capability of the progressive meter.

(k) A terminal operator may limit, transfer or terminate a progressive jackpot offered in a video gaming area only under the following circumstances:

(1) A terminal operator shall establish a payout limit for a progressive jackpot of \$1,000.

(2) A terminal operator may terminate a progressive jackpot concurrent with the winning of the progressive jackpot provided its video gaming terminal program or progressive controller was configured prior to the winning of the progressive jackpot to establish a fixed reset amount with no progressive increment.

(3) A terminal operator may immediately and permanently remove one or more linked video gaming terminal from a gaming floor, provided that the terminal operator retains at least one video gaming terminal offering the same progressive jackpot in its video gaming area.

(4) A terminal operator may transfer a progressive jackpot amount on a standalone video gaming terminal or the common progressive jackpot on an entire link of video gaming terminal slot machines with a common progressive meter from a video gaming area provided the terminal operator receives written approval from the Bureau of Gaming Laboratory Operations prior to the transfer and the accrued amount minus the seed amount of the progressive jackpot is:

(i) Transferred in its entirety.

(ii) Transferred to one of the following:

(A) The progressive meter for a video gaming terminal with the same or similar probability of winning the progressive jackpot, the same or lower wager requirement to be eligible to win the progressive jackpot and the same type of progressive jackpot.

(B) The progressive meters of two separate video gaming terminals provided that each video gaming terminal to which the jackpot is transferred individually satisfies the requirements in clause (A).

(iii) Notice of intent to transfer the progressive jackpot is conspicuously displayed on the front of each video gaming terminal for at least 30 days.

(5) If a transfer cannot be made in accordance with paragraph (4) or with good cause shown, a terminal operator may remove progressive functionality, change the game theme or permanently remove a standalone progressive video gaming terminal, or an entire link of video gaming terminal with a common progressive jackpot from a video gaming area, provided all of the following:

(i) Notice of intent to remove the progressive video gaming terminals is conspicuously displayed on the front of each video gaming terminal for at least 30 days.

(ii) Prior to posting the notice of intent required under subparagraph (i), the terminal operator licensee receives written approval from the Bureau of Gaming Laboratory Operations to remove the progressive video gaming terminal.

(l) Progressive video gaming terminal removed from the video gaming area in accordance with subsection (k)(5) may not be returned to the gaming floor for 90 days.

(m) The amount indicated on the progressive meter or meters and coin in meter on each video gaming terminal

governed by subsection (b) must be recorded on a progressive video gaming terminal summary report at least once every 7 calendar days and each report shall be signed by the preparer. If not prepared by the terminal operator's finance department, the progressive video gaming terminal summary report shall be forwarded to the finance department by the end of the gaming day on which it is prepared. A representative of the finance department shall be responsible for calculating the correct amount that should appear on a progressive meter. If an adjustment to the progressive meters is necessary, the adjustment shall be made by a member of the video gaming terminal operations department as follows:

(1) Supporting documentation shall be maintained to explain any addition or reduction in the registered amount on the progressive meter. The documentation must include the date, asset number of the video gaming terminal, the amount of the adjustment, and the signatures of the finance department member requesting the adjustment and of the video gaming terminal operations department member making the adjustment.

(2) The adjustment shall be effectuated within 48 hours of the meter reading.

(n) Except as otherwise authorized by this section, a video gaming terminal offering a progressive jackpot that is temporarily removed from the video gaming area shall be returned to active play or replaced in the video gaming area within 5 gaming days. The amount on the progressive meter or meters on the returned or replacement video gaming terminal may not be less than the amount on the progressive meter or meters at the time of removal.

(o) When a video gaming terminal is located adjacent to a video gaming terminal offering a progressive jackpot, the terminal operator shall conspicuously display a notice advising patrons that the video gaming terminal is not participating in the progressive jackpot of the adjacent video gaming terminal.

#### **§ 1112.11. Video gaming terminal monitoring systems.**

(a) A terminal operator may utilize a video gaming terminal monitoring system which has an interface between it and video gaming terminals and related systems that has been tested and approved by the Board under § 1112.4 (relating to submission for testing and approval).

(b) A video gaming terminal monitoring system must comply with 4 Pa.C.S. (relating to amusements), this subpart and technical standards on video gaming terminal monitoring systems adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

#### **§ 1112.12. Remote system access.**

(a) In emergency situations or as an element of technical support, an employee of a licensed manufacturer may perform analysis of, or render technical support with regard to, a terminal operator's video gaming terminal monitoring system, gaming voucher system or other Board-approved system from a remote location.

(b) Remote system access shall be performed in accordance with technical standards on remote system access under § 461b.5 (relating to remote computer access).

(c) Prior to granting remote system access, a terminal operator shall establish a system of internal controls applicable to remote system access. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit



protocols). The internal control procedures submitted by the terminal operator shall be designed to protect the physical integrity of the systems in subsection (a) and the related data and be capable of limiting the remote access to the system or systems requiring technical support.

**§ 1112.13. Video gaming terminals and associated equipment utilizing alterable storage media.**

(a) *Definition.* The following term, when used in this section, has the following meaning, unless the context clearly indicates otherwise:

*Alterable storage media—*

(i) Memory or other storage medium, such as an EEPROM, flash, optical or magnetic storage device, that is contained in a video gaming terminal or associated equipment subject to approval under § 461a.4 (relating to submission for testing and approval), that allows the modification of programs or data on the storage media during the normal operation of the video gaming terminal or associated equipment.

(ii) The term does not include the following:

(A) Memory or other storage medium typically considered to be alterable but through either software or hardware means approved by the Board have been rendered unalterable and remain verifiable by the central control computer system.

(B) Associated equipment using alterable storage media that the Board determines are incapable of influencing the integrity or outcome of game play.

(b) *Use of alterable storage media.* Any use of alterable storage media in a video gaming terminal or associated equipment must be in compliance with 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards on alterable storage media adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

**§ 1112.14. Waivers.**

(a) The Board may, on its own initiative, waive one or more of the requirements in this chapter or the technical standards applicable to video gaming terminal and associated equipment adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site upon a determination that the nonconforming video gaming terminal or associated equipment or modification as configured meets the operational integrity requirements in 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(b) A manufacturer may submit a written request to the Board for a waiver for one or more of the requirements in this chapter or the technical standards applicable to video gaming terminal and associated equipment adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site. The request must:

(1) Be submitted as a petition under § 493a.4 (relating to petitions generally).

(2) Include supporting documentation demonstrating how the video gaming terminal or associated equipment for which the waiver has been requested will still meet the operational integrity requirements in 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(3) Be approved by the Board.

**§ 1112.15. Disputes.**

(a) If a dispute arises with a patron, the terminal operator shall attempt to resolve the dispute. If the dispute cannot be resolved, the terminal operator shall notify the Bureau of Casino Compliance who will attempt to resolve the dispute. If the dispute is not resolved, the Bureau of Casino Compliance will provide the patron with a Board Patron Dispute/Complaint Form and Instructions for Submitting a Patron Dispute/Complaint and assist the patron in completing the Board Patron Dispute/Complaint Form.

(b) When a patron files a complaint, the Bureau will conduct an investigation of the complaint.

**§ 1112.16. Testing and software installation in the live video gaming area.**

(a) Prior to the testing of video gaming terminals, associated equipment and displays in a live video gaming area during a terminal operator's normal hours of operation, the terminal operator shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance in writing at least 72 hours prior to the test date and receive the required approvals from the Bureau of Gaming Laboratory Operations prior to beginning testing. The notification must include all of the following:

(1) A detailed narrative description of the type of testing to be conducted, including the reason for the testing, a list of individuals conducting the testing and the terminal operator's procedures for conducting the testing.

(2) The date, time and approximate duration of the testing.

(3) The model, video gaming terminals location number and asset number of the video gaming terminals to be tested.

(4) The location within the licensed facility where the testing will occur.

(b) A terminal operator shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance at least 72 hours prior to the installation of any new software or the installation of any change in previously approved software and receive the required approvals prior to the installation of any of the following:

(1) Automated gaming voucher redemption terminals.

(2) Video gaming terminals monitoring systems.

(3) Additional automated bill breaker machines, automated gaming voucher redemption terminals and automated teller machines in the video gaming area.

(4) Gaming voucher systems.

(c) The notification required under subsection (b) must include all of the following:

(1) A description of the reasons for the new installation or change in previously approved software.

(2) A list of the current computer components, software identifications or versions that are to be modified or replaced.

(3) A list of the proposed computer components, software identifications or versions that will modify or replace the existing components or software.

(4) The method to be used to complete the proposed installation.

(5) The date and time that the proposed modification will be installed and the estimated time for completion.

(6) The name, title and employer of the persons performing the installation.

(7) The plan to handle disruptions, if any, to the video gaming area.

(8) The approximate length of time the video gaming area or systems will be disrupted.

(9) Plans for system backup prior to any proposed installation.

**§ 1112.17. RAM clear.**

(a) When a terminal operator becomes aware of a nonresponsive video gaming terminals, and communication between the video gaming terminals and the central control computer cannot be re-established, the terminal operator shall immediately notify the Department's operator of the central control computer and the Bureau of Casino Compliance. The terminal operator may not do a RAM clear on the affected video gaming terminals or associated equipment until the Bureau of Casino Compliance has recorded the information on the financial meters.

(b) For planned RAM clears, the terminal operator shall provide notice to the Department's operator of the central control computer and the Bureau of Casino Compliance at least 48 hours prior to the scheduled RAM clear. A second notice shall be provided to the Department's operator of the central control computer and the Bureau of Casino Compliance immediately prior to actually conducting the RAM clear.

**CHAPTER 1113. POSSESSION OF VIDEO GAMING TERMINALS—TEMPORARY REGULATIONS**

Sec.

- 1113.1. Possession of video gaming terminals generally.
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**§ 1113.1. Possession of video gaming terminals generally.**

(a) Except as otherwise provided in this section and 18 Pa.C.S. § 5513 (relating to gambling devices, gambling, etc.), a person may not possess any video gaming terminals in this Commonwealth that may be used for gambling activity.

(b) The following persons and any employee or agent acting on their behalf may possess video gaming terminals in this Commonwealth for the purposes described herein provided that video gaming terminals located outside of a licensed facility may not be used for gambling activity:

(1) A terminal operator, for the purpose of maintaining for use, training or operating video gaming terminals in an establishment licensee's facility.

(2) The holder of a manufacturer license for the purpose of manufacturing, exhibiting, demonstrating, training or preparing for transfer to a supplier licensee or terminal operator.

(3) The holder of a manufacturer or supplier license for the purpose of distributing, repairing, servicing, exhibiting or demonstrating video gaming terminals and any training with regard thereto.

(4) An educational institution for the purpose of teaching video gaming terminals design, operation, repair or servicing.

(5) A manufacturer or supplier of video gaming terminals not licensed in this Commonwealth for the limited purpose of temporary exhibition or demonstration.

(6) A common carrier, for the purpose of transporting video gaming terminals in accordance with § 1113.2 (relating to transportation of video gaming terminals into, within and out of this Commonwealth).

(7) An employee or agent of the Board, the Department, the Pennsylvania State Police or any law enforcement agency of this Commonwealth for the purpose of fulfilling official duties or responsibilities.

(8) Other persons upon a finding that the possession of video gaming terminals by those persons in this Commonwealth is not contrary to the goals and objectives of 4 Pa.C.S. (relating to amusements).

(c) Persons seeking to possess video gaming terminals under subsection (b)(4), (5) and (8) shall submit a petition to the Board as required under § 493a.4 (relating to petitions generally). The petition to the Board must contain all of the following:

(1) The purpose for having the video gaming terminals.

(2) The proposed location of the video gaming terminals.

(3) The time period for which the video gaming terminals will be kept.

(4) How the video gaming terminals will be secured.

(d) Requests approved by the Board may be subject to specific terms and conditions imposed by the Board.

(e) A person authorized to possess video gaming terminals under subsection (d) who wishes to store the video gaming terminals at a location other than the location specified in subsection (c)(2) shall obtain approval from the Board's Executive Director prior to storing the video gaming terminals at the other location.

**§ 1113.2. Transportation of video gaming terminals into, within and out of this Commonwealth.**

(a) In furtherance of 4 Pa.C.S. § 4502 (relating to declaration of exemption from Federal laws prohibiting video gaming terminals), prior to the transport or movement of a video gaming terminals, into, within or out of this Commonwealth, from one person authorized to possess video gaming terminals under § 1113.1 (relating to possession of video gaming terminals generally) to another person, the persons causing the video gaming terminals to be transported or moved shall notify the Bureau of Gaming Laboratory Operations in writing or in an electronic format approved by the Bureau of Gaming Laboratory Operations. The notice shall be submitted no later than the day the video gaming terminals is transported and must include all of the following information:

(1) The name and address of the person shipping or moving the video gaming terminals.

(2) The name and address of the person who owns the video gaming terminals if different from the person shipping or moving the video gaming terminals.

(3) The name and address of a new owner if ownership is being changed in conjunction with the shipment or movement.

(4) The method of shipment or movement and the name and address of the common carrier or carriers, if applicable.

(5) The name and address of the person to whom the video gaming terminals is being sent and the destination of the video gaming terminals if different from that address.

(6) The quantity of video gaming terminals being shipped or moved and the manufacturer's serial number of each machine.

(7) The expected date and time of delivery to, or removal from, any authorized location in this Commonwealth.

(8) The port of entry, or exit, if any, of the video gaming terminals if the origin or destination of the video gaming terminals is outside the continental United States.

(9) The reason for transporting or moving the video gaming terminals.

(b) In addition to the requirements in subsection (a), if a terminal operator is shipping video gaming terminals to or from the terminal operator's approved, off-premises storage location, the terminal operator shall comply with the requirements in subsection (a) and record the movement in the terminal operator's movement log as required under § 1113.5(e) (relating to video gaming terminal master lists). If a video gaming terminal is being transported to the establishment licensee's facility from the terminal operator's approved, off-premises storage location, the terminal operator shall specify in the notice required under subsection (a) whether the video gaming terminals will be placed directly onto the video gaming area or stored off the video gaming area in a restricted area within the establishment licensee's facility.

**§ 1113.3. Video gaming terminals location in video gaming area.**

(a) A video gaming area must consist of one area within an establishment licensee's premises approved by the Board or Executive Director for the placement and operation of all video gaming terminals.

(b) The location of each video gaming terminal must correspond to a specifically identified space in the video gaming area identified numerically and listed on the master list with the identifying asset and serial number of the corresponding video gaming terminal.

**§ 1113.4. Notice and connection to the central control computer system.**

(a) Prior to utilization for gambling activity, unless otherwise authorized by the Board's Executive Director, a video gaming terminal in a video gaming area must be connected or linked to a central control computer system having the capabilities and in compliance with the terms of 4 Pa.C.S. § 3309 (relating to central control computer system).

(b) To ensure activation or disabling, as appropriate, in the central control computer system and the retrieval of real time meter information from the video gaming terminal table in conjunction with the movement of a video gaming terminal, the terminal operator shall provide the Department with written notice of the video gaming terminal movement, prior to any of the following:

- (1) Placement of a video gaming terminal in a video gaming area.
- (2) Movement of a video gaming terminal location in the video gaming area.
- (3) Removal of a video gaming terminal from the video gaming area.

**§ 1113.5. Video gaming terminal master lists.**

(a) Prior to the commencement of operations at an establishment licensee's facility, a terminal operator shall file all of the following with the Bureau of Gaming Laboratory Operations in an electronic format approved by the Bureau of Gaming Laboratory Operations:

- (1) Video Gaming Area Video Gaming Terminal Master List.
- (2) Restricted Area/Off Premises Video Gaming Terminal Master List.

(b) A Video Gaming Area Video Gaming Terminal Master List must list all video gaming terminals located in the video gaming area in consecutive order by the device location number under § 1111.3 (relating to video gaming terminals location in video gaming area) and contain all of the following:

- (1) The date the list was prepared.
- (2) A description of each video gaming terminal that includes all of the following:
  - (i) The location number.
  - (ii) The asset number.
  - (iii) The manufacturer's serial number.
  - (iv) The base denomination, or if configured for multiple denominations, a list of the denominations.
  - (v) The game software/program ID.
  - (vi) The operating system/base ROM.
  - (vii) The manufacturer.
  - (viii) The video gaming terminal model.
  - (ix) The model type (reel or video), if applicable.
  - (x) The game themes/description.
  - (xi) The minimum payout percentage, if applicable.
  - (xii) The machine displayed payout percentage, if applicable.
  - (xiii) The payable ID.
  - (xiv) If the video gaming terminal is a progressive, the type of progressive, the progressive controller type and the progressive software.
  - (xv) The fund transfer/voucher system software.

(c) If a video gaming terminal is configured to allow a patron to select from multiple games or game themes, each game or game theme, minimum and machine displayed payout percentages, if applicable, and payable ID must be listed in the Video Gaming Area Video Gaming Terminal Master List. Instead of listing each game or game theme, minimum and machine displayed payout percentage and payable ID for a video gaming terminal configured to offer multiple game themes with the video gaming terminal, a terminal operator may use a unique generic code for the game theme and attach an appendix which lists the game themes, minimum and machine displayed payout percentages and payable IDs that correspond to each unique generic game theme code.

(d) A Restricted Area/Off Premises Video Gaming Terminal Master List must include all video gaming terminals located off the video gaming area in an approved restricted area within the establishment licensee's facility, or in storage locations in this Commonwealth off the premises of the establishment licensee approved under § 1113.7 (relating to off-premises storage of video gaming terminals) grouped by the location where the video



gaming terminal are located. A Restricted Area/Off Premises Video Gaming Terminal Master List must include all of the following information:

- (1) The date the list was prepared.
- (2) A description of each video gaming terminal that includes all of the following:
  - (i) The location of the video gaming terminal.
  - (ii) The asset number.
  - (iii) The manufacturer's serial number.
  - (iv) The game software/program ID.
  - (v) The operating system/base ROM.
  - (vi) The game theme/description.
  - (vii) The manufacturer.
  - (viii) The video gaming terminal model.
  - (ix) The model type (reel or video), if applicable.
- (e) Once a video gaming terminal has been placed in an authorized location in the video gaming area, stored in a restricted area off the video gaming area but within the establishment licensee's facility approved under this section or in a location in this Commonwealth off the premises of the establishment licensee's facility approved under § 1113.7, all subsequent movements of that video gaming terminal shall be recorded by a terminal operator employee in a video gaming terminal movement log which includes all of the following:
  - (1) The asset number and model and manufacturer's serial number of the moved video gaming terminal.
  - (2) The date and time of movement.
  - (3) The location from which the video gaming terminal was moved.
  - (4) The location to which the video gaming terminal was moved.
  - (5) The date and time of any required notice to the Department in connection with activation or disabling of the video gaming terminal in the central control computer system.
  - (6) The signature of a key employee of the terminal operator verifying the movement of the video gaming terminal in compliance with this section.
  - (f) Documentation summarizing video gaming terminal movements, as described in subsection (e), shall be submitted to the Bureau of Gaming Laboratory Operations in an electronic format approved by the Bureau of Gaming Laboratory Operations on a weekly daily basis.
  - (g) On the first Tuesday of each month a terminal operator shall file an updated Video Gaming Area Video Gaming Terminal Master List and an updated Restricted Area/Off Premises Video Gaming Terminal Master List containing the information required under subsections (b)—(d). The Video Gaming Area Video Gaming Terminal Master List and the Restricted Area/Off Premises Video Gaming Terminal Master List shall be filed in an electronic format with the Bureau of Gaming Laboratory Operations.
  - (h) Persons authorized by the Board to possess video gaming terminals under § 1113.1(c) (relating to possession of video gaming terminals generally) shall file with the Bureau of Gaming Laboratory Operations, in an electronic format approved by the Bureau of Gaming

Laboratory Operations, a complete list of video gaming terminals possessed by the person. The list must comply with all of the following:

- (1) Be denoted as a Video Gaming Terminal Master List.
- (2) Be filed within 3 business days of the initial receipt of video gaming terminals.
- (3) Contain all of the following information:
  - (i) The date on which the list was prepared.
  - (ii) A description of each video gaming terminal including all of the following:
    - (A) The manufacturer.
    - (B) The manufacturer's serial number.
    - (C) The video gaming terminals model.
    - (D) The model type (reel or video), if applicable.
    - (E) Whether or not the video gaming terminal is a progressive, and if it is, the type of progressive.
- (i) On the first Tuesday of each month following the initial filing of a Video Gaming Terminal Master List, the persons enumerated in subsection (h) shall file with the Bureau of Gaming Laboratory Operations, in an electronic format approved by the Bureau of Gaming Laboratory Operations, an updated Video Gaming Terminals Master List containing all of the information required under subsection (h).

**§ 1113.7. Off-premises storage of video gaming terminals.**

(a) A terminal operator may not store video gaming terminals off the premises of an establishment licensee's facility without prior approval from the Board's Executive Director.

(b) A terminal operator seeking to store video gaming terminals off the premises of an establishment licensee's facility shall submit a written request to the Bureau of Gaming Operations for off premise storage. The written request must include all of the following:

- (1) The location and a physical description of the proposed storage facility.
- (2) A description of the type of surveillance system that has been or will be installed at the proposed storage facility.
- (3) The plan to provide 24-hour, 7-day a week security at the proposed storage facility.
- (4) The anticipated number of video gaming terminals that may be stored at the proposed storage facility.
- (c) Before the Board's Executive Director will act on a request for off premise storage of video gaming terminals, the Director of Casino Compliance will inspect the proposed storage facility.

(d) The Board's Executive Director will approve or disapprove requests within 60 days. Requests approved by the Board's Executive Director may be subject to specific terms and conditions imposed by the Board's Executive Director.



**CHAPTER 1114. ACCOUNTING AND INTERNAL CONTROLS—TEMPORARY REGULATIONS**

Sec.

1114.1. Video gaming accounting and internal controls.

**§ 1114.1. Video gaming accounting and internal controls.**

(a) At least 90 days before the commencement of video gaming, a terminal operator licensee or an applicant for a terminal operator license shall submit to the Board for approval all internal control systems and audit protocols for the video gaming operations.

(b) A terminal operator licensee’s internal controls and audit protocols must include all of the following:

(1) Provide for reliable records, accounts and reports of any financial event that occurs in the conduct of video gaming, including reports to the Board related to video gaming.

(2) Provide for accurate and reliable financial records related to the conduct of video gaming.

(3) Establish procedures and security for the recordation of wagering, winnings, gross terminal revenue and taxation.

(4) Establish procedures and security standards for the maintenance of video gaming terminals and associated equipment used in connection with the conduct of video gaming.

(5) Establish procedures and rules to govern the conduct of video gaming and the responsibility of employees related to video gaming.

(6) Establish procedures for the collection, recording and deposit of revenue from the conduct of video gaming.

(7) Establish reporting procedures and records required to ensure that all money generated from video gaming is accounted for.

(8) Ensure that all functions, duties and responsibilities related to video gaming are appropriately segregated and performed in accordance with sound financial practices by qualified employees.

(9) Permit access to the establishment licensee premises and terminal operator premises used in connection with video gaming for the Board, the Bureau, the Department and the Pennsylvania State Police to facilitate the ability to perform regulatory oversight and law enforcement functions, respectively.

(c) The submission required under subsection (a) must include a detailed description of the terminal operator’s administrative and accounting procedures related to video gaming, including its written system of internal controls, each written system of internal controls must include:

(1) An organizational chart depicting appropriate functions and responsibilities of employees involved in video gaming.

(2) A description of the duties and responsibilities of each position shown on the organizational chart.

(3) The record retention policy of the terminal operator.

(4) The procedure to be utilized to ensure that money generated from the conduct of video gaming is safeguarded, including mandatory counting and recording procedures.

(5) The procedures and controls for ensuring that video gaming terminals directly provide and communicate all

required activities and financial details to the central control computer system as established by the Board.

(6) Procedures to ensure that recorded accountability for assets is compared with actual assets at intervals required by the Board and appropriate action is taken with respect to discrepancies.

(7) Procedures to be utilized by an employee of a terminal operator and establishment licensee in the event of a malfunction of a video gaming terminal that fails to dispense a redemption ticket, or of a redemption terminal which fails to dispense cash upon redemption of the ticket.

(8) Procedures to be utilized by an establishment to prevent minors from entering the video gaming area, which include acceptable documentation relating to proof of age and the examination of these documents by a responsible employee.

(9) Other items the Board may request in writing to be included in the internal controls.

(d) Prior to authorizing a terminal operator licensee to commence the conduct of video gaming, the Board will review the system of internal controls and audit protocols submitted under subsection (a) to determine whether it conforms to the requirements in this chapter and whether it provides adequate and effective controls for the conduct of video gaming.

(e) If a terminal operator licensee intends to make a change or amendment to its system of internal controls, it shall submit the change or amendment electronically to the Bureau of Gaming Operations in a manner prescribed by the Bureau of Gaming Operations. The terminal operator licensee may implement the change or amendment on the 30th calendar day following the filing of a complete submission unless the terminal operator licensee receives written notice tolling the change or amendment in accordance with subsection (g) or written notice from the Board’s Executive Director rejecting the change or amendment.

(f) If during the 30-day review period in subsection (e), the Bureau of Gaming Operations preliminarily determines that a procedure in a submission contains an insufficiency likely to negatively affect the integrity of video gaming or the control of revenue generated from video gaming, the Bureau of Gaming Operations, by written notice to the terminal operator licensee, will do all of the following:

(1) Specify the nature of the insufficiency and, when possible, an acceptable alternative procedure.

(2) Direct that the 30-calendar day review period in subsection (e) be tolled and that any internal controls at issue not be implemented until approved under subsection (i).

(g) Examples of submissions that may contain an insufficiency likely to negatively affect the integrity of video gaming include the following:

(1) Submissions that fail to provide information sufficient to permit the review of video gaming.

(2) Submissions that fail to provide for the segregation of incompatible functions so that an employee is not in a position to commit an error or perpetrate a fraud and conceal the error or fraud in the normal course of the employee’s duties.

(3) Submissions that do not include forms or other materials referenced in the submission or required under 4 Pa.C.S. (relating to amusements) or this part.

(4) Submissions that would implement operations or accounting procedures not authorized by 4 Pa.C.S. (relating to amusements) or this part.

(5) Submissions that are dependent upon the use of equipment or related devices or software not approved by the Board unless the submissions are required as part of an authorized test of the equipment or related device or software.

(h) Whenever a change or amendment has been tolled under subsection (f), the terminal operator licensee may submit a revised change or amendment within 30 days of receipt of the written notice from the Bureau of Gaming Operations. The terminal operator licensee may implement the revised change or amendment upon receipt of written notice of approval from the Board's Executive Director or on the 30th calendar day following the filing of the revision unless the terminal operator licensee receives written notice tolling the change or amendment in accordance with subsection (f) or written notice from the Board's Executive Director rejecting the change or amendment.

#### CHAPTER 1115. RECORD RETENTION— TEMPORARY REGULATIONS

Sec.

1115.1. Video gaming record retention.

##### § 1115.1. Video gaming record retention.

(a) For the purposes of this section, "books, records and documents" means any book, record or document pertaining to, prepared in or generated by the operation of video gaming by a terminal operator licensee or an establishment licensee including all forms, reports, accounting records, ledgers, subsidiary records, computer generated data, internal audit records, correspondence and personnel records.

(b) As a condition of continued operation, a terminal operator licensee or an establishment licensee shall agree to maintain all books, records and documents pertaining to the conduct of video gaming in a manner and location in this Commonwealth as approved by the Board. All books, records and documents must meet all of the following:

(1) Be organized in a manner to clearly depict by separate records the total amount of money wagered and paid as winnings in all video gaming activity.

(2) Be segregated by separate accounts within the terminal operator licensee or establishment licensee's books, records and documents.

(3) Be immediately available for inspection upon request of the Board, the Bureau, the Department, the Pennsylvania State Police or the Attorney General, or agents thereof, during all hours of operation of video gaming by a terminal operator licensee or establishment licensee.

(4) Be prepared and maintained in a complete, accurate and legible form. Electronic data must be stored in a format that ensures readability, regardless of whether the technology or software that created or maintained it has become obsolete.

(5) Be retained in a secure location by a terminal operator licensee or establishment licensee that is equipped with a fire suppression system or in a fire proof location on the premises.

(6) Be organized and indexed in a manner to provide immediate accessibility to the Board, the Bureau, the

Department, the Pennsylvania State Police or the Attorney General, or agents thereof.

(7) Be destroyed only after expiration of the minimum retention period of 5 years, unless the Board, upon the written request of a terminal operator licensee or an establishment licensee and for good cause shown, permits the destruction at an earlier date.

#### CHAPTER 1116. CONDUCT OF VIDEO GAMING— TEMPORARY REGULATIONS

Sec.

1116.1. Video gaming area.

1116.2. Video gaming terminals.

1116.3. Redemption terminals.

1116.4. Automated teller machines.

1116.5. Commencement of video gaming generally.

1116.6. Establishment licensee restrictions.

1116.7. Terminal operator licensee restrictions.

1116.8. Restriction on wagering.

##### § 1116.1. Video gaming area.

(a) A video gaming area must be within an establishment licensee's premises and it must be separate and distinct through the installation of a physical barrier from a convenience store or other amenity available to patrons under 21 years of age.

(b) An establishment licensee shall notify and receive approval of the Board, the Bureau or designated staff of the Board prior to making any modification to the video gaming area.

(c) An establishment licensee shall provide all of the following:

(1) The entrance to the video gaming area and the conduct of video gaming are visible to at least one employee of the establishment licensee who holds an occupation permit.

(2) The video gaming area must have one entrance point which serves as the exit point.

(3) The video gaming area must be separated from the remaining establishment premises by a physical barrier which may consist of a wall no higher than 40 inches, a partition or gate which may not obstruct the view of the conduct of video gaming by an employee who holds an occupation permit.

(4) The video gaming area shall, at all times, be monitored, either directly or through live monitoring of video surveillance, by an employee of the establishment licensee who is at least 18 years of age, holds an occupation permit and has completed mandatory training relating to compulsive and problem gambling.

(5) Every employee of the establishment licensee who has a valid occupation permit issued by the Board and who has duties which include monitoring the video gaming area of an establishment licensee shall display the Board-issued occupation permit credential on the outer clothing in a manner clearly visible to patrons and security and surveillance cameras.

(6) Every employee of a terminal operator who has a valid occupation permit issued by the Board and who has duties which require him to enter a video gaming area of an establishment licensee shall, while on the premises of an establishment licensee, display the Board-issued occupation permit credential on the outer clothing in a manner clearly visible to patrons and security and surveillance cameras.

(d) A video gaming area must have at least one redemption terminal which must be the sole and exclusive method to exchange a redemption ticket for cash.

(e) An establishment licensee shall prominently display in a place and manner conspicuous to all patrons entering and exiting the video gaming area signs containing the following statement printed in bold lettering of sufficient size to be visible and readable: "The video gaming area including the entrance and exit is subject to surveillance and video recording."

(f) A video gaming area must comply with §§ 1118.1, 1118.2 and 1119.2 (relating to signage requirements; problem gambling information; and self-exclusion procedure).

#### § 1116.2. Video gaming terminals.

(a) A terminal operator licensee may place up to five video gaming terminals in the video gaming area of an establishment licensee.

(b) A video gaming terminal may not be made available for use prior to being tested and certified by the Board as meeting the requirements in 4 Pa.C.S. § 3701 (relating to testing and certification of terminals).

(c) Video gaming terminals may not have the ability to dispense cash, tokens or anything of value, except redemption tickets which shall only be exchangeable at a redemption terminal or reinserted into another video gaming terminal in the same video gaming area.

#### § 1116.3. Redemption terminals.

(a) A terminal operator licensee shall place at least one redemption terminal in the video gaming area of an establishment licensee.

(b) A redemption terminal in a video gaming area must be equipped with an integrated camera which must record the image of all persons using the redemption terminal and maintain those images for a minimum period of 30 days.

(c) A redemption terminal may not be made available for use prior to being tested and certified by the Board as meeting the requirements in 4 Pa.C.S. § 3701 (relating to testing and certification of terminals).

(d) The redemption terminal must only accept redemption tickets from video gaming terminals in the same video gaming area.

(e) Redemption tickets shall only be exchanged for cash through a redemption terminal located within the same video gaming area.

#### § 1116.4. Automated teller machines.

(a) Automated teller machines may be placed at any location within an establishment licensee's facility. Automated teller machines that offer credit card advances may not be placed in the video gaming area.

(b) An automated teller machine in a video gaming area must be equipped with an integrated camera which must record the image of all persons using the redemption terminal and maintain those images for a minimum period of 30 days.

(c) An automated teller machine located in the video gaming area must have a label on the top and front of the automated teller machine that displays a unique identification number of the automated teller machine. The labels must have white lettering on a dark-colored background, may not be easily removed and must be easily visible by surveillance equipment. The label on the top of the automated teller machine must be at least 1.5 inches by 5.5 inches and the label on the front of the automated teller machine must be at least 1 inch by 2.5 inches.

(d) Automated teller machines located within a video gaming area may not accept ACCESS/Electronic Benefits Transfer Cards.

#### § 1116.5. Commencement of video gaming generally.

(a) Prior to offering video gaming terminals, a terminal operator shall demonstrate all of the following:

(1) The video gaming area complies in all respects with 4 Pa.C.S. Part III (relating to video gaming), this subpart and any technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(2) Video gaming terminals utilized in the conduct of video gaming have been tested and approved by the Board in compliance with 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(3) The video gaming area has been approved by the Board in compliance with 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(4) The terminal operator licensee's internal control systems and audit protocols have been approved by the Board in compliance with 4 Pa.C.S. Part III (relating to video gaming), this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

(5) The terminal operator licensee is prepared to implement necessary management controls, surveillance and security precautions to insure the efficient conduct of video gaming.

(6) The terminal operator licensee and establishment licensee's employees are licensed or permitted by the Board and trained in the performance of their responsibilities.

(b) Upon a terminal operator licensee and an establishment licensee meeting the criteria in subsection (a), the Board may authorize the date and time at which the establishment licensee may commence video gaming in the video gaming area.

#### § 1116.6. Establishment licensee restrictions.

(a) An establishment licensee may not permit a person under 21 years of age to play a video gaming terminal or enter the video gaming area.

(b) An establishment licensee may not offer or provide an incentive to a person to engage in video gaming activity.

(c) An establishment licensee may not permit a visibly intoxicated person to play a video gaming terminal.

(d) An establishment licensee may not extend credit or accept a credit card or debit card for play of a video gaming terminal.

(e) An establishment licensee may not make structural alterations or significant renovations to a video gaming area unless the establishment licensee has notified the terminal operator licensee and obtained prior approval from the Board.

(f) An establishment licensee may not move a video gaming terminal or redemption unit after installation by a terminal operator licensee.

#### § 1116.7. Terminal operator licensee restrictions.

(a) No more than five video gaming terminals may be placed on the premises of an establishment licensee.



(b) Redemption tickets may only be redeemed for cash through a ticket redemption terminal located in the same video gaming area or reinserted into another video gaming terminal in the same video gaming area for continued play.

(c) Video gaming terminals located in the video gaming area of an establishment licensee must be placed and operated under a terminal placement agreement approved by the Board.

(d) A terminal operator licensee may not offer or provide an incentive to a person to engage in video gaming activity.

(e) A terminal operator licensee may not extend credit or accept a credit card or debit card for play of a video gaming terminal.

(f) A terminal operator licensee may not give or offer to give, directly or indirectly, any type of inducement to a truck stop establishment to secure or maintain a terminal operator placement agreement. For purposes of this subsection, an "inducement" may not include payment by a terminal operator licensee for the actual costs of renovating an existing area of the footprint of the truck stop establishment for the purpose of making the video gaming area and associated areas available for the conduct of video gaming. The term, as used in this subsection, does not include making the area operate at the premises including wiring, rewiring, software updates, ongoing video gaming terminal maintenance, redemption terminals, network connections, site controllers and costs associated with communicating with the central control computer system, as well as renovations to include flooring, lighting and barriers. Nothing in this section shall preclude a truck stop establishment from making further modifications to its facility to accommodate video gaming terminal.

(g) A terminal operator licensee may not give an establishment licensee a percentage of gross terminal revenue other than 15% of the gross terminal revenue of the video gaming terminals operating in the establishment licensee's premises.

(h) A terminal operator licensee may not operate, install or otherwise make available for public use a video gaming terminal or redemption terminal that has not been obtained from a manufacturer licensee or supplier licensee.

(i) A terminal operator licensee may not make structural alterations or significant renovations to a video gaming area unless the terminal operator licensee has notified the establishment licensee and obtained prior approval from the Board.

(j) A terminal operator licensee may not move a video gaming terminal or redemption unit after installation unless prior approval of the Board is obtained.

#### § 1116.8. Restriction on wagering.

(a) An individual who holds a license, occupation permit or registration and is currently employed by or is a principal associated with an establishment licensee may not wager at a video gaming terminal in the establishment where the individual is employed or associated.

(b) An individual who holds a license, occupation permit or registration and is currently employed by or is a principal associated with a terminal operator licensee, manufacturer licensee or supplier licensee may not wager at any video gaming terminal in a truck stop establish-

ment at which the individual operates, services, or installs video gaming terminals or associated equipment.

### CHAPTER 1117. VIDEO TERMINAL PLACEMENT AGREEMENTS—TEMPORARY REGULATIONS

Sec.

1117.1. Board approval of video terminal placement agreements.

1117.2. Minimum standards for terminal placement agreements.

#### § 1117.1. Board approval of video terminal placement agreements.

A terminal operator licensee may not place and operate video gaming terminals on the premises of an establishment licensee unless under a terminal placement agreement approved by the Board.

#### § 1117.2. Minimum standards for terminal placement agreements.

(a) A terminal placement agreement submitted to the Board for approval must include all of the following:

(1) A provision that the term of the terminal placement agreement shall be valid for a minimum of 60 months and may not exceed 120 months.

(2) A provision that renders the terminal placement agreement invalid if either the terminal operator license or terminal operator application or the establishment license or the establishment license application is denied, revoked, not renewed, withdrawn or surrendered.

(3) A provision that provides the establishment licensee shall receive 15% of gross terminal revenue from each video gaming terminal located on the premises of the establishment licensee.

(4) The identity of the person who solicited the terminal placement agreement on behalf of a terminal operator licensee or applicant.

(5) Signatures of a representative authorized to bind an applicant for an establishment license or an establishment licensee and a representative authorized to bind an applicant for a terminal operator license or a terminal operator licensee.

(6) A provision acknowledging that a terminal placement agreement may not be transferred or assigned without prior notice to the Board and verification that the individual or entity making the assignment is either a terminal operator applicant or terminal operator licensee and the individual or entity receiving the assignment of the terminal placement agreement is either a terminal operator applicant or terminal operator licensee.

(b) A terminal placement agreement entered into by a truck stop establishment prior to October 31, 2017, with a person or entity for the placement, operation, service or maintenance of video gaming terminals, including an agreement granting a person or entity the right to enter into an agreement or match any offer made after October 31, 2017, is void and will not be approved by the Board.

### CHAPTER 1118. COMPULSIVE AND PROBLEM GAMING—TEMPORARY REGULATIONS

Sec.

1118.1. Signage requirements.

1118.2. Problem gambling information.

1118.3. Problem gambling training.

1118.4. Advertising

1118.5. Penalties.

#### § 1118.1. Signage requirements.

(a) An establishment licensee shall conspicuously post signs that include a statement providing all of the following:

(1) “If you or someone you know has a gambling problem, help is available. Call (1-800-GAMBLER).”

(2) At least one sign as provided in paragraph (1) shall be posted within the video gaming area and at least one sign shall be posted within 5 feet of each automated teller machine within the establishment licensee’s premises.

(b) An establishment licensee shall post signs that include a statement providing all of the following:

(1) “It is unlawful for any individual under 21 years of age to enter. Individuals violating this prohibition will be removed and may be subject to arrest and criminal prosecution.”

(2) The sign as provided in paragraph (1) shall be prominently posted at the entrance to a video gaming area.

**§ 1118.2. Problem gambling information.**

An establishment licensee shall make available materials provided by the Board regarding compulsive and problem gaming as approved by the Board. The material shall be displayed conspicuously within the video gaming area of each establishment licensee.

**§ 1118.3. Problem gambling training.**

(a) The Board will provide a mandatory training program addressing responsible gaming and compulsive and problem gambling issues for employees and management of an establishment licensee who oversee the establishment licensee’s video gaming area.

(b) Establishment licensees shall pay a fee assessed by the Board to reimburse the Board for the cost of annual training to establishment licensee’s employees and management subject to the training.

(c) At least one employee of the establishment licensee who holds a valid occupation permit and has successfully completed the training program shall be located on the premises and supervising the video gaming area during all times the video gaming terminals are available for play.

**§ 1118.4. Advertising.**

(a) Advertisements related to video gaming used by a terminal operator or establishment licensee or its agent may not:

- (1) Contain false or misleading information.
- (2) Fail to disclose conditions or limiting factors associated with the advertisement.
- (3) Use a font, type size, location, lighting, illustration, graphic depiction or color obscuring conditions or limiting factors associated with the advertisement or the statement required under subsection (b).

(b) Advertisements must contain a gambling assistance message that is similar to one of the following:

(1) If you or someone you know has a gambling problem, help is available. Call (toll free telephone number).

(2) Gambling Problem? Call (toll free telephone number). The text of the gambling assistance message and the font to be used for the statement must comply with in § 501a.7(e) (relating to advertising).

(c) A terminal operator or establishment licensee or its agent shall discontinue as expeditiously as possible the use of a particular advertisement upon receipt of written notice that the Board’s Office of Compulsive and Problem Gaming has determined that the use of the particular

advertisement in this Commonwealth could adversely impact the public or the integrity of video gaming.

**§ 1118.5. Penalties.**

An establishment licensee that fails to fulfill any of the requirements in this chapter shall be assessed an administrative penalty and may have its establishment license suspended by the Board.

**CHAPTER 1119. SELF-EXCLUSION—  
TEMPORARY REGULATIONS**

Sec.	
1119.1.	Definitions.
1119.2.	Self-exclusion procedure.
1119.3.	Video gaming self-exclusion list.
1119.4.	Duties of video gaming establishment licensees
1119.5.	Removal from video gaming self-exclusion list.

**§ 1119.1. Definitions.**

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

*OCPG*—The Office of Compulsive and Program Gambling of the Board.

*Video gaming activity*—The play of video gaming terminals at the premises of an establishment licensee.

*Video gaming related activity*—An activity related to the play of video gaming terminals including applying for player club memberships or credit, cashing checks, or accepting a complimentary gift, service, promotional item or other thing of value at an establishment licensee’s premises.

*Video gaming self-excluded person*—A person whose name and identifying information is included, at the person’s own request, on the video gaming self-exclusion list maintained by the Board.

*Video gaming self-exclusion list*—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to all of the following:

- (i) Excluded from the video gaming area where video gaming activity is conducted.
- (ii) Excluded from engaging in all video gaming related activities at an establishment licensee’s facility.
- (iii) Prohibited from collecting any winnings or recovering any losses resulting from video gaming activity.

*Winnings*—Any money or thing of value received from, or owed by, an establishment licensee or terminal operator licensee as a result of a fully executed video gaming transaction.

**§ 1119.2. Self-exclusion procedure.**

(a) A person may request to be self-excluded from video gaming activities of an establishment licensee. The exclusion may be for a specific establishment licensee or throughout this Commonwealth.

(b) A person requesting self-exclusion shall do all of the following:

- (1) Acknowledge that the person is a problem gambler.
- (2) Agree that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any video gaming activity within establishment licensees and that the person may be subject to arrest for trespass if found within a video gaming area of an establishment licensee.

(3) Agree to other conditions established by the Board.

(c) Forms to be used to request placement on the video gaming self-exclusion list are available on the Board's web site and at each establishment licensee's facility.

(d) A person wishing to place himself on the video gaming self-exclusion list at a single establishment licensee's facility may do so by the following:

(1) Submitting a completed Request for Voluntary Self-exclusion from Video Gaming Activities Form to the Board.

(2) Include all of the following identifying information:

(i) Name, including any aliases or nicknames.

(ii) Date of birth.

(iii) Address of current residence.

(iv) Telephone number.

(v) A copy of the individual's photo driver's license, passport or other recent photo identification.

(vi) Physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person.

(vii) Name, address and county of the establishment licensee's facility at which the person wishes to be excluded from video gaming activity.

(viii) The length of time the individual seeks to be excluded from video gaming activities.

(e) A person wishing to place himself on the video gaming self-exclusion list at all video gaming establishments in this Commonwealth may do so by the following:

(1) Submitting a completed Request for Voluntary Self-exclusion from Video Gaming Activities Form to the Board.

(2) Include all of the following identifying information:

(i) Name, including any aliases or nicknames.

(ii) Date of birth.

(iii) Address of current residence.

(iv) Telephone number.

(v) A copy of the individual's photo driver's license, passport or other recent photo identification.

(vi) Physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person.

(vii) Specify that the person desires to be excluded from video gaming activity in this Commonwealth.

(viii) The length of time the individual seeks to be excluded from video gaming activities.

(f) The length of self-exclusion requested by a person must be one of the following:

(1) One year (12 months).

(2) Five years.

(3) Lifetime.

(g) A request for self-exclusion must include a signed release which meets all of the following:

(1) Acknowledges that the request for self-exclusion has been made voluntarily.

(2) Certifies that the information provided in the request for self-exclusion is true and accurate.

(3) Acknowledges that the individual requesting self-exclusion is a problem gambler.

(4) Acknowledges that if the individual is discovered in a video gaming area, that the individual will be subject to removal and arrest for criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass) and the individual's winnings will be subject to confiscation and remittance to support compulsive and problem gambling programs.

(5) Releases, indemnifies, holds harmless and forever discharges the Commonwealth, the Board, and all terminal operator licensees and establishment licensees from claims, damages, losses, expenses or liability arising out of, by reason of or relating to the video gaming self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:

(i) The failure of an establishment licensee to withhold video gaming privileges from or restore video gaming privileges to a video gaming self-excluded person.

(ii) Otherwise permitting or not permitting a video gaming self-excluded person to engage in video gaming activity in a video gaming establishment while on the list of video gaming self-excluded persons.

(iii) Confiscation of the individual's winnings.

(h) Video gaming self-exclusions for 1 year or 5 years remain in effect until the period of video gaming self-exclusion concludes.

### § 1119.3. Video gaming self-exclusion list.

(a) The Board will maintain the official video gaming self-exclusion list and notify each establishment licensee of additions to or deletions from the list on a biweekly basis by first class mail or by transmitting the video gaming self-exclusion list electronically directly to each establishment licensee and terminal operator licensee.

(b) The notice provided to establishment licensees and terminal operator licensees by the Board will include all of the following information concerning a person who has been added to the video gaming self-exclusion list:

(1) Name, including any aliases or nicknames.

(2) Date of birth.

(3) Address of residence.

(4) Telephone number.

(5) A copy of the individual's photo driver's license, passport or other recent photo identification.

(6) Physical description of the person, including height, weight, gender, hair color, eye color and other physical characteristic that may assist in the identification of the person.

(c) The notice provided to establishment licensees and terminal operator licensees by the Board concerning a person whose name has been removed from the video gaming self-exclusion list will include the name and date of birth of the person.

(d) A establishment licensee and terminal operator licensee shall maintain a copy of the video gaming self-exclusion list and establish procedures to ensure that the copy of the self-exclusion list is updated and that all appropriate employees and agents of the establishment licensee are notified of any addition to or deletion from the list within 5 business days after the day notice is



mailed to each establishment licensee and terminal operator licensee or transmitted electronically under subsection (a).

(e) Information furnished to or obtained by the Board under this chapter will be deemed confidential and will not be disclosed except in accordance with this chapter.

(f) Establishment licensees, terminal operator licensees, and employees or agents thereof may not disclose the name of, or any information about, a person who has requested video gaming self-exclusion to anyone other than employees and agents of the establishment licensee and terminal operator licensee whose duties and functions require access to the information.

(g) A video gaming self-excluded person may not collect in any manner or in any proceeding any winnings or recover any losses arising as a result of any gaming activity for the entire period of time that the person is on the video gaming self-exclusion list.

(h) Winnings incurred by a video gaming self-excluded person shall be remitted to the Board to support compulsive and problem gambling programs of the Board.

(i) For the purposes of this section, winnings issued to, or redeemed by a video gaming self-excluded person will be presumed to constitute winnings subject to remittance to the Board.

**§ 1119.4. Duties of video gaming establishment licensees.**

(a) An establishment licensee shall train its employees and establish procedures to do all of the following:

(1) Identify a video gaming self-excluded person when present in the video gaming area and, upon identification, immediately notify employees of the establishment licensee whose duties include the removal of video gaming self-excluded persons.

(2) Deny video gaming related activities to a video gaming self-excluded person.

(3) Ensure that video gaming self-excluded persons do not receive, either from the video gaming establishment licensee or any agent thereof, targeted advertisements of video gaming activities at its premises.

(4) Notify the Pennsylvania State Police and the Bureau of the presence of a video gaming self-excluded person in the video gaming area.

(5) Prepare a report of the presence of a video gaming self-excluded person in a video gaming area on a form provided by the Board and to submit that completed form to the OCPG and the Bureau within 24 hours for each occurrence of a video gaming self-excluded person being present in a video gaming area.

(6) Make available to patrons written materials explaining the video gaming self-exclusion program.

(b) The list of video gaming self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of 4 Pa.C.S. Part III (relating to video gaming).

**§ 1119.5. Removal from video gaming self-exclusion list.**

(a) For individuals who are video gaming self-excluded for 1 year or 5 years, upon the conclusion of the period of self-exclusion, the individual will be removed from the video gaming self-exclusion list without further action on his part.

(b) For individuals who have elected to be video gaming self-excluded for lifetime, the individual will not be removed from the video gaming self-exclusion list until all of the following have occurred:

(1) At least 10 years has elapsed since the individual placed himself on the video gaming self-exclusion list for lifetime.

(2) The individual has filed a petition with the Board's Office of Hearings and Appeals requesting to be removed from the video gaming self-exclusion list.

(3) The individual has presented facts and circumstances which, in the Board's discretion, demonstrate a compelling reason for the Board to grant early removal from the lifetime self-exclusion list.

(4) The Board has found by a preponderance of the evidence that the person should be removed from the video gaming self-exclusion list and issues an order to that effect.

**CHAPTER 1120. EXCLUSION OF PERSONS FROM VIDEO GAMING—TEMPORARY REGULATIONS**

Sec.	
1120.1.	Definitions.
1120.2.	Maintenance and distribution of the exclusion list.
1120.3.	Criteria for exclusion or ejection.
1120.4.	Duties of the Bureau and the Office of Enforcement Counsel.
1120.5.	Placement on the exclusion list.
1120.6.	Demand for Hearing on the exclusion of a person.
1120.7.	Board review.
1120.8.	Duties of establishment licensees.
1120.9.	Petition to remove name from the exclusion list.

**§ 1120.1. Definitions.**

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

*Career or professional offender*—A person, who for the purpose of economic gain, engages in activities that are deemed criminal violations under 18 Pa.C.S. (relating to Crimes Code) or equivalent criminal violations in other jurisdictions, or engages in unlawful activities in 4 Pa.C.S. § 1518(a) (relating to prohibited acts; penalties).

*Cheat*—

(i) To defraud or steal from any player or video gaming licensee of the Commonwealth while operating or playing a video gaming terminal, including causing, aiding, abetting or conspiring with another person to do so.

(ii) To alter or causing, aiding, abetting or conspiring with another person, without authorization, to alter the elements of chance, method of selection or criteria which determines all of the following:

- (A) The result of a video gaming terminal game.
- (B) The amount or frequency of payment in a video gaming terminal game.
- (C) The value of a wagering instrument.
- (D) The value of a wagering credit.

(iii) The term does not include altering a video gaming terminal or associated equipment for required maintenance and repair.

*Excluded person*—A person who has been placed upon the exclusion list and who is required to be excluded or ejected from an establishment licensee facility.

*Exclusion list*—A list of names of persons who are required to be excluded or ejected from an establishment licensee's facility.

*OCPG*—The Office of Compulsive and Problem Gambling of the Board.

**§ 1120.2. Maintenance and distribution of the exclusion list.**

(a) The Board will maintain a list of persons to be excluded or ejected from an establishment licensee facility.

(b) The exclusion list will be distributed to every terminal operator licensee and establishment licensee in this Commonwealth, who shall acknowledge receipt thereof in writing or electronically.

(c) All of the following information will be provided to the terminal operator licensee and establishment licensee for each person on the exclusion list:

(1) The full name and all aliases the person is believed to have used.

(2) A description of the person's physical appearance, including height, weight, type of build, color of hair and eyes, and other physical characteristics which may assist in the identification of the person.

(3) The person's date of birth.

(4) The date the person was added to the list.

(5) A recent photograph, if available.

(6) The last known address of record.

(7) Other identifying information available to the Board.

(8) The reason for placement on the excluded persons list.

**§ 1120.3. Criteria for exclusion or ejection.**

(a) The exclusion list may include a person who meets one or more of the following criteria:

(1) A career or professional offender whose presence in an establishment licensee's facility would, in the opinion of the Board, be inimical to the interest of the Commonwealth or of licensed video gaming therein, or both.

(2) An individual with a known relationship or connection with a career or professional offender whose presence in an establishment licensee's facility would be inimical to the interest of the Commonwealth or of licensed video gaming therein, or both.

(3) A person who has been convicted of a criminal offense under the laws of any state, or of the United States, which is punishable by 1 year or more in prison, or who has been convicted of any crime or offense involving moral turpitude, and whose presence in a licensed facility would be inimical to the interest of the Commonwealth or of licensed video gaming therein, or both.

(4) A person whose presence in a licensed facility would be inimical to the interest of the Commonwealth or of licensed gaming therein, or both, including:

(i) Persons who cheat.

(ii) Persons whose gaming privileges have been suspended by the Board.

(iii) Persons whose Board permits, licenses, registrations, certifications or other approvals have been revoked.

(iv) Persons who pose a threat to the safety of the patrons, employees or persons on the property of an establishment licensee's facility.

(v) Persons with a history of conduct involving the disruption of the gaming operations within a licensed facility.

(vi) Persons subject to an order of a court of competent jurisdiction in this Commonwealth excluding those persons from licensed facilities.

(vii) Persons who have been charged, indicted or convicted of a gambling crime or a crime related to the integrity of gaming operations in this Commonwealth or another jurisdiction.

(viii) Persons who have performed an act or have a notorious or unsavory reputation that would adversely affect public confidence and trust in gaming.

(b) For purposes of subsection (a), a person's presence may be considered inimical to the interest of the Commonwealth or of licensed video gaming therein, or both if known attributes of the person's character and background meet one or more of the following criteria:

(1) Are incompatible with the maintenance of public confidence and trust in the credibility, integrity and stability of the operation of a licensed facility.

(2) May reasonably be expected to impair the public perception of, and confidence in, the strict regulatory process created by 4 Pa.C.S. Part III (relating to video gaming).

(3) Create or enhance a risk of the fact or appearance of unsuitable, unfair or illegal practices, methods or activities in the conduct of gaming or in the business or financial arrangements incidental thereto.

(c) A finding of inimicality may be based upon the following:

(1) The nature and notoriety of the character or background of the person.

(2) The history and nature of the involvement of the person with licensed gaming in this Commonwealth or another jurisdiction.

(3) The nature and frequency of contacts or associations of the person with an establishment licensee.

(4) Other factors reasonably related to the maintenance of public confidence in the efficacy of the regulatory process and the integrity of video gaming operations.

(d) A person's race, color, creed, national origin or ancestry, or sex will not be a reason for placing the name of a person upon the exclusion list.

**§ 1120.4. Duties of the Bureau and the Office of Enforcement Counsel.**

(a) The Bureau will, on its own initiative, or upon referral by a law enforcement agency or an establishment licensee, investigate a person to determine whether the person meets the criteria for exclusion provided in 4 Pa.C.S. § 3901 (relating to exclusion or ejection of certain persons) and § 1119.3 (relating to video gaming self-exclusion list).

(b) If, upon completion of an investigation, the Bureau determines that an individual should be placed on the exclusion list, the Office of Enforcement Counsel will file a petition for exclusion with the Clerk identifying the candidate and setting forth a factual basis for the petition. The petition must include information demonstrating that the individual satisfies the criteria for exclusion or ejection under 4 Pa.C.S. § 3901 or this chapter.

**§ 1120.5. Placement on the exclusion list.**

(a) A person may be placed on the exclusion list upon any of the following:

(1) Entry of an order of the Board.

(2) Receipt of an order from a court of competent jurisdiction in this Commonwealth, excluding or ejecting the person from establishment licensee facilities in this Commonwealth.

(b) The placement of a person on the exclusion list shall have the effect of requiring the exclusion or ejection of the excluded person from establishment licensee facilities.

(c) An excluded person may not collect in any manner or in any proceeding any winnings or recover any losses arising as a result of any gaming activity for the entire period of time that the person is on the Board's exclusion list.

(d) Winnings incurred by an excluded person shall be remitted to the Board to support compulsive and problem gambling programs of the Board.

(e) For the purposes of this section, any winnings issued to, found on or about, or redeemed by an excluded person shall be presumed to constitute winnings subject to remittance to the Board.

**§ 1120.6. Demand for Hearing on the exclusion of a person.**

(a) Upon the filing of a petition for exclusion, the Office of Enforcement Counsel will serve the petition upon the person by personal service or certified mail at the last known address of the person. The notice will inform the person of the right to a hearing under 4 Pa.C.S. § 3901(h) (relating to exclusion or ejection of certain persons) and include a copy of the petition.

(b) Upon service of the petition, the person subject to the petition shall have 30 days to demand a hearing before the Board or presiding officer. Failure to demand a hearing within 30 days after service will be deemed an admission of all matters and facts alleged in the Office of Enforcement Counsel's petition for exclusion and preclude the person from having an administrative hearing.

(c) If a formal hearing is demanded by the person named in the petition for exclusion, a hearing will be scheduled as provided in § 491a.8 (relating to hearings generally). At the hearing, the Office of Enforcement Counsel will have the burden of proof to demonstrate that the person named in the petition for exclusion satisfies the criteria for exclusion in 4 Pa.C.S. § 3901 or § 1120.3 (relating to criteria for exclusion or ejection). Unless the matter is heard directly by the Board, the presiding officer will prepare a report and recommendation as provided in § 494a.4 (relating to report or report and recommendation of the presiding officer) for consideration by the Board.

**§ 1120.7. Board review.**

After a hearing, or if a hearing was not requested and the facts in the petition are deemed admitted, the Board may:

(1) Issue an order placing the person's name on the exclusion list.

(2) Issue an order removing or denying the placement of the person's name on the exclusion list.

(3) Refer the matter to a presiding officer for further hearing.

**§ 1120.8. Duties of establishment licensees.**

(a) Establishment licensees shall establish procedures to prevent violations of this chapter and submit a copy of the procedures to the Director of OCPG 30 days prior to initiation of gaming activities at the establishment licensee's facility. An establishment licensee will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of OCPG. The establishment licensee may not commence operations until the Director of OCPG approves the procedures. Amendments to these procedures shall be submitted to and approved by the Director of OCPG prior to implementation.

(b) Establishment licensees shall distribute copies of the exclusion list to the appropriate employees. Additions, deletions or other updates to the list shall be distributed by an establishment licensee to its employees within 2 business days of the establishment licensee's receipt of the updates from the Board.

(c) An establishment licensee shall exclude or eject from its establishment licensee facility all of the following:

- (1) An excluded person.
- (2) A self-excluded person.

(d) If an excluded person enters, attempts to enter or is in an establishment licensee facility and is recognized by employees of the establishment licensee, the establishment licensee shall do all of the following:

- (1) Immediately notify law enforcement with jurisdiction over the establishment licensee's facility.
- (2) Notify the Director of OCPG and the Bureau in writing within 24 hours.

(e) The establishment licensee has the continuing duty to inform the Bureau, in writing, of the names of persons the establishment licensee believes are appropriate for placement on the exclusion list.

**§ 1120.9. Petition to remove name from the exclusion list.**

(a) An excluded person may file a petition with the Clerk to request a hearing for removal of his name from the exclusion list at any time after 5 years from the placement of his name on the exclusion list.

(b) The petition shall be signed by the excluded person, contain supporting affidavits and state the specific grounds believed by the petitioner to constitute good cause for removal from the exclusion list. Upon receipt of the petition, the Office of Enforcement Counsel may file an answer in accordance with § 493a.5 (relating to answers to complaints, petitions, motions and other filings requiring a response).

(c) An excluded person who is barred from requesting a hearing concerning his removal from the exclusion list by the 5-year period of exclusion in subsection (a) may petition the Board for early consideration at any time. An excluded person may not, within the 5-year period of exclusion, file more than one petition for early consideration.

(d) A petition for early consideration must contain the information required under subsection (b). Upon receipt of the petition, the Office of Enforcement Counsel may file an answer in accordance with § 493a.5.



(e) The Board will consider, when making its decision on a petition for early consideration, the nature of the facts and circumstances giving rise to the person's placement on the exclusion list, and whether there are extraordinary facts and circumstances warranting early consideration of the excluded person's request for removal from the exclusion list.

[Pa.B. Doc. No. 18-395. Filed for public inspection March 16, 2018, 9:00 a.m.]

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# PROPOSED RULEMAKING

## DEPARTMENT OF TRANSPORTATION

[ 67 PA. CODE CH. 441 ]

### Access to and Occupancy of Highways by Driveways and Local Roads

The Department of Transportation (Department), under section 420 of the State Highway Law (36 P.S. § 670-420), proposes to amend Chapter 441 (relating to access to and occupancy of highways by driveways and local roads) to read as set forth in Annex A.

#### *Purpose of Chapter 441*

The purpose of Chapter 441 is to exercise the Department's statutory authority to promulgate a regulation controlling the safe location, design, construction and maintenance of: driveways; local roads; drainage facilities; structures; means of ingress, egress and access; and other property within the State highway right-of-way.

#### *Purpose of These Proposed Amendments*

The purpose of these proposed amendments is to: 1) clarify the provisions relating to who may apply for a permit to construct or alter driveways; local roads; drainage facilities; structures; means of ingress, egress and access; and other property within the State highway right-of-way; and 2) and set forth application requirements that strike a careful balance between the interested parties' property rights.

#### *Significant Provisions of the Proposed Amendments*

Significant proposed amendments to Chapter 441 include the following:

The proposed amendments to § 441.1 (relating to definitions) delete the current definition of "own" and add the terms "owner" and "person." Most significant is the term "owner," which clarifies that ownership of legal interests are not limited to owners of property holding fee absolute title or certain leasehold interests.

Proposed amendments to § 441.3(b) (relating to permit application procedure) use the term "owner" and to require an applicant that is not the holder of fee title to the property to notify the fee title holder that an application has been submitted. Section 441.3(e)(6) is proposed to be amended to require applicants to prove that they are an "owner," where the proof must be in the form of a copy of the valid legal document or court order verifying the applicant's legal estate or interest in the property. Section 441.3(e)(7)(i) is proposed to be added to require applicants other than fee title holders to submit additional information, including proof that either: 1) the fee title holder consents to the application; or 2) the applicant provided notice of the submission of the application to the fee title holder apprising the fee title holder of the administrative rights available to the fee title holder. The Department will not grant or deny the permit application until 30 days from the fee title holder's receipt of notice.

Proposed § 441.3(e)(7)(ii) also requires applicants other than fee title holders to submit a written statement whereby the applicants indemnify and defend the Department from suits, damages, claims and demands of any type brought by the fee title holder because of the Department granting a permit to the applicant. Lastly, under proposed § 441.3(e)(7)(iii), applicants other than fee title holders shall provide proof that a covenant

running with the land has been recorded to ensure that subsequent property owners are bound to the indemnification provisions of proposed § 441.3(e)(7)(ii).

#### *Persons and Entities Affected*

These regulations affect all applicants for highway occupancy permits to access State highways who propose to create an access point to a State highway or to change the design, operation or locations of existing access. These applicants include owners of legal interests in property who require access to the property to exercise their property rights, such as easement holders and mineral estate holders, as well as fee title holders.

The regulation carefully balances the interest of all interested parties. Where the applicant does not hold fee title, the fee title holder shall be notified that an application has been submitted, which provides the fee title owner an opportunity to object to the application process under The Administrative Code of 1929 (71 P.S. §§ 51—732).

#### *Fiscal Impact*

These regulations should not increase costs for the Commonwealth or local governments. No fiscal impacts to the regulated community are anticipated because the changes are consistent with current practices that have been in place since 2002.

#### *Regulatory Review*

Undersection 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)) on March 8, 2017, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking by the Department, the General Assembly and the Governor.

#### *Sunset Provisions*

The Department is not establishing a sunset date for these regulations since these regulations are needed to administer provisions required under section 420 of the State Highway Law. The Department, however, will continue to closely monitor these regulations for their effectiveness.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Jeffrey M. Spotts, Regulatory Counsel, Department of Transportation, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-8212, (717) 787-5299, jespotts@pa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

#### *Contact Person*

The contact person for this proposed rulemaking is Richard Roman, P.E., Director, Bureau of Maintenance

and Operations, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17108-2047, (717) 787-6899.

LESLIE S. RICHARDS,  
Secretary

**Fiscal Note:** 18-479. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 67. TRANSPORTATION**

**PART I. DEPARTMENT OF TRANSPORTATION**

**Subpart B. NONVEHICLE CODE PROVISIONS**

**ARTICLE III. HIGHWAYS**

**CHAPTER 441. ACCESS TO AND OCCUPANCY OF HIGHWAYS BY DRIVEWAYS AND LOCAL ROADS**

**§ 441.1. Definitions.**

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

\* \* \* \* \*

*Minimum use driveway*—A residential or other driveway which is used or expected to be used by not more than 25 vehicles per day.

[ *Own*—To hold title to land or a building or be a tenant in a lease that will not terminate within 15 years of the permit issuance date. ]

*Owner*—A person holding:

- (i) fee title to property,
- (ii) an estate or other legal interest in property, such as an easement, a lease, a license or subsurface rights, or
- (iii) an equitable interest in property under a sales agreement or an option to purchase; provided that the estate or other legal or equitable interest in property includes the use requested in the permit.

*Pavement edge*—The edge of the main traveled portion of any highway, exclusive of shoulder.

*Permanent curbing*—Plain or reinforced cement concrete curb which meets Department standards.

*Permit*—A highway occupancy permit (Form M-945P) issued by a district office pursuant to this chapter.

*Person*—[ Any natural person, firm, copartnership, association, corporation, or political subdivision. ] An individual, business entity, association, political subdivision, authority, Federal or Commonwealth agency, or other entity recognized by law.

\* \* \* \* \*

**§ 441.3. Permit application procedure.**

(a) *General rule.* No driveway, local road or drainage facility or structure shall be constructed or altered within State highway right-of-way and no drainage facility of the Department may be altered or connected onto without first obtaining a permit from the Department. A permit may not be required for maintenance.

(b) [ *Who may execute applications.* ] Who may apply for a permit. Permit applications [ shall ] **must** be submitted in the name of [ and executed by ] the owner of the property. If the applicant does not hold fee title to the property, the applicant shall notify the fee title holder that an application has been submitted.

(c) *Where to submit application.* Permit applications shall be submitted to either the district or county office having jurisdiction over the county in which the proposed work will be performed.

(d) *When to submit applications.* Permit applications shall be submitted prior to the construction of any building which the proposed driveway will serve to assure that the driveway can be constructed in accordance with this chapter.

(e) *Application procedure and required information.* Permit applications:

(1) Shall be submitted in person or by mail on a properly completed Department Form M-945A.

(2) Shall be signed by the applicant.

(3) Shall include five sets of plans, of a quality sufficient for microfilming, detailing the location and pertinent dimensions of both the proposed installation and related highway features.

(4) Shall be accompanied by a check or money order, payable to the Department, in the appropriate amount, as set forth in § 441.4 (relating to permit fees).

(5) Shall be submitted to the Department at least 30 days prior to the anticipated start of work.

(6) Shall contain proof [ of ownership ] that the applicant is an owner. The proof must be in the form of a copy of the valid legal document or court order verifying the applicant's legal estate or interest in the property.

(7) Shall, when submitted by an applicant other than a fee title holder, contain:

(i) Proof of one of the following:

(A) The fee title holder consents to the application.

(B) The applicant provided written notice of the submission of the application to the fee title holder apprising the fee title holder of the administrative rights relative to the permit application under 1 Pa. Code §§ 35.23, 35.24 and 35.27–35.32. The Department will not grant or deny the permit application until 30 days after receipt of the written notice by the fee title holder.

(ii) A signed written statement, whereby the applicant agrees to indemnify and defend the Commonwealth (if requested) from all suits, damages, claims and demands of any type whatsoever by the fee title holder of the property because of granting the permit to the applicant, such as a failure of the permittee or other person to comply with the permit or any other statutes, ordinances or regulations in connection with the permit.

(iii) Proof that the applicant executed and recorded in the Office of the Recorder of Deeds in the appropriate county or counties, a covenant running with the land providing that all subsequent purchasers, heirs, assigns or transferees of the property take the property subject to the indemnification in subparagraph (ii), unless released by the Department.

(f) *Traffic control plan.* Submission of the traffic control plan shall be as follows:

\* \* \* \* \*

[Pa.B. Doc. No. 18-396. Filed for public inspection March 16, 2018, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending March 6, 2018.

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 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

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-5-2018	Juniata Valley Financial Corp. Mifflintown Juniata County  Application for approval to acquire 100% of Liverpool Community Bank, Liverpool.	Filed

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-5-2018	The Juniata Valley Bank Mifflintown Juniata County  Application for approval to merge Liverpool Community Bank, Liverpool, with and into The Juniata Valley Bank, Mifflintown.	Filed
3-1-2018	CNB Bank Clearfield Clearfield County	Approved
3-1-2018	Embassy Bank for the Lehigh Valley Bethlehem Northampton County	Approved
3-2-2018	Orrstown Bank Shippensburg Cumberland County	Filed

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-21-2018	PeoplesBank, A Codorus Valley Company York York County	<i>To:</i> 140 North Main Street Bel Air Harford County, MD  <i>From:</i> 126 North Main Street Bel Air Harford County, MD	Filed

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
3-1-2018	West Milton State Bank West Milton Union County  Amendment to Article I of the institution's Articles of Incorporation provides for change in corporate title to "Susquehanna Community Bank."	Filed

**CREDIT UNIONS**

No activity.

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 18-397. Filed for public inspection March 16, 2018, 9:00 a.m.]

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**DEPARTMENT OF  
BANKING AND SECURITIES**

**Maximum Lawful Rate of Interest for Residential  
Mortgages for the Month of April 2018**

The Department of Banking and Securities (Department), under the authority 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 April 2018, is 5 1/2%.

The interest rate limitations under the Commonwealth's usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the 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 or the United States Treasury, or both. The latest yield rate on long-term government securities is 3.00 to which was added 2.50 percentage points for a total of 5.50 that by law is rounded off to the nearest quarter at 5 1/2%.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 18-398. Filed for public inspection March 16, 2018, 9:00 a.m.]

**DEPARTMENT OF CONSERVATION  
AND NATURAL RESOURCES**

**Conservation and Natural Resources Advisory  
Council Meeting**

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, March 28, 2018, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Gretchen Leslie at (717) 772-9084. Persons who wish to participate during the public comment section are encouraged to submit their comments in writing to Gretchen Leslie, Advisor, Conservation and Natural Resources Advisory Council, 400 Market Street, Harrisburg, PA 17101.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Katie Woodbury directly at (717) 783-5878 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 18-399. Filed for public inspection March 16, 2018, 9:00 a.m.]

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Applications, Actions and Special Notices**

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**APPLICATIONS**

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater

associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

## **I. NPDES Renewal Applications.**

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062065 (Sewage)	YRC Wilkes-Barre Terminal 1284 South Main Road Mountain Top, PA 18707	Luzerne County Dorrance Township	Balliet Run (05B)	Yes
PA0063657 (Sewage)	Sarah J Dymond Elementary School 252 Memorial Street Exeter, PA 18643-2698	Luzerne County Exeter Township	Unnamed Tributary to Sutton Creek (4-G)	Yes

*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0092037 (Sewage)	Covenant Mobile Park LLC 1 Vandercastel Road Sterling, VA 20165-5622	Westmoreland County Unity Township	Little Crabtree Creek (18-C)	Yes
PA0216216 (Sewage)	Raccoon Creek WWTP PO Box 389 B Burgettstown, PA 15021-0389	Washington County Burgettstown Borough	Raccoon Creek (19-B)	Yes



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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0103292 (Sewage)	Hamilton Township Ludlow STP P O Box 23 Ludlow, PA 16333	McKean County Hamilton Township	Twomile Run (16-F)	Yes
PAS708328 (Storm Water)	Suit Kote 1911 Lorings Crossing Cortland, NY 13045	Crawford County West Mead Township	French Creek (16-D)	Yes

**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.*

**PA0024121**, Sewage, SIC Code 4941, 4952, **Aqua Pennsylvania Wastewater, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. Facility Name: Aqua PA Media STP. This existing facility is located in Upper Providence Township, **Delaware 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), Ridley Creek, is located in State Water Plan watershed 3-G and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.8 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.8 MGD—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Total Phosphorus	15	XXX	XXX	1.0	XXX	2

The proposed effluent limits for Outfall 001 are based on a design flow of 1.8 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	1,000.0 Avg Qrtly	2,000.0	2,500
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.8 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.3	XXX	1.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	375	600	XXX	25	40 Wkly Avg	50
May 1 - Oct 31	225	375	XXX	15	25 Wkly Avg	30

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	450	675	XXX	30	45	60
					Wkly Avg	
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000*
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	90	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	30	XXX	XXX	2.0	XXX	4
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Cyanide, Free	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Dichlorobromomethane	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		

\*Shall not exceed in more than 10% of samples.

The proposed effluent limits for Outfall 002 are based on an average stormwater flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on an average stormwater flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Chlorine Optimization
- E. Operator Notification
- F. TMDL/WLA Analysis
- G. Fecal Coliform Reporting
- H. WET Testing
- I. Stormwater Condition

- J. Schedule of Compliance
- K. Solids Management

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.

**PA0029912**, Sewage, SIC Code 4952, **Embreeville Redevelopment Gp LLC**, 1522 Tattersall Way, West Chester, PA 19380-1594. Facility Name: Embreeville Complex STP. This existing facility is located in Newlin Township, **Chester 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), West Branch Brandywine Creek, is located in State Water Plan watershed 3-H and is classified for Migratory Fishes and 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 0.1 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	21.0	33.0	XXX	25.0	40.0	50
Total Suspended Solids	25.0	37.0	XXX	30.0	45.0	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	25.0	XXX	XXX	30.0	XXX	60
Ammonia-Nitrogen	17.0	XXX	XXX	20.0	XXX	40
Total Phosphorus	1.7	XXX	XXX	2.0	XXX	4

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Sludge Disposal Requirements
- D. Abandon STP When Municipal Sewers Available
- E. Total Residual Chlorine Requirement
- F. TMDL/WLA Analysis
- G. IMAX Requirements
- H. 2/Month Monitoring Requirements
- I. Laboratory Accreditation

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 Regional Office: Regional Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.*

**PA0065391**, Pesticides, SIC Code 0782, **Ariel Land Owners Inc.**, PO Box 503, Lake Ariel, PA 18436-0503.

Description of Existing Activity: The application is for a renewal of an NPDES permit for a discharge associated with the application of Algicides in Lake Township, **Wayne County**.

The receiving stream(s), Ariel Creek, is located in State Water Plan watershed 1-C and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects. The

proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, PA DEP will make a final determination on the issuance of the permit.

The EPA waiver is in effect.

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*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: 412.442.4000.*

**PA0255378**, Sewage, SIC Code 8800, **Timothy Pitts**, 108 Almond Way, Sewickley, PA 15143. Facility Name: Pitts Property Single Residence STP. This proposed facility is located in Bell Acres Borough, **Allegheny County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP Sewage.

The receiving stream, Little Sewickley Creek, is located in State Water Plan watershed 20-G and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

The EPA Waiver is in effect.

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

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**WQM Permit No. 0218400**, Sewage, **Pitts Timothy**, 108 Almond Way, Sewickley, PA 15143.

This proposed facility is located in Bell Acres Borough, **Allegheny County**.

Description of Proposed Action/Activity: Installation of a single residence sewage treatment plant.

**WQM Permit No. 0418401**, Sewage, **Rochester Borough Area Joint Sewer Authority Beaver County**, 395 Adams Street, Rochester, PA 15074-2128.

This proposed facility is located in Rochester Borough, **Beaver County**.

Description of Proposed Action/Activity: sewage treatment plant upgrades.

**WQM Permit No. 0418402**, Sewage, **Rochester Borough Area Joint Sewer Authority Beaver County**, 395 Adams Street, Rochester, PA 15074.

This proposed facility is located in Rochester Borough, Freedom Borough, and East Rochester Borough, **Beaver County**.

Description of Proposed Action/Activity: sanitary pump station improvements.

**WQM Permit No. 0218403**, Sewage, **Pittsburgh Water Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222.

This proposed facility is located in Pittsburgh City, **Allegheny County**.

Description of Proposed Action/Activity: Replacement and relocation of existing combined sanitary sewers by the PWSA along Smallman Street between 16th and 21st streets in the City of Pittsburgh.

**WQM Permit No. 5684404 A-3**, Sewage, **Somerset Borough Municipal Authority Somerset County**, PO Box 71, Somerset, PA 15501-0071.

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

Description of Proposed Action/Activity: Removal of existing gas chlorine system and installation of a liquid sodium hypochlorite injection disinfection system.

**WQM Permit No. WQG01561701 A-1**, Sewage, **Joseph J. Mazzaresse**, PO Box 337, Jerome, PA 15937.

This existing facility is located in Conemaugh Township, **Somerset County**.



Description of Proposed Action/Activity: The applicant submitted this WQG-01 application to amend the previously issued WQG01561701. In the previous permit application, the applicant had proposed subsurface sand filter for advanced treatment of domestic wastewater from his single residence with 400 gallons per day flow. Now in this amendment application, the applicant is proposing to install recirculating subsurface sand filter system instead of just subsurface sand filter system. The treatment process will consist of a septic/dosing tank, recirculating subsurface sand filter, chlorination tank with chlorine tablet and dichlorination.

**WQM Permit No. 0490403 A-3**, Sewage, **Center Township Sanitary Authority**, 224 Center Grange Road, Aliquippa, PA 15001-1421.

This existing facility is located in Center Township, **Beaver County**.

Description of Proposed Action/Activity: Replacement of headworks facilities at the Elkhorn Run Sewage Treatment Plant.

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

**WQM Permit No. 2518405**, Sewage, **James Dylon**, 12 O Dell Street, Union City, PA 16438-1474.

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

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 2518406**, Sewage, **Paula Kitelinger**, 14362 Route 19, Cambridge Springs, PA 16403-9112.

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

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 2518407**, Sewage, **Brian & Jennifer Mills**, 2282 Happy Valley Road, East Springfield, PA 16411-9774.

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

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 2517410**, Sewage, **Bonnie Kingston**, PO Box 112, Edinboro, PA 16412-0112.

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

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

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

*Northeast Regional Office: Regional Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.*

**PAI132263**, MS4, **Bowmanstown Borough Carbon County**, 490 Ore Street, Bowmanstown, PA 18030. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Bowmanstown Borough, **Carbon County**. The receiving stream(s), Fireline Creek and Lehigh River, is located in State Water Plan watershed 2-B and is classified for Migratory Fishes, Cold Water Fishes, and Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is in effect for small MS4s, and is not in effect for large MS4s.

*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

<i>NPDES Permit No.</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Waters/Uses</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI136151	Municipality of Monroeville 2700 Monroeville Boulevard Monroeville, PA 15146	Municipality of Monroeville Allegheny	Leak Run, Abers Creek, Unnamed Tributary to Haymakers Run, Thompson Run, and Turtle Creek/ WWF, TSF, and HQ-CWF	N	Y

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


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*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD090021	Bucks Technical Assoc., LLC 1983 Clearview Road Souderton, PA 18964	Bucks	Sellersville Borough	East Branch Perkiomen Creek TSF-MF
PAD510021	Philadelphia Phillies One Citizens Bank Park Way Philadelphia, PA 19148	Philadelphia	City of Philadelphia	Delaware River WWF-MF
PAD460011	Lidl US Operations, LLC 2005 Market Street Suite 1010 Philadelphia, PA 19103	Montgomery	Lower Providence Township	Unnamed Tributary to Stony Creek TSF-MF

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390065	Reserve at Saucon Creek, JP 409 Stenton Ave Flourtown, PA 19031	Lehigh	Upper Saucon Twp	UNT to Saucon Creek (CWF, MF/EV Wetlands)

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


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PAG-12            CAFOs

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**CAFO Notices of Intent Received.**


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

**NPDES Permit No. PAG123764, CAFO, Hillandale Gettysburg LP, 370 Spicer Road, Gettysburg, PA 17325-7613.**

This existing facility is located in Tyrone Township, **Adams County**.

Description of size and scope of existing operation/activity: Poultry (Layers): 2,568.1 AEUs.

The receiving stream, Unnamed Tributary of Conewago Creek, is in watershed 7-F and classified for: Migratory Fishes and Warm Water Fishes.

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.

**NPDES Permit No. PA0262056, CAFO, Zimmerman Elvin, 180 Degan Road, Mifflintown, PA 17059-8491.**

This proposed facility is located in Fayette Township, **Juniata County**.

Description of size and scope of proposed operation/activity: Poultry (Broilers), Beef (Finishing), Dairy (Calves): 321.75 AEUs.

The receiving stream, Lost Creek, is in watershed 12-A and classified for: High Quality—Cold Water and Migratory Fish.

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.

**NPDES Permit No. PAG123761, CAFO, Hillandale Gettysburg LP, 370 Spicer Road, Gettysburg, PA 17325-7613.**

This existing facility is located in Codorus Township, **York County**.

Description of size and scope of existing operation/activity: Poultry (Layers): 4,325.85 AEUs.

The receiving stream, Codorus Creek, is in watershed 7-H and classified for: Migratory Fishes and Trout Stocking.

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.

**NPDES Permit No. PAG123763**, CAFO, **Hillandale Gettysburg LP**, 3910 Oxford Road, Gettysburg, PA 17325-7613.

This existing facility is located in Tyrone Township, **Adams County**.

Description of size and scope of existing operation/activity: Poultry (Layers, Pullets): 9,833.40 AEUs.

The receiving stream, Unnamed Tributary of Conewago Creek and Unnamed Tributary to Conewago Creek, is in watershed 7-F and classified for: Migratory Fishes and Warm Water Fishes.

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.

**NPDES Permit No. PAG123762**, CAFO, **Hillandale Gettysburg LP**, 3910 Oxford Road, Gettysburg, PA 17325.

This existing facility is located in Tyrone Township, **Adams County**.

Description of size and scope of existing operation/activity: Poultry (Layers): 4,192.7 AEUs.

The receiving stream, Unnamed Tributary of Conewago Creek, is in watershed 7-F and classified for: Migratory Fishes and Warm Water Fishes.

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.

**NPDES Permit No. PAG123765**, CAFO, **Joshua Martin**, 167 Overcash Road, Chambersburg, PA 17202-9209.

This existing facility is located in Guilford Township, **Franklin County**.

Description of size and scope of existing operation/activity: Dairy (Cows, Heifers, Calves): 1,387.14 AEUs.

The receiving stream, Unnamed Tributary to Conococheague Creek, is in watershed 13-C and classified for: Migratory Fishes and Warm Water Fishes.

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.

**NPDES Permit No. PA0266728**, CAFO, **Springbrook Farm LLC**, 13233 Greenwood Road, Huntingdon, PA 16652.

This proposed facility is located in Jackson Township, **Huntingdon County**.

Description of size and scope of proposed operation/activity: Swine (Grow—Finish): 682.85 AEUs.

The receiving stream, Unnamed Tributary to Standing Stone Creek, is in watershed 11-B and classified for: High Quality—Cold Water and Migratory Fish.

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.

**NPDES Permit No. PAG123753**, CAFO, **Bridge Valley Farm LLC**, 500 Florin Avenue, Hershey, PA 17552.

This existing facility is located in Rapho Township, **Lancaster County**.

Description of size and scope of existing operation/activity: Poultry (Layers), Beef (Cows and Calves): 1,466.73 AEUs.

The receiving stream, Chiques Creek, is in watershed 7-G and classified for: Migratory Fishes and Warm Water Fishes.

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.

**NPDES Permit No. PA0262021**, CAFO, **Akers Joshua T**, 562 Church Road, Quarryville, PA 17566-9790.

This existing facility is located in East Drumore Township, **Lancaster County**.

Description of size and scope of existing operation/activity: Poultry (Duck): 138.64 AEUs.

The receiving stream, Unnamed Tributary to McFarlands Run, is in watershed 7-K and classified for: High Quality—Cold Water and Migratory Fish.

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.

**NPDES Permit No. PAG123873**, CAFO, **Miller Troy**, 170 Werners Road, Fredericksburg, PA 17026.

This proposed facility is located in Swatara Township, **Lebanon County**.

Description of size and scope of proposed operation/activity: Poultry (Broilers): 261.13 AEUs.

The receiving stream, Unnamed Tributary to Oil Creek, is in watershed 7-D and classified for: Migratory Fishes and Warm Water Fishes.

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.

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#### MS4 PAG-13 Notices of Intent Received.

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG136110	Kennedy Township 340 Forest Grove Road Coraopolis, PA 15108-3749	Kennedy Township Allegheny County	N	Y
PAG136116	Penn Township 2001 Municipal Court Harrison City, PA 15636-1349	Penn Township Westmoreland County	N	Y
PAG136122	Wilkins Township 110 Peffer Road Turtle Creek, PA 15145-1192	Wilkins Township Allegheny County	N	Y
PAG136158	Daugherty Township 2182 Mercer Road New Brighton, PA 15066-3446	Daugherty Township Beaver County	N	Y
PAG136166	West Mifflin Borough 3000 Lebanon Church Road West Mifflin, PA 15122	West Mifflin Borough Allegheny County	N	Y
PAG136173	Harmony Township 2501 Woodland Road Ambridge, PA 15003-1341	Harmony Township Beaver County	N	Y
PAG136197	Wilkinsburg Borough 605 Ross Avenue Pittsburgh, PA 15221	Wilkinsburg Borough Allegheny County	N	Y
PAG136200	Swissvale Borough 7560 Roslyn Street Pittsburgh, PA 15218-2556	Swissvale Borough Allegheny County	N	Y
PAG136216	Bellevue Borough 537 Bayne Avenue Pittsburgh, PA 15202-3120	Bellevue Borough Allegheny County	N	Y
PAG136217	West Deer Township 109 East Union Road Cheswick, PA 15024-1719	West Deer Township Allegheny County	N	Y
PAG136256	Donora Borough 603 Meldon Avenue Donora, PA 15033-1006	Donora Borough Washington County	N	Y
PAG136257	Braddock Hills Borough 1300 Brinton Road Pittsburgh, PA 15221-4634	Braddock Hills Borough Allegheny County	N	Y
PAG136260	West Mayfield Borough 4609 W 8th Avenue Beaver Falls, PA 15010-2008	West Mayfield Borough Beaver County	N	Y



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG136298	Rochester Township 1013 Elm Street Rochester, PA 15074-1357	Rochester Township Beaver County	N	Y
PAG136299	Jeannette City 110 South 2nd Street Jeannette, PA 15644-2114	Jeannette City Westmoreland County	N	Y
PAG136306	Marshall Township PO Box 2094 Warrendale, PA 15086	Marshall Township Allegheny County	N	Y
PAG136309	Richland Township 4011 Dickey Road Gibsonia, PA 15044-9713	Richland Township Allegheny County	N	Y
PAG136329	Latrobe Borough PO Box 829 Latrobe, PA 15650-0829	Latrobe Borough Westmoreland County	N	Y
PAG136351	Washington City 55 W Maiden Street Washington, PA 15301-6911	Washington City Washington County	N	Y
PAG136366	Stowe Township 555 Broadway Avenue McKees Rocks, PA 15136	Stowe Township Allegheny County	N	Y
PAG136218	Southmont Borough Cambria County 148 Wonder Street Johnstown, PA 15905-2651	Southmont Borough Cambria County	N	N
PAG136301	Bullskin Township Fayette County 178 Shenandoah Road Connellsville, PA 15425-6028	Bullskin Township Fayette County	N	N

## 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.

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 6718501**, Public Water Supply.

Applicant	<b>The York Water Company</b>
Municipality	East Manchester Township
County	<b>York</b>
Responsible Official	Mark S. Snyder, Engineering Manager 130 East Market Street PO Box 15089 York, PA 17405-7089
Type of Facility	Public Water Supply
Consulting Engineer	Mark S. Snyder, P.E. The York Water Company 130 East Market Street PO Box 15089 York, PA 17405-7089

Application Received: 2/20/2018  
 Description of Action A 500-gallon per minute (gpm) pump will be added to the existing Starview Booster Station to increase the firm capacity of the station from 150 gpm to 330 gpm.

**Permit No. 4418502**, Public Water Supply.

Applicant **Pleasant View School**  
 Municipality Brown Township  
 County **Mifflin**  
 Responsible Official J Arlan. Kurtz, Chairman  
 100 Bony Brook Lane  
 Belleville, PA 17004

Type of Facility Public Water Supply  
 Consulting Engineer Joshua D. Gunnett, P.E.  
 Gwin Dobson & Foreman  
 3121 Fairway Drive  
 Altoona, PA 16602

Application Received: 2/21/2018  
 Description of Action An anion exchange nitrate removal system will be installed for Well No. 1 in response to an exceedance of the maximum contaminant level for nitrate.

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

**Permit No. 0218510**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 [Township or Borough] City of Monongahela  
 Responsible Official David Kaufmann, Vice-President  
 Engineering  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033

Type of Facility Water system  
 Consulting Engineer Gwin, Dobson & Foreman, Inc.  
 3121 Fairway Drive  
 Altoona, PA 16602

Application Received Date February 27, 2018  
 Description of Action Construction of the Eldora booster pump station.

**Application No. 0314503-A1**, Public Water Supply.

Applicant **Ford City Borough**  
 1000 4th Avenue  
 PO Box 112  
 Ford City, PA 16226  
 [Township or Borough] Ford City Borough  
 Responsible Official Carol Fenyes, Council President  
 Ford City Borough  
 1000 4th Avenue  
 PO Box 112  
 Ford City, PA 16226

Type of Facility Water system  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650

Application Received Date February 28, 2018

Description of Action Installation of a cyclone separator on the raw waterline.

**Application No. 6518505**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
 124 Park & Pool Road  
 New Stanton, PA 15672

[Township or Borough] Allegheny Township  
 Responsible Official William Castelli, Distribution Facility Superintendent  
 Municipal Authority of Westmoreland County  
 124 Park & Pool Road  
 New Stanton, PA 15672

Type of Facility Water system  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650

Application Received Date March 1, 2018

Description of Action Painting of the Shearsburg # 1 tank and the installation of a mixing system and power vent.

**Permit No. 0418512**, Public Water Supply.

Applicant **Beaver Falls Municipal Authority**  
 1425 8th Avenue  
 Beaver Falls, PA 15010

[Township or Borough] Eastvale Borough  
 Responsible Official Jerry Ford, Chairman of the Board  
 Beaver Falls Municipal Authority  
 1425 8th Avenue  
 Beaver Falls, PA 15010

Type of Facility Water system  
 Consulting Engineer Entech Engineering, Inc.  
 400 Rouser Road  
 Building 2  
 Suite 200  
 Coraopolis, PA 15108

Application Received Date March 2, 2018

Description of Action Addition of EarthTec QZ at the raw water intake; by-pass piping and installation of feed points for soda ash, fluoride and chlorine.

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

**Permit No. 2518502, Public Water Supply.**

Applicant **North East Borough Water Authority**  
 Township or Borough North East Township  
 County **Erie County**  
 Responsible Official Randy Culver  
 Type of Facility Public Water Supply  
 Consulting Engineer August Maas, P.E.  
 Greenman Pedersen Inc  
 8 Gibson Street  
 North East, PA 16428  
 Application Received Date March 1, 2018  
 Description of Action Installation of Filter  
 Chlorination Systems.

**MINOR AMENDMENT**

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

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

**Application No. 3218504MA, Minor Amendment.**

Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701  
 [Township or Borough] Rayne Township  
 Responsible Official Michael Duffalo, Executive  
 Director  
 Indiana County Municipal  
 Services Authority  
 602 Kolter Drive  
 Indiana, PA 15701  
 Type of Facility Water system  
 Consulting Engineer Gibson-Thomas Engineering Co.,  
 Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650  
 Application Received Date February 28, 2018  
 Description of Action Replacement of the existing  
 turbidimeter.

**Application No. 6517523MA-1, Minor Amendment.**

Applicant **Latrobe Municipal Authority**  
 PO Box 88  
 Latrobe, PA 15650  
 [Township or Borough] City of Latrobe and Derry  
 Township

Responsible Official Terri Hauser, Manager  
 Latrobe Municipal Authority  
 PO Box 88  
 Latrobe, PA 15650  
 Type of Facility Water system  
 Consulting Engineer Gibson-Thomas Engineering Co.,  
 Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650  
 Application Received Date March 1, 2018  
 Description of Action Amendments to the 16-inch  
 diameter transmission main  
 project.

**Application No. 0218511MA, Minor Amendment.**

Applicant **Harrison Township Water Authority**  
 1705 Rear Freeport Road  
 Natrona Heights, PA 15065  
 [Township or Borough] Harrison Township  
 Responsible Official Charles V. Craig, General  
 Manager  
 Harrison Township Water  
 Authority  
 1705 Rear Freeport Road  
 Natrona Heights, PA 15065  
 Type of Facility Water system  
 Consulting Engineer NIRA Consulting Engineers, Inc.  
 950 Fifth Avenue  
 Coraopolis, PA 15108  
 Application Received Date March 2, 2018  
 Description of Action Painting of the Mt. Airy water  
 storage tank.

**Application No. 0418511GWR, Minor Amendment.**

Applicant **Municipal Water Authority of Aliquippa**  
 160 Hopewell Avenue  
 Aliquippa, PA 15001  
 [Township or Borough] City of Aliquippa  
 Responsible Official Dennis L. Bires, Plant  
 Superintendent  
 Municipal Water Authority of  
 Aliquippa  
 160 Hopewell Avenue  
 Aliquippa, PA 15001  
 Type of Facility Water system  
 Consulting Engineer Lennon, Smith, Souleret  
 Engineering, Inc.  
 846 Fourth Avenue  
 Coraopolis, PA 15108  
 Application Received Date February 27, 2018  
 Description of Action Demonstration of 4-log  
 treatment of viruses for  
 groundwater sources.

## WATER ALLOCATIONS

**Applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.**

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**WA 06-1011B, Water Allocations. Pennsylvania-American Water Company (PWS ID No. 3060088), Berks County.** The Pennsylvania-American Water Company has submitted a water allocation application for the right to purchase up to 1.5 million gallons per day, based on a 30-day average, from Reading Area Water Authority Applicant Address: David R. Kaufman, Vice President—Engineering, Pennsylvania American Water, 852 Wesley Drive, Mechanicsburg, PA 17055. Consulting Engineer: Craig B. Dorash, P.E., Pennsylvania-American Water Company, 800 West Hershey Park Drive, Hershey, PA 17033. Application Received: 2/12/2018.

**WA 06-525B, Water Allocations. Borough of Fleetwood (PWS ID No. 3060029), Berks County.** The Borough of Fleetwood has requested an water allocation permit to withdraw 729,400 gallons per day from Wells No. 1, 2, 6, 10, 12, 13, 14, and 15 as well as Springs No. 10, 11, and 12. Applicant Address: Eric Burkert, Water Department Head, Borough of Fleetwood, 110 West Arch Street, Suite 104, Fleetwood, PA 19522. Consulting Engineer: Bradley D. Smith, P.E., ARRO Consulting, Inc., 50 Berkshire Court, Suite 209, Wyomissing, PA 19610. Application Received: 3/10/2017.

## 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

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

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Krajewski Residence, 10 Crystal Road, Middletown Township, Bucks County.** Richard D. Trimpi, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pottsville, PA 18073 on behalf of Foraker Landscaping and Hardscaping, Parker Landscaping and Hardscaping, 44 Canary Road, Levittown, PA 19057 submitted a Notice of Intent to Remediate. A release of petroleum impacted the shallow soil and groundwater. The current use and proposed future use of the source property is residential. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on January 5, 2018.

**1201 South 35th Street, 1201 South 35th Street, City of Philadelphia, Philadelphia County.** Angelo Waters, PE, LEED AP, Urban Engineers, Inc., 53 Walnut Street, Philadelphia, PA 19106 on behalf of Kate McNamara, Esq., Philadelphia Industrial Development Corporation, 1500 Market Street, Suite 2600 West, Philadelphia, PA 19102 submitted a Notice of Intent to Remediate. The primary soil contaminants include volatile organic compounds, semi-volatile organic compounds and metals. The exact future use of the site is unknown at this time. The Notice of Intent to Remediate was published in the *Philadelphia Weekly* on February 9, 2018.

**1245 Ridge Avenue, 1245 Ridge Avenue, City of Philadelphia, Philadelphia County.** Paul White, P.G., Brickhouse Environmental, 55 South Franklin Street, West Chester, PA 19382 on behalf of Ryan Reich, 1245 Ridge Avenue, LLC, 9 College Place, Apartment 1H, Brooklyn, NY 11201 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with petroleum compounds which have impacted soil and groundwater on the site. The proposed future use of the



property will be residential for housing. The Notice of Intent to Remediate was published in the *Philadelphia Weekly* on January 17, 2018.

**1220 North Broad Street**, 1220 North Broad Street, City of Philadelphia, **Philadelphia County**. Paul White, P.G., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Scott Homel, Regency Del Val, LLC; Regency H.R.L., LLC; Broad Street Regency, LP SREP Regency Apartments submitted a Notice of Intent to Remediate. The site has been found to be contaminated with petroleum compounds. The proposed future use of the property will be a high-rise apartments complex and commercial space at street level. The Notice of Intent to Remediate was published in the *Philadelphia Weekly* on January 22, 2017.

**6401 Macpherson Avenue**, 6401 Macpherson Avenue, Bristol Township, **Bucks County**. Richard S. Werner, PG, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Robert White, The Redevelopment Authority of the County of Bucks, 216 Pond Street, Bristol, PA 19007 submitted a Notice of Intent to Remediate. Soil and groundwater contaminants were unknown at the time. The intended future use of the subject property will be non-residential. The Notice of Intent to Remediate was published in the *Advance of Bucks County* on January 28, 2018.

**Brodnyan Residence**, 96 Evertown Lane, Falls Township, **Bucks County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Lisa Gagliardi, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30349-6169 submitted a Notice of Intent to Remediate. A release of petroleum impacted the shallow soil and groundwater. The current use and proposed future use of the property is residential. The Notice of Intent to Remediate was published in the *Courier Times* on December 12, 2017.

**University of the Sciences**, 4514-22 Woodland Avenue, City of Philadelphia, **Philadelphia County**. Jeffrey T. Bauer, P.G., Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Craig Washington, University of the Sciences in Philadelphia, 4140 Woodland Avenue, Philadelphia, PA 19104 submitted a Notice of Intent to Remediate. A fuel oil underground storage tank (UST) was located beneath the paved area to the north of the former site structure. Limited impacted soil was removed during the UST closure. The proposed future use of the property will be a multi-story student residence building with associated improvements. The Notice of Intent to Remediate was published in the *Philadelphia Weekly* on January 31, 2018.

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

**Coldstream B**, 2323 Coldstream Road, Frenchville, PA 16836, Goshen Township, **Clearfield County**. Moody and Associates, Inc., 199 South Johnsonville Road, Bldg # 2, Suite 101, Houston, PA 15342, on behalf of Greylock Production, LLC, 500 Corporate Landing, Charleston, WV 25311, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with brine-related constituents. The applicant proposes to remediate the site to meet the Background, Statewide Health, and Site-Specific Standards. The anticipated future use of the property will be residential. A summary of the Notice of Remediation was published in *The Progress News* on February 14, 2018.

**Former Lafarge Road Marking, Inc.**, 373 Pond Road Pennsdale, Muncy Township, **Lycoming County**. Environmental Planning Specialists, Inc., 400 Northbridge Road, Suite 400, Sandy Springs, GA 30350, on behalf of Lafarge Road Marking, Inc., 373 Pond Road, Pennsdale, PA 17756, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Remediation was published in the *Williamsport Sun Gazette* on February 28, 2018.

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

**Application(s) for Determination of Applicability 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/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. WMGR019SW001. McConway & Torley, LLC.**, 109 48th Street, Pittsburgh, PA 15201. The Department of Environmental Protection (DEP) has received an application for a Determination of Applicability (DOA) under General Permit (GP) No. WMGR019 for the McConway & Torley, LLC. Steel Foundry Facility located at 109 48th Street, Pittsburgh, PA 15201 in **Allegheny County**. The GP is for the beneficial use of waste foundry sand, slag, refractories and system dust generated by ferrous metal casting foundries as: (a) roadway construction material; (b) a component or ingredient in manufacturing of concrete or asphalt products; (c) soil additive or soil substitute; and (d) non-roadway construction activity. The DOA application, was received on November 28, 2017, as modified by subsequent revisions received on February 15, 2018, and deemed administratively complete by the DEP Regional Office on March 5, 2018.

Written comments concerning the application should be directed to Program Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222. Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412.442.4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or disapproval of the application.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application(s) Received 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.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit Application No. 301288. Flaw Inc. d/b/a Recycle Oil Company**, 1600 South 25th Street, Easton, PA 18042, A residual waste permit renewal application for the continued operation of this waste oil collection, disposal and recycle for resale facility located in Wilson Borough, **Northampton County**. The application was received by the Regional Office on January 26, 2018 and deemed administratively complete on February 28, 2018.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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 Approval 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.

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**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-03211A: Iogen D3 Biofuel Partners III, LLC** (310 Hunt Club Road East, Ottawa, Ontario K1V 1C1, Canada) for the installation of two (2) 17.6 MMBtu/hr John Zink ZBRID enclosed flares in East Earl Township, **Lancaster County**. The flares will allow the landfill gas (LFG) processing plant to maximize the production of pipeline quality gas during normal operations. The flares will also allow the plant to continue the production of pipeline quality gas during periods when existing third-party LFG users are shut down for maintenance or other causes. The installation of the processing plant was exempted from PA requirements by the Department on 9/12/17 via a Request for Determination. Expected emissions from the project are estimated to be 37.2 tpy CO, 15.6 tpy NO<sub>x</sub>, 22.8 tpy PM<sub>10</sub>/PM<sub>2.5</sub>, 87.2 tpy SO<sub>x</sub>, 16.2 tpy VOC, 5.0 tpy of a single HAP (HCl), and 5.8 of combined HAPs. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an operating permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.



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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**65-00080A: Duraloy Technologies, Inc.** (120 Bridge Street, Scottdale, PA 15683-1748) In accordance with 25 Pa. Code §§ 127.44—127.46, the Department of Environmental Protection (DEP) is providing notice that it intends to issue an Air Quality Plan Approval (PA-65-00080A) for the construction and operation of a Thermal Sand Reclamation unit including a baghouse at their Scottdale Facility in Scottdale Borough, **Westmoreland County**.

The proposed sources and controls include—One (1) Natural gas-fired Foundry Sand Reclamation unit equipped with three burners; two low NO<sub>x</sub> burners each rated at 1.0 MMBtu/hr; and one burner rated at 0.75 MMBtu/hr. The emissions from the process shall be controlled by a baghouse rated at 10,300 ACFM at 250° F.

The potential to emit from the new sources with control will be: 1.5 tpy PM<sub>10</sub>, 0.4 tpy NO<sub>x</sub>, 1.0 tpy CO, and 0.1 tpy VOC. This project is subject to applicable requirements of 25 Pa. Code Chapters 121—145. The Department has determined that the proposed facility satisfies Best Available Technology (“BAT”) requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to submit a State Only Operating Permit (“SOOP”) application in accordance with 25 Pa. Code Subchapter F. The proposed Plan Approval includes a limitation on potential emissions, as well as monitoring, record keeping, reporting, work practice, and stack testing requirements.

Scottdale Facility’s Plan Approval application, the Department’s Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the plan approval application and all supporting information, a person may contact Thomas Kaminski at [thkaminski@pa.gov](mailto:thkaminski@pa.gov) or 412.442.4097. To receive an electronic copy of the Department’s Air Quality Review Memorandum, or to receive an electronic copy of the Department’s proposed Air Quality Plan Approval for this project, a person may contact Jesse Parihar at [jparihar@pa.gov](mailto:jparihar@pa.gov), Phone 412.442.4030.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the plan approval or a proposed condition thereof, by filing such submissions in writing to 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 comments, requests for a public hearing, and 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. Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed plan approval issuance being opposed (PA-65-00080A) 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.

Comments, protests and requests for a public hearing should be directed to Jesse S. Parihar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, [jparihar@pa.gov](mailto:jparihar@pa.gov), 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.

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

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**65-00840 Dominion Energy Transmission, Inc** (5000 Dominion Blvd, Glen Allen, VA 23060), In accordance with 25 Pa. Code §§ 127.441, 127.425 and 127.521, the Department is providing notice that they intend to issue a renewed Title V Operating Permit for the continued operation of a natural gas compressor station, known as the South Oakford Compressor Station, located in Hempfield Township, **Westmoreland County**. The proposed renewed TVOP also incorporates a Minor Permit Modification to include the applicable requirements of RACT II in the permit.

The facility is a pipeline and storage natural gas compressor station. The main sources at this facility are two, NG-fired, 6,350-bhp, compressor engines; one, NG-fired, 778-bhp, emergency generator engine; and one, NG-fired, 3.347 MMBtu/hr boiler.

Annual facility-wide potential emissions are 375 tons of NO<sub>x</sub>, 145 tons of VOC, 106 tons of CO, 22 tons of PM<sub>10</sub>, and 22 tons of PM<sub>2.5</sub>. There are also potential annual emissions of 18.9 tons of formaldehyde, 4.2 tons of glycol ethers, 3.6 tons of acrolein, 3.5 tons of acetaldehyde, 35.0 tons of the sum of all HAPs combined, and 97,518 tons of CO<sub>2e</sub>. Sources at the facility are subject to 40 CFR Part 63, Subpart HHH—National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities and Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters and 25 Pa. Code Chapters 121—145, including 25 Pa. Code §§ 129.96—129.100 RACT II requirements. The permit includes emission limitations and operational, monitoring, testing, recordkeeping, work practice, and reporting requirements for the facility.

Dominion Transmission, Inc’s Title V Operating Permit renewal application, the Department’s Air Quality Review Memorandum, and the proposed Air Quality Title V Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Title V Operating Permit renewal applica-

tion, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Title V Operating Permit for this project, a person may contact Thomas Kaminski at [thkaminski@pa.gov](mailto:thkaminski@pa.gov) or 412.442.4000.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit TVOP-65-00840) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

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

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

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

**46-00169: Constantia Colmar, Inc.** (92 County Line Road, Colmar, PA 18915) located in Hatfield Township, **Montgomery County**, for a renewal of State Only (Synthetic Minor) Operating Permit No. 46-00169. The facility's main sources of air contaminant emissions are a rotogravure press, a flexographic press, automatic parts washing system, three aboveground solvent storage tanks, and a cold parts cleaner. The potential to emit volatile organic compounds (VOCs) from the facility exceeds 25 tons per year, the major facility threshold for the Philadelphia Consolidated Metropolitan Statistical Area. However, Constantia Colmar, Inc., has elected to restrict the VOC emissions from the facility to 24.7 tons/yr, calculated monthly as a 12-month rolling sum. To achieve this, VOC emissions from the presses and automatic parts washing system are controlled by a regenerative thermal oxidizer (RTO).

The only change that has occurred at the facility since the SOOP was last amended in September 2014 is that a (separate) flexographic press at the facility has been decommissioned and is not intended to be operated in the future. The renewal SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**39-00003: Apollo Metals LTD/Bethlehem** (1001 14th Ave., Bethlehem, PA 18018-0045). The Department intends to issue a renewal State-Only (Synthetic Minor) Permit for the electroplating and polishing facility located in Bethlehem City, **Lehigh County**. The main sources at this facility consist of boilers, and brass and copper electroplating. The control devices are scrubber systems. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

**19-00024: Benton Foundry Inc.** (5297 State Route 487, Benton, PA 17814-6711) to issue a renewal State Only Operating Permit for their iron foundry in Sugarloaf Township, **Columbia County**. The facility's main sources include electric induction furnaces, mold making machines, PUBC core making machines and the finishing department consisting of grinders and shot blast machines. The permittee has requested to limit the hours of operation at the facility to 6,000 hours in any 12 consecutive month period to become a minor facility. With the hours of operation restrictions the facility has potential emissions of 6.77 TPY of NO<sub>x</sub>; 93.78 TPY of CO; 33.85 TPY of VOC; 75.74 TPY of PM<sub>10</sub>, 0.65 TPY of SO<sub>x</sub> and 15.0 TPY of total HAPs. 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 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.

**49-00029: Clarks Feed Mills, Inc.** (PO Box W, Shamokin, PA 17872-0923) to issue a renewal State Only Operating Permit for their Shamokin facility located in Ralpho Township, **Northumberland County**. The facility's main sources include one (1) natural gas/# 2 fuel oil fired boiler, one (1) Forsberg cleaner, one (1) pellet machine, two (2) hammermills, truck and railcar receiving stations and truck loadout operation.

The facility has potential to emit under 39.05 tons per year (tpy) of particulate matter/particulate matter with an effective aerodynamic diameter of less than or equal to 10 micrometer, 14.66 tpy of nitrogen oxides, 1.33 tpy of carbon monoxide, 0.14 tpy of volatile organic compounds, 0.02 tpy of hazardous air pollutants and 20.93 tpy of sulfur oxides. The potential particulate matter emissions reduced from 50 tons per year to 39.05 tons per year due to removal of a pellet mill operated under Source ID P104. The potential emission of all other criteria pollutants remained the same at the facility.



The # 2 fuel oil fired boiler is subject to 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

The emission limits and work practice standards along with testing, monitoring, recordkeeping 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, as well as 40 CFR Parts 60, 63 and 98.

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.

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

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**63-00070: Dyno Nobel, Inc.** (1320 Galiffa Drive, Donora, PA 15033) In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) to Dyno Nobel, Inc. to authorize the operation of the receiving and distributing ammonium nitrate prill facility located in Donora Borough, **Washington County**.

Sources of air emissions include a boiler, two ammonium nitrate tanks and two tank demisters for emission control. Annual potential emissions were estimated to be 21 tpy of NO<sub>x</sub>, 19.94 tpy of CO, 2.49 tpy of PM<sub>10</sub>, and 1.14 tpy of VOC. The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (63-00070) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Dyno Nobel State Only Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Dyno Nobel State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

All comments must be received prior to the close of business 30 days after the date of this publication.

**63-00983: Columbia Gas Transmission, LLC** (1700 Maccorkle Avenue SE, Charleston, WV 25314-1518), In

accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a State Only Operating Permit (SOOP-63-00983) for Redd Farm Compressor Station to authorize the continued operation of two (2) existing turbines located at Redd Farm Compressor Station in Amwell Township, **Washington County**.

The facility's air contamination sources consist of two (2) natural gas-fired turbines; each rated at 4,700 bhp and one (1) natural gas-fired emergency generator; rated at 440 bhp. Each turbine is equipped with dry low NO<sub>x</sub> technology (i.e. SoLoNO<sub>x</sub> technology) to limit NO<sub>x</sub> emissions, one (1) Waukesha emergency generator rated at 440 bhp, one (1) indirect-fired Heat Exchanger rated at 0.75 MMBtu/hr, and forty (40) natural gas-fired Catalytic space heaters; each rated at 72,000 Btu/hr. Potential emissions from the facility are estimated: 41.7 tons NO<sub>x</sub>, 66.5 tons CO, 3.3 tons VOC, 7.9 tons PM<sub>10</sub>, 0.4 ton SO<sub>x</sub>, 0.6 ton HAPs, and 0.4 ton HCHO. This facility is subject to 40 CFR Part 60, Part 63, and 25 Pa. Code Chapters 121—145. The proposed permit contains applicable emission limits as well as testing, monitoring, record keeping, reporting, and work practice requirements.

Redd Farm Compressor Station SOOP application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Thomas Kaminski at thkaminski@pa.gov or 412.442.4097.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to 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 comments, requests for a public hearing, and 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. Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 63-00983) 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.

Comments, protests and requests for a public hearing should be directed to Jesse S. Parihar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, jparihar@pa.gov, fax 412.442.4194.

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

*Contact: Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6131.*

**43-00010: Jamestown Coating Technologies (Jamestown Paint Co.)** (108 Main St., Jamestown, PA 16134), the Department intends to issue the renewal of the State-Only Operating Permit to a paint manufacturing facility located in Jamestown Borough, **Mercer County**. Permitted sources at the facility include natural gas-fired boilers, storage tanks, mills, and stationary and portable mixing tanks. With PTEs for VOC (21.39 TPY) and HAP (18.39 TPY) below major source thresholds, the facility is Natural Minor for permitting purposes. As parts of the paint manufacturing process, the storage tanks, mills, and mixing tanks are subject to 40 CFR 63 Subpart CCCCCC pertaining to National Emission Standards for HAPs (NESHAP) for Area Sources: Paints and Allied Products Manufacturing. In this renewal, the reporting requirements pursuant to 25 Pa. Code Chapter 135, including 25 Pa. Code §§ 135.3, 135.4, 135.5 and 135.21, are removed because the facility is Natural Minor and located in an ozone attainment area. The metal HAP standards of 40 CFR Part 63 Subpart CCCCCC is also removed because the particulate control device for controlling these emissions exhausts indoors.

#### PLAN APPROVALS

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

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

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**58-00017B: Mineral Point Energy, LLC** (North Shore Place 1, 358 North Shore Drive, Suite 201, Pittsburgh, PA 15212) for their facility located in Oakland Twp, **Susquehanna County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Mineral Point Energy, LLC ((North Shore Place 1, 358 North Shore Drive, Suite 201, Pittsburgh, PA 15212) for their facility located in Oakland Twp, Susquehanna County. This Plan Approval No. 58-00017B will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 58-00017B is for the installation and operation of 3 Rolls-Royce Bergen Natural gas fired engines with oxidation catalyst and SCR to control emissions or 5 GE Jenbacher Natural gas fired engines with oxidation catalyst and SCR to control emissions. The company shall be subject to and comply with New Source Performance Standards 40 CFR Part 60 Subpart JJJJ and MACT 40 CFR Part 63 Subpart ZZZZ. The Plan

Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 58-00017B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

#### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

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

Written comments or objections regarding a mining permit application should contain the name, address and



telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

#### *Coal Applications Received*

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

**30831303 and NPDES No. PA0013511. Cumberland Contura, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Center, Whiteley and Franklin Townships, **Greene County** and related NPDES Permit for construction of the West Pool Pipeline. Surface Acres Proposed 22.5. No additional discharges. The application was considered administratively complete on February 27, 2018. Application received November 30, 2017.

**30121301 and NPDES No. PA0236195. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Harvey Mine in Richhill and Washington Townships, **Greene County** and related NPDES Permit for installation of a bleeder shaft. Surface Acres Proposed 12.4. No additional discharges. The application was considered administratively complete on March 1, 2018. Application received November 7, 2017.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**32A77SM5 and NPDES Permit No. PA0278254. Twilight Industries, Division of U.S.N.R., LLC** (P.O. Box 310, Woodland, WA 98674). Revision application for addition of passive treatment system to an existing bituminous surface mine, located in East Bethlehem Township, **Washington County**, affecting 75 acres. Receiving streams: unnamed tributary to Tenmile Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: February 26, 2018.

**30170101 and NPDES Permit No. PA0278289. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Application for commencement, operation and restoration of bituminous surface mine, located in Jefferson Township, **Greene County**, affecting 125.1 acres. Receiving streams: unnamed tributaries to Rush Run and Rush Run, classified for the following use: WWF. The potable water supply intakes within 10 miles

downstream from the point of discharge are: Tri-Co. Joint Municipal Authority and PA American Water Company—Brownsville Plant. Application received: February 5, 2018.

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

**Permit No. 5411302R. M & D Anthracite Coal Co.**, (2030 East Center Street, Tremont, PA 17981), renewal of an existing anthracite underground mine operation in Cass Township, **Schuylkill County** affecting 2.1 acres, receiving stream: West Branch Schuylkill River, classified for the following use: cold water fishes. Application received: February 12, 2018.

**Permit No. 54851336R6. EmberClear Reserves, Inc.**, (72 Glenmaura National Boulevard, Suite 104A, Moosic, PA 18507), renewal of an existing anthracite underground mine operation in Porter and Frailey Townships, **Schuylkill County** affecting 2.3 acres, receiving stream: Good Spring Creek, classified for the following uses: cold water and migratory fishes. Application received: February 22, 2018.

**Permit No. 54-305-027GP12R2. EmberClear Reserves, Inc.**, (72 Glenmaura National Boulevard, Suite 104A, Moosic, PA 18507), renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Underground Mining Permit No. 54851336 in Porter and Frailey Townships, **Schuylkill County**. Application received: February 22, 2018.

**Permit No. 49970203T. Mallard Contracting Co., Inc.**, (122 Wilburton Road, Mt. Carmel, PA 17851), transfer from Mid-Valley Coal Sales, Inc. of an existing anthracite coal refuse reprocessing, refuse disposal and coal preparation plant operation in Coal Township, **Northumberland County** affecting 509.0 acres, receiving stream: Shamokin Creek, classified for the following uses: cold water and migratory fishes. Application received: February 22, 2018.

**Permit No. 49970203R4. Mallard Contracting Co., Inc.**, (122 Wilburton Road, Mt. Carmel, PA 17851), renewal of an existing anthracite coal refuse reprocessing, refuse disposal and coal preparation plant operation in Coal Township, **Northumberland County** affecting 509.0 acres, receiving stream: Shamokin Creek, classified for the following uses: cold water and migratory fishes. Application received: February 22, 2018.

#### *Coal Applications Withdrawn*

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

**Permit No. 54880203T4. Rausch Creek Fuel, LLC**, (978 Gap Street, Valley View, PA 17983), withdrawal of an anthracite coal refuse reprocessing operation from Rausch Creek Land, LP in Tremont Township, **Schuylkill County** affecting 15.8 acres, receiving stream: Swatara Creek Watershed. Application received: December 8, 2017. Application Withdrawn: March 5, 2018.

#### *Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*			greater than 6.0; less than 9.0

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**10170301 and NPDES Permit No. PA0280569. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16803) Commencement, operation and restoration of a large industrial minerals mine and associated NPDES permit in Parker Township, **Butler County**, affecting 190.0 acres. Receiving streams: Unnamed tributaries to North Branch Bear Creek and unnamed tributary to Bear Creek, both classified for the following uses: CWF; and unnamed tributaries to the Allegheny River, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: February 12, 2018.

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

**Permit No. 8073SM2A1C10 and NPDES Permit No. PA0595519. Glasgow, Inc.,** (P.O. Box 1089, Glenside, PA 19038), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Upper Merion Township, **Montgomery County** affecting 191.7 acres, receiving stream: unnamed tributary to Schuylkill River, classified for the following uses: warm water and migratory fishes. Application received: February 22, 2018.

#### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

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

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

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

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

Alkalinity greater than acidity\*

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

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

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

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

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the



Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

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

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

#### Coal NPDES Draft Permits

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

**NPDES No. PA0269506 (Mining Permit No. 56140105), Fieg Brothers**, 3070 Stoystown Rd, Stoystown, PA 15563, revision of an NPDES permit for bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 36.3 acres. Receiving streams: unnamed tributaries to Tubs Run, classified for the following use: cold water fishes. This receiving stream is included in the Buffalo Creek TMDL. Application received: February 13, 2018.

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

The following treated wastewater outfalls discharge to unnamed tributaries to Tubs Run:

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

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 001 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 003 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The following stormwater outfall discharge to unnamed tributary to Tubs Run:

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

<i>Outfalls: 002 (Dry Weather)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0

<i>Outfalls: 002 (Dry Weather)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times. Alkalinity must exceed acidity at all times.			

<i>Outfalls: 002 (≤10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times. Alkalinity must exceed acidity at all times.			

*Outfalls: 002 (>10-yr/24-hr Precip. Event)*  
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0258491 (Permit No. 37070303). Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Lawrence County**, affecting 80.1 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: February 12, 2018.

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

The following outfall discharges to unnamed tributaries to Slippery Rock Creek:

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

The proposed effluent limits for the previously listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	0-

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

The following outfalls discharge to unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek:

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

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

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

**NPDES Permit No. PA0224685 on Surface Mining Permit No. 58080301T. WM Quarries, LLC**, (885 Third Avenue, Suite 2403, New York, PA 10022), renewal and transfer of NPDES Permit for a bluestone and shale quarry operation in Harmony Township and Lanesboro Borough, **Susquehanna County**, affecting 465.6 acres. Receiving stream: unnamed tributary to Starrucca Creek, classified for the following uses: cold water and migratory fishes. Applications received: March 12, 2015 and December 16, 2016.

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

The outfall listed below discharge to unnamed tributary to Starrucca Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Sediment Trap

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Iron (mg/l)		3.5	7.0	
Manganese (mg/l)		2.0	4.0	

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

**NPDES Permit No. PA0225703 on Surface Mining Permit No. 58172506. WM Quarries, LLC**, (885 Third Avenue, Suite 2403, New York, PA 10022), new NPDES Permit for a GP105 Bluestone quarry operation in New Milford Township, **Susquehanna County**, affecting 9.8 acres. Receiving stream: Salt Lick Creek Watershed, classified for the following uses: HQ—cold water and migratory fishes. Application received: May 15, 2017.

Non-discharge BMP's shall be in effect.

**NPDES Permit No. PA0225711 on Surface Mining Permit No. 58172507. WM Quarries, LLC**, (885 Third Avenue, Suite 2403, New York, PA 10022), new NPDES Permit for a GP105 Bluestone quarry operation in New Milford Township, **Susquehanna County**, affecting 8.9 acres. Receiving stream: Salt Lick Creek Watershed, classified for the following uses: HQ—cold water and migratory fishes. Application received: May 15, 2017.

Non-discharge BMP's shall be in effect.

**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.*

**E45-613. Rodney Stark**, 7788 Lake Shore Drive, Pocono Lake, PA 18347, in Tobyhanna Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an aluminum roll-in 96 square foot L-shaped dock supported by posts and flat pads which will rest on the bed of Arrowhead Lake (EV) and a 4-foot wide by 34-foot long flagstone walking path impacting approximately 136 square feet of wetlands. The project is located approximately 0.06 mile northeast of the Lake Shore Drive and Paiute Path intersection. (Thornhurst, PA Quadrangle, Latitude: 41°9'19.55"; Longitude: -75°33'49.20").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E36-970: Transcontinental Gas Pipe Line Company, LLC**, 2800 Post Oak Boulevard, Level 11, Houston, Texas, 77056, in Drumore, East Drumore, and Eden Townships, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To install and maintain a 42.0-inch diameter, cathodically protected, welded metal gas pipe line in and across the following water resource impacts:

- 1) Open Cut across Wissler Run (HQ-WWF, MF) and its floodway, permanently impacting 1 square foot of Exceptional Value Palustrine Emergent Wetland (Latitude: 39.8236, Longitude: -76.2751);
- 2) Open Cut across Fishing Creek (HQ-CWF, MF) and its floodway, permanently impacting 0.10 acre of Exceptional Value Wetland (Latitude: 39.8372, Longitude: -76.2511);
- 3) Open Cut across an unnamed tributary to Fishing Creek (HQ-CWF, MF) and its floodway, permanently impacting 0.19 acre of Exceptional Value Palustrine Emergent Wetland, and 217 square feet of Exceptional

Value Palustrine Scrub Shrub Wetland (Latitude: 39.8487, Longitude: -76.2286);

4) Open Cut across an unnamed tributary to Conowingo Creek (HQ-CWF, MF) and is floodway, permanently impacting 0.43 acre of Exceptional Value Palustrine Emergent Wetland, 122 square feet of Exceptional Value Palustrine Scrub Shrub Wetland, and 0.03 acre of Exceptional Value Forested Wetland (Latitude: 39.8543, Longitude: -76.2168);

5) Open Cut across Conowingo Creek (HQ-CWF, MF) and its floodway (Latitude: 39.8603, Longitude: -76.2044);

6) Open Cut across an unnamed tributary to Conowingo Creek (HQ-CWF, MF) (Latitude: 39.8611, Longitude: -76.2018);

7) Open Cut across an unnamed tributary to Conowingo Creek (HQ-CWF, MF) and its floodway, permanently impacting 0.04 acre of Exceptional Value Palustrine Emergent Wetland (Latitude: 39.8670, Longitude: -76.1907);

8) Open Cut across Stewart Run (HQ-CWF, MF) and its floodway, permanently impacting 0.29 acre of Exceptional Value Palustrine Emergent Wetland (Latitude: 39.8725, Longitude: -76.1794);

9) Conventional bore across an unnamed tributary to Stewart Run (HQ-CWF, MF) and its floodway, permanently impacting 0.36 acre of Exceptional Value Palustrine Emergent Wetland and 0.02 acre of Exceptional Value Palustrine Scrub Shrub Wetland (Latitude: 39.8754, Longitude: -76.1737);

10) Open Cut across Palustrine Emergent Wetlands, permanently impacting 0.15 acre of Wetland (Latitude: 39.8776, Longitude: -76.1698);

11) Open Cut across an unnamed tributary to Stewart Run (HQ-CWF, MF) and its floodway, permanently impacting 0.01 acre of palustrine emergent wetland (Latitude: 39.8822, Longitude: -76.1597);

12) Open Cut across an unnamed tributary to Bowery Run (HQ-CWF, MF) and its floodway, permanently impacting 0.06 acre of Palustrine Emergent Wetland (Latitude: 39.8920, Longitude: -76.1422);

13) Open Cut, permanently impacting 0.31 acre of Palustrine Emergent Wetlands (Latitude: 39.8956, Longitude: -76.1364);

14) All impacts are associated with the 10.16 mile Northeast Supply Enhancement Project—Quarryville Loop. No wetland acreage loss is proposed and wetland replacement is not required.

**E05-393: PennDOT Engineering District 9-0**, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648-108 in West Saint Clair Township, **Bedford County**, U.S. Army Corps of Engineers Baltimore District.

To remove four existing concrete slab bridges and to:

1) install and maintain a 34.83-foot long, 1-foot depressed, twin cell concrete box culvert having a normal clear span of 15 feet and an underclearance of 4 feet in each cell, with 8-inch tall alternating fish baffles and depressed rip-rap aprons in UNT 1 (UNT to Yellow Creek (HQ-CWF, MF)) (40.1359821, -78.3430448),

2) install and maintain a 1-foot depressed, 19-foot by 4-foot concrete box culvert, having an underclearance of 3 feet, alternating fish baffles, and depressed rip-rap aprons in UNT 2 (UNT to Yellow Creek (HQ-CWF, MF)) (40.1364257, -78.3423708), resulting in 0.00085 acre of

direct permanent impacts and 0.01 acre of direct temporary impacts to exceptional value (EV) PEM wetlands,

3) install and maintain a 1-foot depressed, 13-foot by 6-foot concrete box culvert, having an underclearance of 5 feet, alternating fish baffles, and depressed rip-rap aprons in UNT 3 (UNT to Yellow Creek (HQ-CWF, MF)) (40.1366963, -78.3403653), resulting in 0.07 acre of direct permanent impacts and 0.07 acre of direct temporary impacts to EV PEM wetlands,

4) install and maintain a 1.33-foot depressed, 17-foot by 5.5-foot concrete box culvert, having an underclearance of 4.17 feet, alternating fish baffles, and depressed rip-rap aprons in UNT 3 (UNT to Yellow Creek (HQ-CWF, MF)) (40.1398400, -78.3407465), resulting in 0.05 acre of direct permanent impacts and 0.01 acre of direct temporary impacts to EV PEM wetlands,

5) construct and maintain an 18-inch outfall pipe with R-4 rip-rap in the floodway of UNT 1 (UNT to Yellow Creek (HQ-CWF, MF)),

6) place and maintain R-4 rip-rap within a constructed stormwater drainage channel in the floodway of UNT 2 (UNT to Yellow Creek (HQ-CWF, MF)),

7) construct and maintain two (2) 24-inch outfall pipes with R-4 rip-rap in the floodway of UNT 3 (UNT to Yellow Creek (HQ-CWF, MF)),

8) construct and maintain an 18-inch outfall pipe with R-3 rip-rap in the floodway of UNT 3 (UNT to Yellow Creek (HQ-CWF, MF)),

9) install a temporary two-way roadway in the floodway of UNT 1 and UNT 2 (Unnamed Tributaries to Yellow Creek (HQ-CWF, MF)) consisting of R-3 and R-6 rock and two (2) 64-inch by 43-inch pipes in UNT 1 and UNT 2 (UNT to Yellow Creek (HQ-CWF, MF)),

10) install a one-way temporary roadway in the floodway of UNT 3 (UNT to Yellow Creek (HQ-CWF, MF)) consisting of consisting of R-3 and R-6 rock and one (1) 64-inch by 43-inch pipe in UNT 3 (UNT to Yellow Creek (HQ-CWF, MF)), and

11) install a temporary roadway in the floodway of UNT 3 (UNT to Yellow Creek (HQ-CWF, MF)) consisting of R-3 and R-6 rock and two (2) 36-inch by 36-inch pipes in UNT 3 (UNT to Yellow Creek (HQ-CWF, MF)), for the purpose of improving transportation safety and roadway standards.

The project proposes a total of 350 linear feet of direct permanent stream impacts and 585 linear feet of direct temporary stream impacts to UNT 1, UNT 2, and UNT 3, (Unnamed Tributaries to Yellow Creek (HQ-CWF, MF)). The project proposes a total of 0.77 acre of direct permanent impacts and 1.12 acre of direct temporary impact to and in the floodway of UNT 1, UNT 2, UNT 3, and UNT 4 (Unnamed Tributaries to Yellow Creek (HQ-CWF, MF)). The project proposes a total of 0.12 acre of direct permanent impacts and 0.08 acre of direct temporary impacts to EV PEM wetlands. To compensate for the wetland impacts, the applicant is required to construct 0.12 acre of replacement PEM wetlands off site at the Huntingdon County Advanced Wetland Compensation Site. The project is located along SR 0026 and SR 0036 (Latitude: 40.136707 Longitude: -78.341228) in Hopewell Township, Bedford County.



*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E57-133. Cherry Township**, 11961 Route 87, Dushore, PA 18614-7440, Cherry Township, **Sullivan County**, U.S. Army Corps of Engineers, Baltimore District.

The applicant has obtained a permit to construct, operate and maintain a dry hydrant within the stream corridor of Birch Creek located in the municipality of Mildred, Sullivan County, PA. A dry hydrant is a non-pressurized pipe installed in close proximity to an access location that is maintained year round. The dry hydrant will allow the extraction of water from Birch Creek for times of fire emergency within the borough. The dry hydrant will consist of a horizontal 8" PVC pipe that will extend into the stream channel of Birch Creek and a vertical 8" PVC riser pipe will extend above ground at the berm of borough property off of State Route 487 in Mildred, PA.

The project is located at Quadrangle, Latitude: 41° 28' 38.5378" N, Longitude: -76° 22' 42.443" W.

**E19-322. Town of Bloomsburg**, 301 E. Second Street, Bloomsburg, PA 17815, Bloomsburg Flood Risk Management Expansion Project, in The Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle; Latitude: 40-59-24.4; Longitude 76-27-13.21).

The proposed project includes the construction of a levee system approximately 4,700 feet in length around the Bloomsburg Middle/High School, lands owned by the Town of Bloomsburg, and many residential properties in the floodplain of the Susquehanna River, Warm Water Fishery. The proposed flood risk management system will be comprised of three types:

(1) an earthen embankment levee—located around the Bloomsburg Middle/High School, north side of the Town Park, and where the levee ends at East 12th Street,

(2) a single sided mechanically stabilized earth (MSE) wall—located on the east side of the Bloomsburg Middle/High School and extending 400 feet to the west from Market Street closure on the north side of the Town Park, and

(3) a double-sided mechanically stabilized earth (MSE) wall—located and extending 450 feet to the east from Market Street closure on the north side of the Town Park.

An overflow pipe system will be constructed on 11th Street from Market St/11th Street intersection flowing west to the proposed storm water pump station on the Bloomsburg Middle/High School property. A sanitary sewage pumping station is also proposed adjacent to the storm water pump station to provide continuous sewer service for the affected area during a flood. Where the levee system crosses roadways, vehicular closure structures (i.e. stop-log closure structures) are proposed to provide vehicular access during normal conditions, and closures during flood events. Parking areas impacted by the proposed levee will be relocated as part of this project. Additional flood risk management improvements will be constructed on Catherine Street, and are proposed to consist of a portable levee system to manage only the upper few feet of extreme event flood levels (i.e. Tropical Storm Lee included of magnitude events). Approximately 42 acres is included in the limit of disturbance for this project.

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

**E30-259, Allegheny Energy Supply Company, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601, Monongahela Twp., **Greene County**, ACOE Pittsburgh District.

The applicant proposes to:

1. Remove an existing barge loading hopper and a truck auger building;
2. Upgrade and maintain an existing pad area for a mobile loader;
3. Construct and maintain a truck loading hopper, a spill deflector plate, an AST for unloader fuel, and two (2) 25,000 gallon UST's;

For the purpose of redesigning Hatfield's Ferry Landfill Barge Facility (A different design for this project was previously acknowledged under General Permit Number GP113015205). The project is located on the left bank of the Monongahela River (WWF), approximately 1,250.0 feet north from the SR 21 bridge (Masontown, PA Quadrangle, N: 17.4 inches; W: 8.4 inches; Latitude: 39° - 51' - 23.7"; Longitude: 79° - 55' - 32.5") in Monongahela Township, Greene County.

**E32-522, PennDOT District 10-0**, 2550 Oakland Avenue, Indiana, PA 15701, Greene Township, **Indiana County**, Pittsburgh ACOE District.

The applicant proposes to:

Remove the existing two span, 15.4' and 15.5' opening bridge having an average underclearance of 4.6' carrying SR 403 over Dixon Run (CWF) with a drainage area of 6.62 square miles; construct and maintain a replacement 57.92' wide single 40.6' span SR 403 bridge on the existing alignment and having a minimum underclearance of 4.8'; remove the existing two span, 32.4' and 32.3' opening bridge having an average underclearance of 2.9' carrying SR 1012 over Dixon Run (CWF) with a drainage area of 6.62 square miles; and construct and maintain a replacement 33.38' wide single 56' span bridge having a minimum underclearance of 7.3' on an alignment located 300' upstream. 925' of permanent and 1,090' of temporary stream impacts will be mitigated on site. The project includes 0.024 acre of permanent deminimus PSS impact, and 0.049 acre of temporary PSS wetland impacts which will be mitigated on site. In addition, restore the existing bridge stream banks and construct and maintain associated stormwater facilities. This project is located in Greene Township, Indiana County, approximately 3 miles north of Clymer, PA at the intersection of SR 403 and SR 1012 (Clymer PA Quadrangle; Latitude: 40° 42' 41"; Longitude: -79° 00' 27").

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

**E24-267, Duffy Inc.**, 1 Delta Drive, Smethport, PA 16749-4709. Boggy Run Culvert Crossing, in Horton Township, **Elk County**, ACOE Pittsburgh District (Brandy Camp, PA Quadrangle N: 41°, 15', 20.2434"; W: -78°, 41', 0.4856").

As part of a timber harvesting operation, the Applicant proposes to construct and maintain a haul road crossing of Boggy Run (HQ-CWF) consisting of a metal pipe arch measuring approximately 95 inches wide by 67 inches high by 24 feet long.

**ENVIRONMENTAL ASSESSMENTS**

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

**D64-040EA. Jason Anderson, P.E., Pennsylvania Fish and Boat Commission**, 595 East Rolling Ridge

Drive, Bellefonte, PA 16823-9620, Mount Pleasant Township, **Wayne County**, USACOE Philadelphia District. Project proposes to breach the Hankins Pond Dam to eliminate a threat to public safety and to restore approximately 2,000 feet of stream channel to a free-flowing condition. The dam is located across a tributary to West Branch Lackawaxen River (HQ-CWF, MF) (Forest City, PA Quadrangle, Latitude: 41.7151; Longitude: -75.3951).

**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, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0260185 CAFO	Barry Christopher L 230 Obie Road Newmanstown, PA 17074	Heidelberg Township, Lebanon County	Watershed 7-J	Y
PA0266418 CAFO	Trout Brothers LLC 508 Red Rock Road Loysville, PA 17047-6100	Jackson Township, Perry County	Watershed 7-A	Y

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**III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law.**


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

**WQM Permit No. 1117201**, Industrial, SIC Code 4911, **CPV Fairview LLC**, 50 Braintree Hill Office Park, Braintree, MA 02184.

This proposed facility is located in Jackson Township, **Cambria County**.

Description of Proposed Action/Activity: Construction and operation of wastewater treatment facilities at the CPV Fairview Energy Center.

**WQM Permit No. 5617404**, Sewage, **Landy Joseph**, 108 Osage Path, Stoystown, PA 15563.

This proposed facility is in Indian Lake Borough, **Somerset County**.

Description of Proposed Action/Activity: Installation of SRSTP to replace malfunctioning on-lot system.

**WQM Permit No. 3092201 A-3**, Industrial, SIC Code 4941, **Southwestern PA Water Authority**, 1442 Jefferson Road, Jefferson, PA 15344-4159.

This existing facility is located in Cumberland Township, **Greene County**.

Description of Proposed Action/Activity: Construction of a gravity sludge thickener, sludge holding tank and dewatering centrifuge.

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**V. NPDES Waiver Stormwater Discharges from MS4 Actions.**


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The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s instead of NPDES permit coverage.

*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

<i>NPDES Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG136154	Freedom Borough Freedom Borough Collection & Conveyance Authority 901 3rd Avenue Freedom, PA 15042-1738	Freedom Borough, Beaver	Dutchman Run Ohio River WWF
PAG136392	Franklin Township Sewer Authority 353 Town Country Road Vanderbilt, PA 15486	Franklin Township, Fayette County	Redstone Creek/WWF
PAG136396	Upper Burrell Township 3735 Seventh Street New Kensington, PA 15067	Upper Burrell Township, Westmoreland County	Unnamed Tributary to Pucketa Creek/TSF
PAG136308	North Sewickley Township 893 Mercer Road Beaver Falls, PA 15010-6815	North Sewickley Township, Beaver	Unnamed Tributary to Beaver River, Beaver River, Bennetts Run and Connoquenessing Creek/WWF
PAG136359	Fayette City Borough P.O. Box 552 2 Street EXT Fayette City, PA 15438	Fayette City Borough, Fayette County	Lamb Lick Run & Monongahela River/WWF
PAG136189	South Huntingdon Township 75 Supervisor Drive West Newton, PA 15089-1848	South Huntingdon Township, Westmoreland County	Unnamed Tributary to Sewickley Creek/WWF
PAG132298	Glendon Borough 24 Franklin Street Easton, PA 18042	Glendon Borough, Northampton	Unnamed Tributary of Lehigh River/CWF and MF

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s instead of NPDES permit coverage.

*Southcentral Regional Office: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Phone: 717.705.4800.*

<i>NPDES Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG133626	Lower Windsor Township York County 2425 Craley Road Wrightsville, PA 17368-8922	Lower Windsor Township, York County	Unnamed Tributary to Kreutz Creek, Canadochly Creek, Unnamed Tributary to Cabin Creek, and Fishing Creek/WWF, TSF and MF

<i>NPDES Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAI133545	Union Township Berks County 1445 E Main Street Douglassville, PA 19518-9140	Union Township, Berks County	Schuylkill River, Unnamed Tributary to Schuylkill River, Unnamed Stream, and Sixpenny Creek/WWF, CWF and MF
PAG133682	Union Township Lebanon County 3111 State Route 72 Jonestown, PA 17038-8741	Union Township, Lebanon County	Unnamed Tributary to Reeds Creek, Unnamed Stream, Swatara Creek, and Unnamed Tributary of Swatara Creek/WWF and MF
PAG133610	Adamstown Borough Berks & Lancaster County 3000 N Reading Road Adamstown, PA 19501-0546	Adamstown Borough, Lancaster County	Little Muddy Creek/TSF and MF
PAG133757	Butler Township Adams County 2379 Table Rock Road Biglerville, PA 17307	Butler Township, Adams County	Willoughby Run and Unnamed Tributary to Conewago Creek/WWF and MF
PAG133737	Abbottstown Borough Adams County 241 High Street Abbottstown, PA 17307	Abbottstown Borough, Adams	Unnamed Tributary to Beaver Creek and Beaver Creek/WWF and MF

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**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions.**


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*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150052	The Vanguard Group (Horatio Realty Trust) 400 Devon Park Drive Wayne, PA 19087	Chester	East Whiteland Township	Little Valley Creek EV
PAD230012	City of Philadelphia Division of Aviation Philadelphia International Airport Terminal D-E Philadelphia International Airport Philadelphia, PA 19153	Delaware	Tinicum Township	Tidal Delaware River WWF-MF
PAD230011	Newtown Township Municipal Authority 209 Bishop Hollow Road Newtown Square, PA 19073-3219	Delaware	Newtown Township	Crum Creek HQ-CWF Lewis Run MF
PAD230024	AG-RW Edgmont Parent, LLC 25A Hanover Road Suite 310 Florham Park, NJ 07932	Delaware	Edgmont Township	Ridley Creek HQ-TSF Plumsock Run HQ-TSF
PAD460014	Wyndmoor Properties, LLC 8218 Ardmore Avenue Wyndmoor, PA 19038	Montgomery	Springfield Township	Tributary 00854 to Wissahickon Creek TSF-MF
PAD510017	ALTA Industrial Properties, Inc. 355 Newbold Road Fairless Hills, PA 19030	Philadelphia	City of Philadelphia	Schuylkill River WWF
PAD510016	ALTA Industrial Properties, Inc. 355 Newbold Road Fairless Hills, PA 19030	Philadelphia	City of Philadelphia	Schuylkill River WWF



*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210011 Issued	SKDM WPT II, LLC c/o Clarius Partners, LLC 200 West Madison Street Suite 3410 Chicago, IL 60606	Cumberland	West Pennsboro Township	Big Spring Creek (Designated Use CWF, MF; Existing Use HQ-CWF, MF) West Branch Mount Rock Spring Creek (Designated Use WWF, MF)

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD020006	Robert and Sandra Wright 1603 Fox Chase Drive Sewickley, PA 15143	Allegheny County	Edgeworth Borough	Little Sewickley Creek (HQ-TSF)
PAD630018	Pennsylvania American Water—Washington District 300 Galley Road, McMurray, PA 15317	Washington County	Canton Township	UNT to Buffalo Creek (HQ-WWF)

#### **VII. Approvals to Use NPDES and/or Other General Permits.**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

#### **List of NPDES and/or Other General Permit Types.**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater 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 Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
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*

*Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Providence Township Delaware County	PAC230050	Aqua Pennsylvania Wastewater, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010	Ridley Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Radnor Township Delaware County	PAG02002314041	ESIII L.P. 107 Twaddell Mill Road Wilmington, DE 19807	Camp Run to Darby Creek CWF-MF Wigwam Run to Darby Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Ridley Township Delaware County	PAC230057	M.G.M. Ridley Parking, L.P. 760 Parkes Run Lane Villanova, PA 19085	Darby Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAC460079	Aspen Mill, LLC 205 East Mill Road Hatboro, PA 19040	UNT West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAC460104	Moscariello Construction Co. 24 Donny Brook Way Collegetown, PA 19426	UNT Landis Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAC460155	Storage Partners of Chemical Road LP 636 Skippack Pike Suite 100 Blue Bell, PA 19422	UNT to Trout Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Allen Twp Northampton County	PAC480035	Johanna Chervak Rock-Lehigh Valley LLC 92 Headquarters Plaza, North Tower, 9th Fl Morristown, NJ 07960	Catasauqua Creek (CWF/MF)	Northampton County Conservation District 610-829-6276
Palmer Twp Tatamy Borough Northampton County	PAC480039	Chris Hermance Carson Commerce Lane, LLC 201 King of Prussia Rd Ste 650 Radnor, PA 19087	Shoeneck Creek (WWF, MF)	Northampton County Conservation District 610-829-6276

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Reading Township Adams County Issued	PAC010044	Miller Group Holding, LP 950 East Main Street Schuylkill Haven, PA 17072	UNT Markel Run (WWF, MF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
Oley Township Berks County Issued	PAC060100	Oley Valley School District 17 Jefferson Street Oley, PA 19547	Furnace Creek (CWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Muhlenberg Township Berks County Issued	PAC060104	Muhlenberg School District 801 Bellevue Avenue Reading, PA 19605	Laurel Run (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
Lower Allen Township Cumberland County Issued	PAC210004	Charter Homes at Highpoint, Inc. 1190 Dillerville Road Lancaster PA 17601 and Ruth D. Leshner 1340 Rossmoyne Road Mechanicsburg, PA 17055	UNT Cedar Run, (CWF) UNT Yellow Breeches (CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
North Londonderry Township Lebanon County Issued	PAC380031	GraePoint Evangelical Free Church P.O. Box 269 Palmyra, PA 17078	Killinger Creekj (TSF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
Salisbury Township Lancaster County Issued	PAC360184	Jai Jaliyan LLC 924 Hillcrest Drive Kinzers, PA 17535	UNT Pequea Creek (CWF/MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
East Petersburg Borough Lancaster County Issued	PAC360153	Donald Emich 6089 Parkridge Drive East Petersburg, PA 17520	UNT Pequea Creek (CWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Union Township Lebanon County Issued	PAC380056	Sam S. Sharma 2210 Eaglesmoor Lane Enola, PA 17025	Swatara Creek (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
Penn Township York County Issued	PAC670015	Beechwood Ventures, LLC 1500 Baltimore Street Hanover, PA 17331	Oil Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Conewago Township York County Issued	PAC670096	David Williamson 4601 Susquehanna Trail North York, PA 17406	Billion Run/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Springettsbury Township York County Issued	PAC670127	Timothy F. Pasch 2645 Carnegie Rd York, PA 17402	Kreutz Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Conewago Township York County Issued	PAC670102	Kinsley (Managing Partner) FT-LLLP Partnership Rick Fink 6259 Reynolds Mill Road Seven Valleys, PA 17360	Oak Run/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430

## NOTICES

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

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Loyalsock Twp, Lycoming Cnty	PAC410018	Lycoming Housing Authority 1941 Lincoln Drive Montoursville, PA 17754	West Branch Susquehanna River WWF, MF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake,  
Waterways and Wetlands Program Manager, 412-442-4000.*

<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>
Cambria Township	PAC110036	Skywater-Ebensburg, LLC One R. E. Michel Drive Glen Burnie, MD 21060	UNT South Branch Blacklick Creek (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
South Union Township	PAC260023	Kelly Piatti P.O. Box 1087 Uniontown, PA 15401	UNT to Redstone Creek (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
South Union Township	PAC260020	Brownfield Farms 59 Miller Avenue Uniontown, PA 15401	UNT to Redstone Creek (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
North Union Township	PAC260016	Null Land, Inc. 682 West Main Street Uniontown, PA 15401	Jennings Run (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Georges Township	PAC260014	Fairchance-Georges Joint Municipal Sewer Authority 141 Big Six Road Smithfield, PA 15478	Georges Creek/York Run (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
South Union Township	PAC260015	Cherry Tree Square Development, LLC 234 Pittsburgh Street Uniontown, PA 15401	UNT to Coal Lick Run (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Menallen Township	PAC260010	Robert Paull 788 New Salem Road Uniontown, PA 15401	Dunlap Creek (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Armstrong Township	PAC320021	PennDOT Engineering District 10-0 2550 Oakland Avenue Indiana, PA 15701	Curry Run (CWF); UNT to Curry Run (CWF)	Indiana County Conservation District 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Somerset Township	PAG02005616003	United Mobile Home Properties, Inc. 150 Clay Street Suite 450 Morgantown, WV 26501	UNT to East Branch of Coxes Creek (WWF)	Somerset Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652



*General Permit Type—PAG-13*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
North Apollo Borough Armstrong County	PAG136389	North Apollo Borough Armstrong County 1421 Leonard Avenue P.O. Box 501 North Apollo, PA 15673	Kiskiminetas River—18-B	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
California Borough Washington County	PAG136380	California Borough 225 3rd Street California, PA 15419-1131	Monongahela River 19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
North Fayette Township Allegheny County	PAG136267	North Fayette Township 400 North Branch Road Oakdale, PA 15071-1064	Half Crown Run, Unnamed Tributary to Robinson Run, Robinson Run, Unnamed Tributary to Montour Run, Unnamed Tributary to Fishing Run, and Montour Run—20-G and 20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Vanport Township Beaver County	PAG136144	Vanport Township 477 State Avenue Vanport, PA 15009-1536	Unnamed Tributary to Twomile Run, Twomile Run, Sixmile Run, and Unnamed Tributary to Ohio River—20-B	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Patterson Township Beaver County	PAG136289	Patterson Township 1600 19th Avenue Beaver Falls, PA 15010-5360	Beaver River, Brady Run, and Unnamed Tributary to Walnut Bottom Run—20-B	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Green Tree Borough Allegheny County	PAG136268	Green Tree Borough Allegheny County 10 West Manilla Avenue Pittsburgh, PA 15220-3310	Unnamed Tributary to Chartiers Creek, Unnamed Tributary to Yellow Creek, and Unnamed Tributary of Sawmill Run—20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Brighton Township Beaver County	PAG136159	Brighton Township 1300 Brighton Road Beaver, PA 15009-9238	Unnamed Tributary to South Branch Brady Run, Unnamed Tributary to Beaver River, Unnamed Tributary to Twomile Run, Twomile Run, Sixmile Run, Unnamed Tributary to Brady Run, Unnamed Tributary of Brady Run, Unnamed Tributary to Ohio River, Unnamed Tributary to Sixmile Run, Fourmile Run, and Unnamed Tributary of Ohio River—20-B	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Avalon Borough Allegheny County	PAG136151	Avalon Borough 640 California Avenue Pittsburgh, PA 15202-2499	Spruce Run and Ohio River—20-G	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Clarks Green Borough Lackawanna County	PAG132209	Clarks Green Borough 104 N. Abington Road Clarks Green, PA 18411	Unnamed Tributaries to Summit Lake Creek, and Unnamed Tributary to Ackerly Creek—5-A and 4-F	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 0616515**, Public Water Supply.  
Applicant **Reading Area Water Authority**

Municipality	Reading
County	<b>Berks</b>
Responsible Official	William Murray, Executive Director 1801 Kutztown Road Reading, PA 19604
Type of Facility	Rehabilitation of the 18th Ward Water Booster Station which will include upgrading the existing two pumps with new impellers and motors as well as installing a third pump. Additional work includes the installation of approximately 21,300 feet of water mainline which will allow the delivery of up to 2,500 gallons per minute to the proposed Birdsboro Power LLC facility.
Consulting Engineer	Thomas L. Weld Jr., PE BCM Engineers 920 Germantown Pike Plymouth, PA 19462
Permit to Construct Issued	2/28/2018
<b>Permit No. 3118501 MA, Minor Amendment</b> , Public Water Supply.	<b>Happy Trails Campground</b>
Applicant	Penn Township
Municipality	<b>Huntingdon</b>
County	Patrick J. Mulcahy, Jr., Engineer 227 Franklin Street Suite 300 Johnstown, PA 15901
Responsible Official	This project consists of the installation of approximately 70' of 12" diameter CW900 PVC pipe at Entry Point (EP) 101 that will provide additional contact time necessary to provide 4-Log treatment of viruses.
Type of Facility	

Consulting Engineer Stephen M. Sewalk, PE  
The EADS Group, Inc  
227 Franklin Street  
Suite 300  
Johnstown, PA 15901

Permit to Construct 2/28/2018  
Issued

**Comprehensive Operation Permit No. 7500010** issued to: **Orchard Hill Management, LLC (PWS ID No. 7500010)**, Carroll Township, **Perry County** on 2/28/2018 for the operation of facilities at Orchard Hill Mobile Home Park submitted under Application No. 7500010.

**Operation Permit No. 5015507** issued to: **Liverpool Municipal Authority (PWS ID No. 7500014)**, Liverpool Borough, **Perry County** on 3/2/2018 for facilities submitted under Application No. 5015507.

**Operation Permit No. 4418501 MA** issued to: **McVeytown Borough Authority (PWS ID No. 4440011)**, McVeytown Borough, **Mifflin County** on 3/2/2018 for facilities approved under Construction Permit No. 4418501 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. 1717503-MA—Operation—Public Water Supply.**

Applicant **Aqua Pennsylvania**  
Township/Borough Sandy Township  
County **Clearfield County**  
Responsible Official Mr. Patrick R. Burke  
Director of Operations Greater Pennsylvania  
Aqua Pennsylvania  
726 West Lancaster Avenue  
Bryn Mawr, PA 19010

Type of Facility Public Water Supply-Operation  
Consulting Engineer Robert Horvat  
Entech Engineering, Inc.  
400 Rouser Road  
Building 2, Suite 200  
Coraopolis, PA 15108

Permit Issued February 28, 2018  
Description of Action Authorizes operation of the sodium hypochlorite-based disinfection systems that have replaced gas chlorine-based disinfection systems at N-12, N-14 and N-32 Well Stations.

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

**Permit No. 3218501**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
800 West Hersheypark Drive  
Hershey, PA 17033

[Borough or Township] White Township  
County **Indiana**  
Type of Facility McHenry Hill water storage tank mixer

Consulting Engineer Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive  
Altoona, PA 16602

Permit to Construct March 5, 2018  
Issued

**Permit No. 3217527MA, Minor Amendment.** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
800 West Hersheypark Drive  
Hershey, PA 17033

[Borough or Township] White Township  
County **Indiana**  
Type of Facility McHenry Hill water storage tank  
Consulting Engineer Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive  
Altoona, PA 16602

Permit to Construct March 5, 2018  
Issued

**Permit No. 0317508MA, Minor Amendment.** Public Water Supply.

Applicant **Worthington-West Franklin Joint Municipal Authority**  
102 West Main Street  
Worthington, PA 16262

[Borough or Township] West Franklin Township  
County **Armstrong**  
Type of Facility Craigsville Waterline Extension Project  
Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
P.O. Box 853  
Latrobe, PA 15650

Permit to Construct March 5, 2018  
Issued

**Permit No. 0217545MA, Minor Amendment.** Public Water Supply.

Applicant **West View Water Authority**  
210 Perry Highway  
Pittsburgh, PA 15229

[Borough or Township] Neville Township  
County **Allegheny**  
Type of Facility North Shore High Service Pump # 3  
Consulting Engineer Bankson Engineers, Inc.  
Suite 200  
267 Blue Run Road  
Cheswick, PA 15024

Permit to Construct March 5, 2018  
Issued

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

**Permit No. 2017502**, Public Water Supply.

Applicant **Aqua Pennsylvania Inc.**  
Township or Borough Conneaut Lake Borough  
County **Crawford**

Type of Facility Public Water Supply  
 Consulting Engineer Robert L. Horvat, PE  
 Entech Engineering  
 400 Rouser Road, Suite 200  
 Coraopolis, PA 15108

Permit to Construct February 26, 2018  
 Issued

**Permit No. 1615501**, Public Water Supply.

Applicant **Corner Water Supply and Service**

Township or Borough Paint and Elk Townships

County **Clarion**

Type of Facility Public Water Supply

Consulting Engineer Gregory Rademacher, PG  
 Groundwater Resources  
 23074 Highway 198  
 Saegertown, PA 16433

Permit to Construct February 26, 2018  
 Issued

**Operation Permit** issued to **Pine Grove Township Waterworks, PWSID No. 6215501**, Pine Grove Township, **Warren County**. Permit Number 6215501 issued February 27, 2018 for the operation of the Well 2A and abandonment of Well No 2. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on February 7, 2018.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5).

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

##### Plan Location:

Borough or Township	Borough or Township Address	County
Hempfield Township	1132 Woodward Drive Greensburg, PA 15601	Westmoreland

*Plan Description:* The Plan provides for the Municipal Authority of Westmoreland County (MAWC) to establish a framework for addressing and eliminating existing and future domestic, commercial, industrial and sanitary sewage problems that exist in the service area that encompasses Southeastern Hempfield Township and Youngwood Borough. This plan proposes the abandonment of the Youngwood Borough Wastewater Treatment Facility, installing a flow equalization tank at the New Stanton Wastewater Treatment plant and upsizing various sewer interceptors.

## 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Preparatory Charter High School**, 1428 Point Breeze Avenue, City of Philadelphia, **Philadelphia County**. Andrew Basehoar, PG, TTI Environmental, 1253 North Church Street, Moorestown, NJ 08057 on behalf of Charles M. Pearsall, III, Friends of the Preparatory Charter School, 1928 Point Breeze Avenue, Philadelphia, PA 19145 submitted a Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Fancher Residence**, 1206 Linden Avenue, Lower Morefield Township, **Bucks County**. Sean M. Damon, Langan Engineering, P.O. Box 1569, Doylestown, PA 18901-0219 on behalf of Louis Fancher, 1206 Linden Avenue, Yardley, PA 19067-7430 submitted a Remedial Investigation Report/Final Report concerning remediation of site soil and groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Clermont Property**, 329 East Township Road, Franconia Township, **Bucks County**, Walter H. Hungartner, III, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Christopher R. Canavan Sr., Blecker Acquisitions, LP, 404 Sumneytown Pike, Suite 200, North Wales, PA 19454 submitted a Final Report concerning remediation of site soil contaminated with arsenic. The report is intended to document remediation of the site to meet the Site-Specific Standard.



**PA Turnpike/Parx Casino Fuel Oil**, 2786 Galloway Road, Bensalem Township, **Bucks County**. Kenneth North, Pennsylvania Turnpike Commission, 700 South Eisenhower Boulevard, Middletown, PA 17057 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**260 South Broad Street**, 260 South Broad, City of Philadelphia, **Philadelphia County**. Stephan D. Bower, PG, Environmental Standards Inc., 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482-0810 on behalf of Sarina Rose, Post 260 Property Owner, LLC, P.O. 44131, Philadelphia, PA 19144 submitted a Remedial Investigation/Cleanup Plan concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Flamer Residence**, 553 East Chestnut Street, City of Coatesville, **Chester County**. Andrew Markoski, Patriot Environmental Management, LLC, 21 Unionville Road, P.O. Box 629, Douglasville, PA 19518 on behalf of Gregory Woerth, Whitlock and Woerth, Inc., 1220 Georgetown Road, Christiana, PA 17509 submitted a Final Report concerning remediation of site soil contaminated with fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**200 Welsh Road**, 200 Welsh Road, Horsham Township, **Montgomery County**. Paul Martino, PG, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103 on behalf of Dr. Eric Rieders, Maryland Avenue Holdings, LLC, 900 Hill Road, P.O. Box 456, Rushland, PA 18956 submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Rohm & Haas Company-WWTP Bristol Plant**, 200 Route 23, Bristol Township, **Bucks County**. David J. Kistner, AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428 on behalf of Robert L. Caselberry, Rohm and Haas Company, 310 George Paterson Boulevard, Bristol, PA 19007 submitted a Remedial Investigation Report/Cleanup Plan and Final Report concerning remediation VOCs, SVOCs, and metals in groundwater. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Alumax Mill Products—Linpar Release Area**, 1480 Manheim Pike, Lancaster, PA 17604-3167, Manheim Township, **Lancaster County**. Tetra Tech, 661 Andersen Drive, Foster Plaza 7, Pittsburgh, PA 15220-2745, on behalf of Alumax Mill Products, 1480 Manheim Pike, Lancaster, PA 17604-3167, submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with Linpar Cold Rolling Oil. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Flagship Cargo Line MO Spill**, PA Turnpike MM 202.3 Eastbound and 89 Stoney Lane, Newburgh, PA 17240, Hopewell Township, **Cumberland County**. McCutcheon Enterprises, Inc., 250 Park Road, Apollo, PA 15613, on behalf of PA Turnpike Commission, 700 Eisenhower Boulevard, Middletown, PA 17106-7676, and Steven Nehf, 89 Stoney Lane, Newburgh, PA 17240 submitted a Final Report concerning remediation of site soil

contaminated with motor oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

**Old Way Logistics, LLC Diesel Release I-80 at MM 217W**, Liberty Township, **Montour County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Old Way Logistics, LLC, 4547 Green Park Road, St. Louis, MO 63123, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of site to meet the Statewide Health Standard.

**Milton Area High School**, 700 Mahoney Street, Milton Borough, **Northumberland County**. Penn Recycling, Inc., 2525 Trenton Avenue, P.O. Box 3514, Williamsport, PA 17701, on behalf of Mid-State Trading Co., 2525 Trenton Avenue, Williamsport, PA 17701, has submitted a Final Report concerning remediation of site soil contaminated with hydraulic fluid. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Snyder Fuels Release**, PA Route 147 and Brush Valley Road, Upper Augusta Township, **Northumberland County**. LaBella Associates, PC, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Snyder Fuels, Inc., P.O. Box 191, Sunbury, PA 17801, has submitted a Final Report—Addendum 1 concerning remediation of site soil and groundwater contaminated with diesel fuel and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**SWN, LLC T1 04 Lepley Pad**, Milk Plant Drive, Liberty Township, **Tioga County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of SWN Production Company, LLC, 917 SR 92 North, Tunkhannock, PA 18657, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**United Brass Works, Inc.**, 944 West 12th Street, City of Erie, **Erie County**. ECS Mid-Atlantic, LLC, 56 Grumbacher Road, Suite D, York, PA 17406, on behalf of United Brass Works, Inc., 714 South Main Street, Randleman, NC 27317 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan/Final Report concerning the remediation of site soil contaminated with antimony, cadmium, lead, tetrachloroethylene and site groundwater contaminated with arsenic, benzo[a]pyrene, benzo[g,h,i]perylene, lead, tetrachloroethylene, and vinyl chloride. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**ANC**, 1400 Byberry Road, Lower Moreland Township, **Montgomery County**. Mark Fortna, DelVal Soil & Environmental Consultants, Inc., 4050 Skyron Drive, Doylestown, PA 18902 on behalf of Michael A. Downs, PE, Toll Brothers, Inc., 250 Gibraltar Road, Horsham, PA 19044 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with PAHs. The Report was approved by the Department on February 2, 2018.

**Global Advanced Metals USA Inc.**, 650 County Line Road, Douglas Township, **Montgomery County**. Kevin Frysinger, Environmental Standards Inc., 1140 Valley Road, Valley Forge, PA 19482 on behalf of Joseph Atkinson, Global Advanced Metals USA, Inc., 650 County Line Road, Boyertown, PA 19512 submitted a Final Report concerning the remediation of site groundwater

contaminated with VOCs. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on February 1, 2018.

**Fort Washington MGP Site**, 4432 Pennsylvania Avenue, Whitmarsh Township, **Montgomery County**. Brendan Moran, Kleinfelder, Inc., 180 Sheree Boulevard, Suite 3800, Exton, PA 19341 on behalf of Peter Farrand, Sr., PECO Energy Company, 2301 Market Street, S7-2, Philadelphia, PA 19103 submitted a Final Report concerning the remediation of site soil contaminated with PAHs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 1, 2018.

**Acme**, Starr Street & Nutt Road, Phoenixville Borough, **Chester County**. Michael S. Welsh, PE, Welsh Environmental Inc., 131 Clearview Drive, Downingtown, PA 19335 on behalf of Adam Loew, P-Ville Associates, LP, 55 County Club Drive, Downingtown, PA 19335 submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with tetrachloroethylene. The Report was disapproved by the Department on February 8, 2018.

**Hurford Residence**, 201 Pineville Road, Wrightstown Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pottsville, PA 18073 on behalf of Stephanie Price, Amica, 520 Fellowship Road, Suite E-506, Mt. Laurel, PA 08054 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 19, 2018.

**Regency Apartments**, 13 Iven Avenue, Radnor Township, **Delaware County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Patrick Barton, Apartment Management, LLC, 116 North Swarthmore Avenue, Suite 1, Ridley, PA 19078 submitted a Final Report concerning the remediation of site soil contaminated with petroleum. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 6, 2018.

**Central Penn Capital Management**, 1247 Ward Avenue, West Chester Township, **Chester County**. Paul Nachlas, PG, Independence Environmental Consulting, Inc., 1750 Kaylor Road, Hummelstown, PA 17036 on behalf of Gregory K. Millen, Central Penn Capital Management, 1817 Old Homestead Lane, Lancaster, PA 17610 submitted a Remedial Investigation Report/Final Report concerning the remediation of site soil and groundwater contaminated with aviation fuel. The Report was disapproved by the Department on January 31, 2018.

**Eggert Residence**, 545 Hallowell Avenue, Warminster Township, **Bucks County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Linda Eggert, 545 Hallowell Avenue, Warminster, PA 18974 submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 25, 2018.

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

**Gabriel Property**, 147 Morris Avenue, Scranton City, **Lackawanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Michael



Gabriel, 147 Morris Avenue, Scranton, PA 18504, submitted a Final Report concerning remediation of site soils contaminated with kerosene. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on February 28, 2018.

**Bethlehem Commerce Center Site—Lot 88**, 1005 Harvard Avenue, Bethlehem City, **Northampton County**. HDR Engineering, Inc., 1720 Spillman Drive, Bethlehem, PA 18015, on behalf of Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Bethlehem, PA 18015, submitted a Site-Specific final report concerning remediation of site soils contaminated with historical fill. The report documented remediation of the site to meet the Site-Specific Standard and was approved by the Department on February 26, 2018.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Antonio Randazzo Heating Oil Release**, 179, 187 & 197 South Main Street, Yoe, PA 17313, Yoe Borough, **York County**. ECS Mid-Atlantic, LLC, 56 Grumbacher Road, Suite D, York, PA 17406, on behalf of F&R Romas, LLC, 970 Castle Pond Drive, York, PA 17402, submitted a Final Report concerning remediation of site soil and groundwater contaminated with heating oil released from an aboveground storage tank. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard, and was disapproved by the Department on March 2, 2018.

**Walker Elementary School**, 7864 William Penn Highway, Mifflintown, PA 17059, Walker Township, **Juniata County**. P. Joseph Lehman, Inc., Olde Farm Office Centre, P.O. Box 419, Hollidaysburg, PA 16648, on behalf of Juniata County School District, 7864 William Penn Highway, Mifflintown, PA 17059, submitted a Final Report concerning remediation of groundwater contaminated with # 2 fuel oil. The Final Report was administratively incomplete and was disapproved by the Department on March 5, 2018.

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

**Harry BRA Pad**, 12101 U.S. Route 6, West Burlington Township, **Bradford County**. Leidos, Inc., 6310 Allentown Blvd, Suite 110, Harrisburg, PA 17112, on behalf of Chesapeake Appalachia, LLC, 300 N. 2nd Street, 5th Floor, Harrisburg, PA 17101, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report demonstrated attainment of the Background and Statewide Health Standards and was approved by the Department on February 28, 2018.

**SWN Production Company, LLC GU H—Robinson Ferguson—Pad**, 2359 Anderson Road, Stevensville, Stevens Township, **Bradford County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, has submitted a Final Report concerning remediation of site soil contaminated with methanol. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 1, 2018.

**SWN Production Company, LLC GU 2—Cooley—Pad**, 557 Cooley Road, Wyalusing, Orwell Township, **Bradford County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company, LLC, 917 State

Route 92 North, Tunkhannock, PA 18657, has submitted a Final Report concerning remediation of site soil contaminated with methanol. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 1, 2018.

**Old Way Logistics, LLC Diesel Release I-80 at MM 217W**, Liberty Township, **Montour County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Old Way Logistics, LLC, 4547 Green Park Road, St. Louis, MO 63123, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report demonstrated of the Statewide Health Standard and was approved by the Department on March 1, 2018.

**Leighow Oil Company Tanker Spill**, Intersection of State Route 11 and State Route 15, Shamokin Dam Borough, **Snyder County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Leighow Oil Company, 118 Eyer Road, Danville, PA 17821 has submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 27, 2018.

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

**United Brass Works, Inc.**, 944 West 12th Street, City of Erie, **Erie County**. ECS Mid-Atlantic, LLC, 56 Grumbacher Road, Suite D, York, PA 17406, on behalf of United Brass Works, Inc., 714 South Main Street, Randleman, NC 27317 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan/Final Report concerning the remediation of site soil contaminated with antimony, cadmium, lead, tetrachloroethylene and site groundwater contaminated with arsenic, benzo[a]pyrene, benzo[g,h,i]perylene, lead, tetrachloroethylene, and vinyl chloride. The Report was disapproved by the Department on March 1, 2018.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

*Hazardous Waste Transporter License Reissued*

**Active Environmental Technologies, Inc.**, 203 Pine Street, Mount Holly, NJ 08060. License No. PA-AH 0840. Effective Feb. 28, 2018.

**Clean Earth of North Jersey, Inc.**, 115 Jacobus Avenue, South Kearny, NJ 07032. License No. PA-AH 0797. Effective Mar. 05, 2018.

**Tradebe Treatment and Recycling Northeast, LLC, dba Tradebe Transportation, LLC**, 47 Gracey Avenue, Meriden, CT 06451. License No. PA-AH 0378. Effective Feb. 28, 2018.

*Renewal Applications Received*

**Active Environmental Technologies, Inc.**, 203 Pine Street, Mount Holly, NJ 08060. License No. PA-AH 0840. Effective Feb. 28, 2018.

**Clean Earth of North Jersey, Inc.**, 115 Jacobus Avenue, South Kearny, NJ 07032. License No. PA-AH 0797. Effective Mar. 05, 2018.

**Tradebe Treatment and Recycling Northeast, LLC, dba Tradebe Transportation, LLC**, 47 Gracey Avenue, Meriden, CT 06451. License No. PA-AH 0378. Effective Feb. 28, 2018.

**REGULATED MEDICAL AND  
CHEMOTHERAPEUTIC WASTE TRANSPORTER  
LICENSES**

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

*Regulated Medical and Chemotherapeutic Waste Transporter Reissued*

**Environmental Waste Minimization, Inc.**, 14 Brick Kiln Court, Northampton, PA 18067. License No. PA-HC 0219. Effective Feb. 26, 2018.

**MUNICIPAL WASTE GENERAL PERMITS**

**Permit(s) Issued Under the Solid Waste Management Act; 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.**

*Northwest Regional Office: 230 Chestnut Street, Meadville, PA 16335.*

**General Permit Application No. WMGM043, Program I.D. WMGM043NW004, TC Recycling, LLC**, 120 Hutchman Road, Mars, PA 16046. On March 1, 2018 the Department issued coverage under General Permit WMGM043 to provide for acceptance, transfer, and processing prior to beneficial use of construction and demolition waste materials. The permitted processing is limited to: a) sorting, screening, and/or shredding of unpainted and untreated natural wood waste, b) sorting, screening, and/or crushing of stone, brick, block, and concrete, and c) sorting and screening of cardboard, gypsum board, asphalt shingles, particle board, plastic, scrap metal, and glass. The Determination of Applicability was received by the Department on September 7, 2017.

**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; 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.**

*Northwest Regional Office: 230 Chestnut Street, Meadville, PA 16335.*

**General Permit Application No. WMGR081, Program I.D. WMGR081NW002, TC Recycling, LLC**, 120 Hutchman Road, Mars, PA 16046. On March 1, 2018, the Department issued coverage under General Permit WMGR081 to provide for processing by disassembling, mechanical processing (by sizing, shaping, separating and volume reduction only), and associated storage prior to

reuse or recycling at the processing or transfer facility, of uncontaminated and source-separated electronic devices. The Determination of Applicability was received by the Department on September 27, 2017.

**REGISTRATION FOR RESIDUAL WASTE  
GENERAL PERMITS**

**Renewal of a Registration issued under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Southcentral Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGR025SC003. Darrel L. Ebersole, dba Rocky Village Compost**, 245 Village Road, Lebanon, PA 17042 in North Cornwall Township, Lebanon County. The Department of Environmental Protection has issued the renewal of a registration under General Permit WMGR025 to Darrel L. Ebersole, dba Rocky Village Compost. This general permit authorizes the composting and beneficial use of the following categories of source-separated wastes: agricultural waste other than mortalities, butcher waste other than whole carcass, food processing waste, pre-consumer and post-consumer food residuals, yard waste, land clearing and grubbing material, untreated wood waste, gypsum wallboard, paper, cardboard, waxed cardboard, virgin paper mill sludge and spent mushroom substrate. This registration was issued on March 1, 2018.

Persons interested in reviewing the general permit may contact John Oren, Permits Section Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**GP3-15-0078: Allan Myers, L.P.** (638 Lancaster Avenue, Malvern, PA 19355) On March 6, 2018 for a portable nonmetallic mineral processing plant and crusher in Charlestown Township, **Chester County**.

**GP11-15-0011: Allan Myers, L.P.** (638 Lancaster Avenue, Malvern, PA 19355) On March 6, 2018 for four diesel-fired non-road engines associated with a portable nonmetallic mineral processing plant and crusher in Charlestown Township, **Chester County**.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*



**GP1-36-05134A: Eurofins Lancaster Laboratories, Inc.** (2425 New Holland Pike, Lancaster, PA 17601) on February 28, 2018, for two new natural gas-fired boilers, 11.7 MMBtu each, under GP1, at the environmental laboratory facility located in Upper Leacock Township, **Lancaster County**.

**GP1-31-05021A: PA Dept. of Corrections** (1100 Pike Street, Huntingdon, PA 16654-1112) on February 27, 2018, for a new 31.4 MMBtu, No. 2 oil-fired boiler, under GP1, at the Huntingdon State Correctional Institution located in Smithfield Township, **Huntingdon County**.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**GP5-16-153C: Snyder Brothers—Truitt Station** (90 Glade Dr., P.O. Box 1022, Kittanning, PA 16201) on March 1, 2018, for the authority to continue operation for a 215-brake horse power (bhp) compressor engine, a 0.2 MMBtu/hr dehydrator, and four process storage tanks. (BAQ-GPS/GP5) located at their facility in Redbank Township, **Clarion County**.

**GP5-20-257C: Range Resources Appalachia, LLC—Lippert Station** (100 Throckmorton St., Suite 1200, Fort Worth, Texas 76102) on March 1, 2018, for the authority to operate One Lean burn, 4 stroke natural gas compressor engine, One Smith Natural Gas Dehydrator, Four water storage tanks, One oil storage tank and facility fugitive emissions. (BAQ-GPS/GP5) located at their facility in East Fairfield Township, **Crawford County**.

**GP2-20-288B: Suburban Heating Oil Partners** (2440 Dairy Rd., Lancaster, PA 17601) on February 21, 2018, for the authority to operate a 20,000 gallon gasoline storage tank (BAQ-GPS/GP2) located at their facility in Hayfield Township, **Crawford County**.

**GP5-61-195C: Range Resources Appalachia LLC—Haslett Compressor Station** (3000 Town Center Blvd., Canonsburg, PA 15317) on March 1, 2018, for the reauthorization with no modification to their existing Natural Gas Production Facility permit. (BAQ-GPS/GP5) located at their facility in Jackson Township, **Venango County**.

**GP5-62-155C: Enervest Operating—Lamoree Compressor Station** (300 Capitol St., Suite 200, Charleston, WV 25301) on February 27, 2018, for the authority to operate a natural gas fired compressor engine (Caterpillar G3516 LE), glycol dehydrator, and associated storage tank (BAQ-GPS/GP5) located at their facility in Eldred Township, **Warren 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.**

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

*Contact: Alan Binder, PE, Environmental Engineer Manager—Telephone: 412-442-4168.*

**03-00125: Peoples Natural Gas Company, LLC** (1201 Pitt St., Pittsburgh, PA 15221-2029) On February 22, 2018, the Department of Environmental Protection issued Air Quality Plan Approval # PA-03-00125 to allow the construction and initial temporary operation of a natural gas-fired, 4-stroke ultra-lean burn, Caterpillar Model No. G3606TALEI compressor engine rated at 1,775

bhp as a permanent replacement for Source 103 which was decommissioned and removed from service in 2016 at the Valley Compressor Station located in Cowanshannock Township, **Armstrong County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

*Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.*

**46-0026I: Global Packaging Inc.** (209 Brower Avenue, Oaks, PA 19456) On March 2, 2017 for the installation of a regenerative thermal oxidizer in Upper Providence Township, **Montgomery County**.

**23-0119D: Sunoco Partners MKT & Term LP** (100 Green Street, Marcus Hook, PA 19061-4800) On February 26, 2018 to install four (4) new cryogenic storage tanks for the storage of liquid ethane, butane, and propane addition installations include necessary piping components, in Marcus Hook, **Delaware County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-05001M: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547) on February 28, 2018, for the replacement/installation of various control devices and equipment on the Prime and Intermediate Line (Source ID 251) and the Tile Finishing Line (Source ID 504) to improve plant hygiene, at the ceiling tile manufacturing facility in East Donegal Township, **Lancaster County**. Specifically, the following items will occur during the project: 1) the replacement of the existing 20,000 cfm internally vented baghouse (Control ID C85) & the 35,000 cfm externally vented baghouse (Control ID D03) with two (2) externally vented 50,000 cfm baghouses, 2) the temporary exhausting of Control ID C85 to the outdoor atmosphere, 3) the installation of four (4) air-knives and additional hoods/pickup points, 4) the replacement of roller conveyors with belt conveyors, 5) the replacement of the existing receiver baghouse with an 830 cfm baghouse, & 6) the replacement of the vacuum feeder stacker and a slice feeder (each equipped with an internally vented fabric filter) with a vacuum stacker and a vacuum feeder both controlled by a 7,063 cfm externally vented baghouse. The plan approval was extended.

**36-05158A: Perdue AgriBusiness, LLC** (P.O. Box 1537, Salisbury, MD 21802-1537) on February 28, 2018, for the construction and temporary operation of a grain elevator and a soybean oil extraction facility in Conoy Township, **Lancaster County**. The plan approval was extended.

**31-05022A: AC Products, Inc., Mt Union Plant** (12393 William Penn Highway, Thompsontown, PA 17094-8649) on February 27, 2018, for a new cabinet manufacturing facility including three automated spray lines and six auxiliary spray booths with hot water heaters/ovens, located in Shirley Township, **Huntingdon County**. The plan approval was extended, with a compliance schedule.

**67-05005J: Brunner Island, LLC** (835 Hamilton Street, Suite 150, Allentown, PA 18101-2400) on February

27, 2018, for the addition of contingent annual NO<sub>x</sub> emission limits (TPY = tons during any consecutive 12-month period) at the Brunner Island Steam Electric Station located in East Manchester Township, **York County**. The plan approval was extended.

**67-05004T P.H. Glatfelter Company** (228 South Main Street, PA 17362) on February 27, 2018, for the pulp and paper manufacturing facility located in the Spring Grove Borough, **York County**. The plan approval revises the selected continuous monitoring option in Plan Approval 67-05004S regarding the 40 CFR Part 63 Subpart DDDDD (Boiler MACT) Hydrogen Chloride (HCL) emission limit for Power Boiler Number 5. 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.*

**47-309-001A: United States Gypsum Company** (60 PPL Road, Danville, PA 17821) extended the authorization an additional 180 days from February 26, 2018 to August 25, 2018, to permit continued operation of the synthetic gypsum truck and railcar unloading operations that are located at their Washingtonville Plant facility in Derry Township, **Montour County** pending issuance of an operating permit. The plan approval has been extended.

**59-00008C: Tennessee Gas Pipeline Company LLC** (1001 Louisiana Street, Houston, TX 77002) extended the authorization an additional 180 days from March 4, 2018 through August 31, 2018, to allow operation of the compressor turbine under plan approval pending issuance of an operating permit. The source is in Charleston Township, **Tioga County**. The plan approval has been extended.

**19-00028A: White Pines Corp.** (515 State Route 442, Millville, PA 17846) on February 28, 2018, to extend the authorization an additional 180 days until September 8, 2018, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the facility in Pine Township, **Columbia County**. The extension authorization allows continued leachate pretreatment operation at the facility. The plan approval has been extended.

**17-00063D: Pennsylvania Grain Processing, LLC** (250 Technology Drive, Clearfield, PA 16830) on February 28, 2018, to extend the authorization an additional 180 days until August 28, 2018, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the grain storage silos located in Clearfield Borough, **Clearfield County**. The plan approval has been extended.

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

*Contact: Alan Binder, PE, Environmental Engineer Manager—Telephone: 412-442-4168.*

**04-00741A: ETC Northeast Field Services, LLC** (6051 Wallace Road Ext, Suite 300, Wexford, PA 15090) On February 21, 2018, to allow continued temporary operation and completion of construction of the sources authorized at the Pike Compressor Station located in New Sewickley Township, **Beaver County**.

**26-00597A: Bullsken Stone & Lime, LLC** (117 Marcia Street, Latrobe, PA 15650) On February 21, 2018, for the

continued operation of a stationary nonmetallic mineral processing plant at the existing Bullsken No. 1 Mine located in Bullsken Township, **Fayette County**.

**32-00230B: Texas Eastern Transmission, L.P.** (P.O. Box 1642, Houston, TX 77251) plan approval extension effective on February 28, 2017, with expiration on August 28, 2018, for continued temporary operation of air contamination sources and controls at its Armagh Compressor Station located in West Wheatfield Township, **Indiana County**.

**30-00072E: Consol Pennsylvania Coal Company, LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) plan approval extension effective on February 28, 2017, with expiration on August 28, 2018, for continued temporary operation of air contamination sources and controls associated with the Crabapple Overland Conveyor located in Richhill Township, **Greene County**.

**30-00195A: Equitrans, LP** (625 Liberty Avenue, Suite 1700 EQT Plaza, Pittsburgh, PA 15222) Plan Approval Extension effective on February 28, 2017, with expiration on August 28, 2018, for continued temporary operation of air contamination sources and controls at the Jefferson Compressor Station located in Jefferson Township, **Greene County**.

**65-00983A: Dominion Energy Transmission, Inc.** (5000 Dominion Boulevard, Glenn Allen, VA 23060) plan approval extension effective on February 28, 2017, with expiration on August 28, 2018, for continued temporary operation of air contamination sources and controls at the Rock Springs Compressor Station located in Salem Township, **Westmoreland County**.

**03-00975C: Armstrong Power, LLC** (2313 State Route 156, Shelocta, PA 15774-3005) plan approval extension effective on February 28, 2017, with expiration on August 28, 2018, for continued temporary operation of air contamination sources and controls at the Armstrong Power Electric Generating Station, located in South Bend Township, **Armstrong County**.

**63-00549A: Arden Landfill, Inc.** (100 Rangos Lane, Washington, PA 15301) on February 27, 2018, to extend the temporary operation period for the landfill gas renewable energy facility at the Arden Landfill located in Chartiers Township, **Washington County**. The new expiration date is August 28, 2018.

**11-00533A: Starprint Publications, Inc.** (722 Dulancey Drive, Portage, PA 15946) Extension effective February 28, 2018, to extend the period of temporary operation of three heatset web offset lithographic printing presses and one catalytic oxidizer control device authorized under PA-11-00533A at the Starprint printing facility located in Portage Borough, **Cambria County**.

**63-00969A: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) Extension effective February 28, 2018, to extend the period of temporary operation of eight rich-burn natural gas-fired compressor engines rated at 1,980 bhp each and controlled by three-way catalysts authorized under PA-63-00969A at the Three Brothers Compressor Station located in Smith Township, **Washington County**.

**11-00356E: Equitrans, LP** (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on March 03, 2018, plan approval extension issued for 180 days to facilitate the shake-down of sources and controls at their Laurel Ridge/Rager Mountain Compressor Station located in Jackson Township, **Cambria County**.



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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**43-363A: Pennex Aluminum Company** (93 Werner Road, Greenville, PA 16125-9499) on February 23, 2018 has issued a plan approval extension for the operation of two (2) melting furnaces, a hold furnace, two (2) homogenizing furnaces, and three (3) billet saws until August 31, 2018. This facility located in Sugar Grove Township, **Mercer County**.

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**Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.**

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**25-00092: Noram Seating** (18 Market Street, Union City, PA 16438-1327) on March 2, 2018, the Department revoked the permit for the facility located in Union City Borough, **Erie County**. This Operating Permit was revoked because the facility no longer needs an operating permit. The sources are exempt from plan approval and the actual emissions are less than operating permit thresholds.

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

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

*Contact: Norman Frederick, PE, Environmental Engineer Manager—Telephone: 570-826-2409.*

**35-00002: PEI Power Corp., Archbald Power Station** (P.O. Box 157, 170 Power Blvd., Archbald, PA 18403-0157). On March 6, 2018, the Department issued a renewal Title V Operating Permit for transmission and utilities electric services operations in Archbald Borough, **Lackawanna County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G.

The main sources at this facility consist of boilers and turbines. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The Title V Operating Permit includes emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**61-00198: Handsome Lake Energy** (1 Industrial Highway, Eddystone, PA 19022-1524). The Department on February 27, 2018 issued a renewal of the Title V Permit to the electrical power generation facility in Rockland Township, **Venango County**.

The major sources at this facility are ten (10) Combustion Turbine Engines used to power generators that

produce electricity. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's inclusion in the NO<sub>x</sub> Budget Program. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

The Combustion Turbines at this facility are subject to the requirements of the Clean Air Interstate Rule (CAIR) identified 40 CFR Part 97. The sources are also subject to the Cross-State Air Pollution Regulations of 40 CFR Part 97 and the Acid Rain Permit Program. The permit contains the requirements of Plan Approval 61-198A and 61-198B including the Best Available Technology requirements and the requirements of the Standards of Performance for Stationary Gas Turbines (40 CFR 60 Subpart GG).

The potential emissions from this facility are: 95.0 TPY (tons per year)—NO<sub>x</sub>, 72.4 TPY—CO, 13.1 TPY—PM<sub>10</sub>, 9.0 TPY—VOCs, and 3.1 TPY—SO<sub>x</sub>.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

*Contact: Norman Frederick, PE, Environmental Engineer Manager—Telephone: 570-826-2409.*

**40-00122: Leggett & Platt, Inc., LPCC Berwick** (515 Salem Blvd., Berwick, PA 18603-6459). On February 27, 2018, the Department issued a renewal State-Only (Synthetic Minor) Permit for the cushions, carpet and rug, urethane, and other foam plastics (except polystyrene) manufacturing facility located in Salem Township, **Luzerne County**. The main sources at this facility consist of miscellaneous combustion units and a foam processing & handling operation. The control devices consist of a baghouse. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**24-00161: Greentree Landfill Gas Company** (1925 Isaac Newton Square, Suite 280, Reston, VA 20190-5024). On February 27, 2018, the Department issued a State Only operating permit for the Greentree Booster Compressor Brockway Station located in Horton Township, **Elk County**. The sources at the facility are two Caterpillar Model G3512LE engines rated at 1,004 bhp at 1,400 RPM, each equipped with a catalyst and an emergency generator. The facility is a Natural Minor. The conditions of the previous plan approval are incorporated into the new permit. The potential emissions from the facility are as follows: 3.73 TPY CO, 39.83 TPY NO<sub>x</sub>, 0.72 TPY M, 0.04 TPY SO<sub>x</sub>, 3.21 TPY VOC, and 1.5 TPY formaldehyde. Engine # 1 and # 2 are subject to 40 CFR 63 Subpart ZZZZ pertaining to the NESHAPs for Stationary Reciprocating Internal Combustion Engines. The permit contains emission restrictions, recordkeeping, work prac-

tice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**33-00116: MacDonald & Owen Lumber Co.** (11424 Route 36, Brookville, PA 15825-8656), on February 27, 2018, the Department issued the renewal of the State-Only Operating Permit of a kiln-drying lumber facility located in Rose Township, **Jefferson County**. Permitted sources at the facility are wood-fired boilers, natural gas-fired boilers, wood-drying kilns, and planning operations. With PTEs of 43.25, 28.93, 22.92, 4.42, and 1.25 TPY for CO, NO<sub>x</sub>, PM, VOC, and SO<sub>x</sub>, respectively, the facility is Natural Minor. The wood-fired boilers are subject to 40 CFR 63 Subpart JJJJJJ pertaining to National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. Deactivated in 2010 and removed from the operating permit in 2013, two natural gas-fired boilers, exempt from plan approval pursuant to 25 Pa. Code § 127.14(a)(3), were reactivated in 2015 and 2016. In this renewal, changes in the operating permit include the incorporation of the reactivated natural gas-fired boilers, the removal of a discontinued source (i.e., grinding operations), and the update of 40 CFR 63 Subpart JJJJJJ.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9476.*

**V14-015: The Children's Hospital of Philadelphia** (34th Street and Civic Center Boulevard, Philadelphia, PA 19104) for the operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include nine 800 HP boilers burning No. 2 Oil and natural gas, three 500 HP boilers burning No. 2 Oil and natural gas, one 250 HP boiler burning No. 2 Oil and natural gas, four 1,085 HP peak-shaving generators burning natural gas with four oxidation catalysts, one 536 HP emergency generator burning No. 2 Oil, two 2,168 HP emergency generators burning No. 2 Oil, three 2,000 kW emergency generators burning No. 2 Oil with three diesel oxidation catalysts, one 600 kW emergency generator burning No. 2 Oil, six 2,000 kW emergency generators burning No. 2 Oil, one 910 kW emergency generator burning No. 2 Oil, one 1,027 HP emergency generator burning No. 2 Oil, and one 90 kW fire pump burning No. 2 Oil.

**S14-018: Philadelphia University** (4201 Henry Lane, Philadelphia, PA 19144) for the operation of a university in the City of Philadelphia, **Philadelphia County** and to incorporate a responsible official change. The facility's air emission sources include twenty five (25) combustion units each firing natural gas and rated 1.7 MMBtu/hr or less, five (5) combustion units each firing No. 2 fuel oil and rated 1.6 MMBtu/hr or less, sixteen (16) combustion units each firing No. 2 fuel oil or natural gas and rated 5.3 MMBtu/hr or less, and four (4) diesel fueled emergency generators each rated 450 kW or less.

**OP17-000033: Jerith Manufacturing Company, Inc.** (14400 McNulty Road, Philadelphia, PA 19154) for the operation of an aluminum fencing manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) burners for parts washers at 4.8, 4.8, and 1.2 MMBtu/hr burning natural gas, six (6) drying/curing ovens at 5.4, 4.8, 2.88, 1.08, 0.84, and 0.84 MMBtu/hr burning natural gas, three (3) heat cleaning furnace with afterburner at 1.2, 1.2, and 0.29 MMBtu/hr or less burning natural gas, and three (3) warm air furnaces each 2.1 MMBtu/hr burning natural gas.

**OP17-000021: Cintas Corporation** (10080 Sandmeyer Lane, Philadelphia, PA 19116) for installation of seven (7) washers each with a capacity of 500 lbs/batch, four (4) dryers 500lb/batch and 2.8 MMBtu/hr each firing natural gas, one 155 lbs/batch and 2.8 MMBtu/hr pony dryer firing natural gas, a waste water treatment, a 1.5 MMBtu/hr Steam Tunnel firing natural gas, and a 8.3 MMBtu/hr boiler firing natural gas.

**OP17-000012: Girard College Power Plant** (2101 S. College Avenue, Philadelphia, PA 19121) for the operation of a school in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) 744 HP boilers that can burn No 2 fuel oil or natural gas and one (1) 300 HP boiler that can burn No. 2 fuel oil or natural gas.

**OP17-000009: SJA Construction Inc.** (3600 26th Street, Philadelphia, PA 19145) for the operation of a concrete plant facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two cement bins, a mixer, a baghouse, and a 200 tons/hour electric powered impact crusher.

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**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.**

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

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

**15-00086: Darling Ingredients Inc., dba Bakery Feeds** (97 Westbrook Drive, Honey Brook, PA 19344) On March 6, 2018 for the incorporation of plan approval 15-0086B for an increase in the allowable emissions of carbon monoxide from the rotary dryer with biomass burner into the State Only Operating Permit for this facility located in Honeybrook Township, **Chester County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-05152: Kellogg USA, Inc.** (2050 State Road, Caller Box 3006, Lancaster, PA 17604) on February 27, 2018, for the breakfast cereal manufacturing facility located in East Hempfield Township, **Lancaster County**. The State-only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 36-05152E.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**05-05006: Columbia Gas Transmission, LLC** (1700 MacCorkle Avenue SE, Charleston, WV 25314). Pursuant to 25 Pa. Code § 127.449(i), this *PA Bulletin* notice is for a de minimis emissions increase of 0.0034 TPY VOC



resulting from an existing 10,000 gallon-capacity wastewater storage tank (A15) as well as the construction of a new 10,000 gallon-capacity wastewater storage tank (A16) at its Artemas Compressor Station located in Mann Township, **Bedford County**. This is the second de minimis emissions increase event at the facility during the term of the current operating permit.

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

*Contact: Dave Balog, New Source Review Chief or Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6340.*

Date	Source	PM <sub>10</sub> (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
2-28-2018	Stand-alone Spray Booth	0.09	-	-	0.018	-
Total Reported Increases		0.09	-	-	0.018	-
Allowable		0.6 ton/source 3 tons/facility	1.6 ton/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/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

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

**32803712 and NPDES No. PA0092142. Consol Mining Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To renew the permit for the Lewisville Recovery Plant in Young and Blacklick Townships, **Indiana County**. No additional discharges. The application was considered administratively complete on April 14, 2016. Application received: September 16, 2015. Permit issued: February 26, 2018.

**32841302 and NPDES No. PA0007803. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Greenwich North # 1/South # 2 Mine in Green and Montgomery Townships, **Indiana County** and Susquehanna Township, **Cambria County**. No additional discharges. The application was considered administratively complete on June 8, 2016. Application received: December 21, 2015. Permit issued: February 27, 2018.

**62-00032: Ellwood National Forge** (One Front Street, Irvine, PA 16329) for its facility located in Brokenstraw Township, **Warren County**. The De minimis emission increases are for the installation of a Stand-alone Spray Booth. This source is exempt from plan approval as it complies with 25 Pa. Code § 127.449.

The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This is the first De minimis emission increase since the facility current Operating Permit issuance on January 30, 2018.

### Noncoal Permits Issued

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

**PAM418010-GP104. Troy A. Crist**, 2496 North Imler Valley Road, Imler, PA 16655 General NPDES Permit for stormwater discharges associated with mining activities on Non-Coal Permit No. 05090801 located in Kimmel Township, **Bedford County**. Receiving stream: Beaver Dam Creek classified for the following uses: warm water fishes, Migratory Fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: January 31, 2018. Coverage Approved: February 27, 2018.

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

**16970307. Terra Works, Inc.** (49 South Sheridan Road, Clarion, PA 16214) Renewal of existing NPDES Permit No. PA0227609 in Beaver, Richland & Licking Townships, **Clarion County**. Receiving streams: Unnamed tributary to Turkey Run. Application received: November 21, 2017. Permit Issued: February 26, 2018.

**33020303. Glen-Gery Corporation** (1166 Spring Street, P.O. Box 7001, Reading, PA 19610) Renewal of existing NPDES Permit No. PA0242144 in Oliver Township, **Jefferson County**. Receiving streams: Unnamed tributary to Little Sandy Creek. Application received: November 28, 2017. Permit Issued: February 26, 2018.

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

**PAM217021. Cynthia E. Russell** (2640 Greenville Pike, Grampian, PA 16838), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with Small Noncoal Permit 17062808 to the following surface water(s) in Pike Township, **Clearfield County**. Receiving stream(s): Unnamed Tributary to Anderson Creek. Application received: October 2, 2017. Permit Issued: February 22, 2018.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**NPDES Permit No. PA03052001. M & M Lime Company, Inc.** (215 Nichola Road, Worthington, PA

16262). Permit issued for commencement, operation and restoration of a large noncoal surface mine, located in West Franklin and Clearfield Townships, **Armstrong and Butler Counties**, affecting 77.4 acres. Receiving streams: Unnamed tributary to Buffalo Creek. Application received: July 3, 2014. Permit issued: March 2, 2018.

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

**Permit No. 58170808. Baltazar Loja**, (456 High Hill Road, Great Bend, PA 18821), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to Rhiney Creek. Application received: May 3, 2017. Permit issued: February 27, 2018.

**Permit No. PAM117020. Baltazar Loja**, (456 High Hill Road, Great Bend, PA 18821), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58170808. Application received: May 3, 2017. Permit issued: February 27, 2018.

**Permit No. 06880302C6 and NPDES Permit No. PA0225754. Rolling Rock Building Stone, Inc.**, (40 Rolling Rock Road, Boyertown, PA 19512), correction to an existing quarry operation to decrease the permitted acres from 426.5 acres to 411.8 acres and add an NPDES Permit for discharge of treated mine drainage in Pike and District Townships, **Berks County**, receiving stream: Oysterville Creek. Application received: August 18, 2017. Correction issued: February 28, 2018.

#### 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*

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**63184001. Hilltop Energy, Inc.** (6978 Lindentree Road NE, Mineral City, OH 44656). Blasting activity permit for construction, located in Cecil/South Fayette Township, **Washington/Allegheny County** with an expiration date of December 31, 2018. Blasting permit issued: December 1, 2019.

### 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, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary 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 Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E54-363. Schuylkill County Conservation District**, 1206 AG Center Drive, Pottsville, PA 17901. Pine Grove Borough and Pine Grove Township, **Schuylkill County**, Army Corps of Engineers Baltimore District.

To construct and maintain a floodplain restoration project in a 2,500-foot reach of Swatara Creek (CWF, MF) in order to create approximately 10.5 acres of floodplain and 5.38 acres of wetland habitat varying in depth and elevation. Work will include excavation and re-grading in various areas of the floodway, floodplain and embankments, reconfiguration of the existing water supply pond, 4 step pools, 3 weirs and spillways, various plantings and wildlife enhancement features. Also included is the replacement of a portion of a 14-inch DIP waterline, a new 12-inch PVC sanitary sewer line, manholes and laterals, a new outfall with headwall and rip rap apron, the removal of various utility poles, relocation of one utility pole and electric transmission line and reconstruction of the existing access driveway. The project will permanently impact 1.55 acre of wetlands and the permittee is required to provide 5.38 acres of replacement wetlands. The project begins approximately 1,000 feet upstream from where Swatara Creek (CWF, MF) intersects East Pottsville Street and extends upstream from that point for approxi-

mately 2,500 linear feet. (Pine Grove, PA Quadrangle Latitude: 40°33'37"; Longitude: -76°23'24").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E06-716: Birdsboro Power, LLC**, P.O. Box 314, Birdsboro, PA 19508-2056 in Birdsboro Borough and Robeson, Union, and Exeter Townships, **Berks County**, U.S. Army Corps of Engineers Philadelphia District (Birdsboro, PA Quadrangle, Latitude: 40°16'39", Longitude: -75°49'53").

The applicant proposes to:

1) Remove the existing terminal section of outfall pipe and abandon the remaining outfall pipe in place and install and maintain a 24-inch diameter RCP culvert outfall in the same location and repair existing outfall apron, permanently impacting 8 feet of the Schuylkill River (WWF, MF) (Latitude: 40.270561, -75.800347).

2) Repair and maintain an existing 30-inch RCP outfall with concrete and riprap apron permanently impacting 6 linear feet of the Schuylkill River (WWF, MF) (Latitude: 40.270294, Longitude: -75.796441).

3) Repair and rehabilitate the existing 36-inch diameter outfall culvert by re-connecting the pipe and restoring the embankment, installing a flap-gate and end-wall, and installing a R5 riprap apron permanently impacting 40 feet of the Schuylkill River (WWF, MF) (Latitude: 40.270118, Longitude: -75.793983).

4) Construct and maintain an aerial electric transmission line attached to single poles over and across the Schuylkill River (WWF, MF) and its floodway (Latitude: 40.270326, Longitude: -75.805442).

5) Construct and maintain an aerial electric transmission line attached to single poles over, across, and impacting 0.02 acre of a Palustrine Forested (PFO) wetland (Latitude: 40.274425, Longitude: -75.823518).

6) Construct and maintain an underground electric transmission duct bank containing four (4) 8-inch conduits and two (2) 2-inch conduits, in and across an Unnamed Tributary to the Schuylkill River (WWF, MF) and the floodway associated with this stream and two other UNTs to the Schuylkill River (Latitude: 40.276083, Longitude: -75.827578).

7) Construct and maintain an underground electric transmission duct bank containing four (4) 8-inch conduits and two (2) 2-inch conduits, in and across, and impacting 0.01 acre of a Palustrine Emergent (PEM) wetland (Latitude: 40.276083, Longitude: -75.827578).

8) Construct and maintain an aerial electric transmission line attached to single poles in, along, and over the floodway of the Schuylkill River (WWF, MF) while generally paralleling the river from approximately Latitude: 40.276649, Longitude: -75.836552 to Latitude: 40.278556, Longitude: -75.844718.

9) Construct and maintain a temporary access road in and along the floodway of the Schuylkill River (WWF, MF) (Latitude: 40.276435, Longitude: -75.839302).

10) Construct and maintain a temporary access road in and along the floodway of the Schuylkill River (WWF, MF) (Latitude: 40.276891, Longitude: -75.841665).

11) Construct and maintain a temporary access road in and along the floodway of the Schuylkill River (WWF, MF) (Latitude: 40.277423, Longitude: -75.843792).

12) Construct and maintain an aerial electric transmission line attached to single poles over and across the Schuylkill River (WWF, MF) and its floodway (Latitude: 40.277613, Longitude: -75.846558).

13) Construct and maintain an underground duct bank containing four (4) 8-inch PVC conduits and two (2) 2-inch conduits in and across an Unnamed Tributary to the Schuylkill River (WWF, MF) and its floodway (Latitude: 40.277414, Longitude: -75.849418).

14) Construct and maintain an underground duct bank containing four (4) 8-inch PVC conduits and two (2) 2-inch conduits in and across an Unnamed Tributary to the Schuylkill River (WWF, MF) and its floodway (Latitude: 40.278305, Longitude: -75.851633).

15) Construct and maintain a temporary access road in and along the floodway of an Unnamed Tributary to the Schuylkill River (WWF, MF) (Latitude: 40.278626, Longitude: -75.83876).

16) Construct and maintain a temporary access road in and across and impacting 0.01 acre of a PEM wetland (Latitude: 40.277472, Longitude: -75.837971).

17) Construct and maintain two single poles in the floodway of the Schuylkill River (WWF, MF) (Latitude: 40.28565, Longitude: -75.858499). The purpose of the project is to construct and maintain a natural gas-fired combined cycle power plant and a 3.86-mile 230 Kv electric transmission line.

In addition, the project includes the following proposed activities waived in accordance with 25 Pa. Code § 105.12(a)(2) or 25 Pa. Code § 105.12(a)(3):

A) Construct and maintain an aerial electric transmission line attached to single poles over and across Hay Creek (CWF, MF) and its floodway (Latitude: 40.269772, Longitude: -75.804228).

B) Construct and maintain an aerial electric transmission line attached to single poles over and across an Unnamed Tributary to the Schuylkill River (WWF, MF) and the floodway associated with this stream and another UNT to the Schuylkill River (Latitude: 40.271655, Longitude: -75.807488).

C) Construct and maintain an aerial electric transmission line attached to single poles over, across, and impacting 0.03 acre of a Palustrine Emergent (PEM) wetland (Latitude: 40.271860, Longitude: -75.807542).

D) Construct and maintain an aerial electric transmission line attached to single poles over and across an Unnamed Tributary to the Schuylkill River (WWF, MF) and its floodway (Latitude: 40.272551, Longitude: -75.815902).

E) Construct and maintain an aerial electric transmission line attached to single poles over and across three (3) Unnamed Tributaries to the Schuylkill River (WWF, MF) and their floodways (from Latitude: 40.273678, Longitude: -75.820675 to Latitude: 40.273856, Longitude: -75.821191).

F) Construct and maintain an aerial electric transmission line attached to single poles over and across two (2) Unnamed Tributaries to the Schuylkill River (WWF, MF) and their floodways (from Latitude: 40.274633, Longitude: -75.823566 to Latitude: 40.274686, Longitude: -75.823731).

G) Construct and maintain a permanent road crossing utilizing a culvert in and along an Unnamed Tributary to the Schuylkill River (WWF, MF) impacting 25 linear feet (Latitude: 40.274709, Longitude: -75.823562).



H) Construct and maintain a permanent road crossing utilizing a culvert in and along an Unnamed Tributary to the Schuylkill River (WWF, MF) impacting 25 linear feet (Latitude: 40.274717, Longitude: -75.823882).

I) Construct and maintain an aerial electric transmission line attached to single poles over and across Heisters Creek (WWF, MF) and its floodway (Latitude: 40.277394, Longitude: -75.835416).

The permit was issued on February 28, 2018.

**E06-717, DTE Midstream Appalachia, LLC**, 333 Technology Drive, Canonsburg, PA 15317. Birdsboro Pipeline, in Birdsboro Borough and Union, Amity, Oley, and Rockland Townships, **Berks County**, ACOE Philadelphia District. The proposed project starts at Armorcast Road (Birdsboro, PA Quadrangle N: 40°, 16', 15.98"; W: 75°, 47', 36.79") and ends at Forgedale Road (Fleetwood, PA Quadrangle N: 40°, 24', 38.93"; W: 75°, 45', 38.6").

The project consists of the installation and maintenance of approximately 13.2-mile-long, 12-inch natural gas pipeline and appurtenant structures. The project impacts in Berks County include a total of 1,068 linear feet of permanent impacts to the Schuylkill River (WWF, MF), three (3) Unnamed Tributaries to the Schuylkill River (WWF, MF), nineteen (19) Unnamed Tributaries to Monocacy Creek (WWF, MF), two (2) crossings of Monocacy Creek (WWF, MF), four (4) Unnamed Tributaries to Manatawny Creek (CWF, MF), Little Manatawny Creek (CWF, MF), and an Unnamed Tributary to Little Manatawny Creek (CWF, MF), and 2.06 acres of floodway impacts, and temporarily impact 0.22 acre of floodway; 2.42 acres of permanent impacts to PEM, PFO, and PSS wetland(s). 1.07 acre of PFO and PSS wetland conversion to PSS and PEM is proposed in Berks County which will be offset by plantings and enhancement of 3.72 acres of EV PEM wetland adjacent to Bieber Creek in Oley and Pike Townships, Berks County to mitigate for the conversion of PSS and PFO wetlands. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 13.2 miles in Pennsylvania between Birdsboro Borough, Berks County, PA and Rockland Township, Berks County, PA.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. Important legal rights are at stake, so you should show this document to a lawyer promptly. The permit was issued on February 28, 2018.

**E06-715 and E06-718: Reading Area Water Authority**, 1801 Kutztown Road, Reading, PA 19604 in Birdsboro Borough, City of Reading, and Robeson Township, **Berks County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 16-inch water main permanently impacting 105 square feet of Hay Creek and its floodway (CWF, MF) and 70 square feet of Exceptional Value Palustrine Emergent Wetland Latitude 40.2663100; longitude -75.8061690. In addition, the project proposes five separate General Permit 5 registrations to install and maintain a 16 inch water permanently impacting 1) 1,500 square feet of Angelica Creek and its floodway (CWF, MF) Latitude 40.3108590; Longitude -75.9239070, 2) 19.5 square feet of a UNT to Schuylkill River and its floodway (WWF, MF) Latitude 40.2686040; Longitude -75.8228860, 3) 32.5 square feet of a UNT to Schuylkill River and its floodway (WWF, MF) Latitude 40.2687010; Longitude

-75.8280380, 4) 58.5 square feet of a UNT to Schuylkill River and its floodway (WWF, MF) Latitude 42.2714150; Longitude -75.8340640, 5) 65 square feet of a UNT to Schuylkill River and its floodway (WWF, MF) Latitude 40.2682410; Longitude -75.8203460, and construct and maintain a fire hydrant impacting 1 square foot of the FEMA floodplain of Hay Creek, all for the purpose of providing water to the Birdsboro Power facility. The permits were issued on February 28, 2018.

**E28-392: DCNR, Bureau of Facility Design and Construction**, 8th Floor, 400 Market Street, Harrisburg, PA 17101 in Lurgan Township, **Franklin County**, U.S. Army Corps of Engineers Baltimore District.

To install and maintain a 35.67 foot long, 22.25 foot wide, pre-stressed concrete box beam bridge with an underclearance of 4.83 feet, concrete abutments, and guide rail over Trout Run (EV, MF) (Latitude: 40°7'58", Longitude: -77°40'33"). No wetlands will be impacted by the project. The permit was issued on March 6, 2018.

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

**E02-1741, United States Steel Corporation**, 400 State Street, MS # 71, Clairton, PA 15025-1855, City of Clairton, **Allegheny County**, Pittsburgh, ACOE District.

Has been given consent to:

The applicant proposes to remove an existing 12' long, 2' wide, 3' high, rock wall, and construct and maintain a replacement 45-foot long gabion basket retaining wall along the right descending bank of an unnamed tributary to the Monongahela River (WWF) (aka: Pine Run and/or Tributary 13 to the Monongahela River), for the purpose of stabilizing the stream bank and protecting two concrete foundations of steel pipe pier supports, for the overhead coke oven gas (COG) pipeline. The project will also permanently affect approximately 0.02 acre of floodway, and will temporarily impact an additional 57 linear feet of stream channel and an additional 0.09 acre of floodway. Mitigation is not required. The project is located near the intersection of SR 837 and Coal Valley Road, in the City of Clairton, Allegheny County (Glassport, PA Quadrangle, Latitude: 40° 19' 8"; Longitude: -79° 53' 56").

**E32-490-A3, Homer City Generation, LP**, 1750 Power Plant Road, Homer City, PA 15748-8009, Blacklick Township and Center Township, **Indiana County**, Pittsburgh ACOE District

Has been given consent to:

Place and maintain fill in 9 wetlands (totaling 0.51 acre), 57 LF of an unnamed tributary of Muddy Run (CWF) identified as Tributary 44033, 157 LF of a second unnamed tributary of Muddy Run (CWF) identified as Tributary 44033J-2, 75 LF of an unnamed tributary of Black Lick Creek (CWF) identified as Tributary 0000, and 97 LF of a second unnamed tributary of Black Lick Creek (CWF) identified as Tributary 64693A (all of which have drainage areas less than 100 acres), and to excavate 4 wetlands (totaling 0.10 acre) to create a stormwater management pond, for the purpose of expanding an existing ash disposal site. As mitigation for wetland impacts, the applicant proposes to construct an on-site, 1-acre wetland along Muddy Run (CWF). As mitigation for the stream impacts, the applicant will plant woody vegetation within the riparian zone of the watercourse. The project is located approximately 0.8 mile southwest of the intersection of Long Road and Coal Road in Center

and Blacklick Townships (Pittsburgh ACOE District, Indiana, PA quadrangle, N 4.4", W 13.3", Latitude: 40° 31' 24", Longitude: -79° 13' 11").

**E65-982, Industrial Development, LLC**, P.O. Box 365, Youngstown, PA 15696, Derry Township, **Westmoreland County**, Pittsburgh ACOE District.

Has been given consent to:

1. Construct and maintain a 36' long by 21' wide, single span, precast concrete bridge over Saxman Run (WWF), with an underclearance of 7'9".
2. Place and maintain fill in 0.26 acre of PEM wetlands in the Saxman Run watershed (WWF).
3. Construct and maintain a temporary road crossing of Saxman Run (WWF).

4. Construct and maintain 0.3 acre of PEM wetland on-site as compensation for the 0.26 acre of wetland impacts proposed by the project.

This project will permanently impact 36 linear feet of Saxman Run (no direct impacts to stream channel), and 0.26 acre of wetlands in the Saxman Run Watershed, and will temporarily impact 50 linear feet of Saxman Run. Temporary impacts will be restored and the permanent impacts to the stream do not require mitigation. The project is to provide access to, and constructing a commercial development on two parcels located near the intersection of Industrial Boulevard and Power Drive (Derry, PA USGS Topographic Quadrangle, Latitude: 40° 19' 25"; Longitude: -79° 21' 53"; Sub-basin 18D; Pittsburgh Corps District), in Derry Township, Westmoreland County.

**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, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary 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.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Program Manager, 717.705.4802.*

<i>ESCP No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG00011170001	DTE Midstream Appalachia, LLC 333 Technology Drive Canonsburg, PA 15317	Berks	Birdsboro Borough; Union, Amity, Oley and Rockland Townships	Hay Creek (CWF, MF) Schuylkill River (WWF, MF) UNT Schuylkill River (WWF, MF) UNT Monocacy Creek (WWF, MF) Monocacy Creek (WWF, MF) UNT Limekiln Creek (WWF, MF) UNT Manatawny Creek (CWF, MF) Little Manatawny Creek (CWF, MF) Furnace Creek (CWF, MF) UNT Little Manatawny Creek (CWF, MF) UNT Bieber Creek (EV, MF) EV Wetlands, other Wetlands

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

*Southwest District: Oil & Gas Management Program  
Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESG17-129-0017  
Applicant Name Apex WML Midstream, LLC  
Contact Person J.D. McNally  
Address 6041 Wallace Road Extension, Suite 100  
City, State, Zip Wexford, PA 15090  
County Westmoreland County  
Township(s) Salem Township  
Receiving Stream(s) and Classification(s) Tributary 43014  
to Beaver Run (HQ-CWF) & UNT to Tributary 43007 of  
Porter Run (HQ-CWF)

ESCGP-2 # ESX16-003-0009  
Applicant Name Huntley & Huntley Energy Exploration,  
LLC  
Contact Person Jennifer Hoffman  
Address 2660 Monroeville Boulevard  
City, State, Zip Monroeville, PA 15146  
County Allegheny County  
Township(s) Elizabeth Township  
Receiving Stream(s) and Classification(s) UNTs to  
Gillespie Run (WWF), Gillespie Run (WWF)

ESCGP-2 # ESX17-125-0040  
Applicant Name MarkWest Liberty Midstream &  
Resources, LLC  
Contact Person Rick Lowry  
Address 4600 J. Barry Court, Suite 500  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Mount Pleasant Township  
Receiving Stream(s) and Classification(s) UNTs to Millers  
Run (WWF)

ESCGP-2 # ESX17-051-0003  
Applicant Name Chevron Appalachia, LLC  
Contact Person Branden Weimer  
Address 700 Cherrington Parkway  
City, State, Zip Coraopolis, PA 15108  
County Fayette County  
Township(s) German Township  
Receiving Stream(s) and Classification(s) Trib 40216 to  
Dunlap Creek (WWF), Trib 40220 to Dunlap Creek  
(WWF), & Trib 40223 to Dunlap Creek (WWF)

ESCGP-2 # ESX17-059-0037  
Applicant Name Rice Drilling B, LLC  
Contact Person Todd Klaner  
Address 2200 Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene County  
Township(s) Wayne Township  
Receiving Stream(s) and Classification(s) UNTs to Rudolf  
Run (WWF) & Roberts Run (WWF)

ESCGP-2 # ESX18-129-0002  
Applicant Name Huntley & Huntley Energy Exploration,  
LLC  
Contact Person Kyle Shirey  
Address 501 Technology Drive  
City, State, Zip Cannonsburg, PA 15317  
County Westmoreland County  
Township(s) Penn Township  
Receiving Stream(s) and Classification(s) UNTs to Bushy  
Run (TSF), Tribs 37295, 37297, 37298 & Trib 37299 to  
Bushy Run (TSF), Tribs 37358, 37368, & 37369 to  
Lyons Run (TSF), Trib 37362 to Byers Run (TSF), &  
Byers Run (TSF)

ESCGP-2 # ESG17-125-0012  
Applicant Name Rice Midstream Holdings, LLC  
Contact Person Todd Klaner  
Address 2200 Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Amwell Township & North Bethlehem Town-  
ship  
Receiving Stream(s) and Classification(s) UNTs to Brush  
Run (TSF), Brush Run (TSF), UNT to Daniels Run  
(TSF), UNTs to Little Chartiers Creek (HQ-WWF)  
& UNTs to South Branch Pigeon Creek (WWF)

ESCGP-2 # ESX13-125-0072 Major Modification  
Applicant Name EQT Production Company  
Contact Person Todd Klaner  
Address 2200 Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Somerset Township  
Receiving Stream(s) and Classification(s) UNTs to South  
Branch Pigeon Creek (WWF) & Pigeon Creek (WWF)

ESCGP-2 # ESX09-125-0064 Renewal  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Karl Matz  
Address 3000 Town Center Boulevard  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Independence Township  
Receiving Stream(s) and Classification(s) UNT to  
Sugarcamp Run (HQ-WWF)

ESCGP-2 # ESX14-125-0004 Major Modification  
Applicant Name HG Energy II Appalachia, LLC  
Contact Person Matthew McGuire  
Address 5620 Dupont Road  
City, State, Zip Parkersburg, WV 26101  
County Washington County  
Township(s) West Finley Township  
Receiving Stream(s) and Classification(s) UNTs to Enlow  
Creek (WWF)

ESCGP-2 # ESX12-125-0134 Renewal  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Karl Matz  
Address 3000 Town Center Boulevard  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Donegal Township  
Receiving Stream(s) and Classification(s) UNT to Dutch  
Fork (HQ-WWF), UNTs to Middle Wheeling Creek  
(WWF)

ESCGP-2 # ESX10-125-0079 Renewal  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Karl Matz  
Address 3000 Town Center Boulevard  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Morris Township  
Receiving Stream(s) and Classification(s) UNTs to Trib  
20565 Tenmile Creek (TSF)

ESCGP-2 # ESX17-059-0034  
Applicant Name CNX Gas Company, LLC  
Contact Person Adam White  
Address 1000 Consol Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene County  
Township(s) Richhill Township  
Receiving Stream(s) and Classification(s) UNTs to  
Crabapple Creek and Crabapple Creek (WWF); Wheel-  
ing Creek Watershed



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**SPECIAL NOTICES**


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**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of February 2018 Department of Environmental Protection, 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 this Commonwealth. The period of certification is 2 years. (For a complete list of persons currently certified to perform radon-related activities in this Commonwealth 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>
Nicholas Barbarini	4144 Feidler Drive Erie, PA 16506	Mitigation
Stephen Beloyan	2 Field Court Wrightstown, NJ 08562	Testing
Mario Cote MMC Radon Remediation, LLC	1310 West 40th Street Erie, PA 16509	Mitigation
Thomas Davis	14096 Maple Drive Clarks Summit, PA 18411	Testing
David Dowling	273 Krulock Road Uniontown, PA 15401	Testing
Kevin Dunkle	P.O. Box 211 Worthington, PA 16262	Mitigation
Idrees Fareed	1260 Woodland Avenue Springfield, PA 19064	Testing & Mitigation
Mark Garland	5970 West Webb Road Mineral Ridge, OH 44440	Testing
Gregory Hancock	P.O. Box 110 Woolrich, PA 17779	Testing
Bill Haughery	2105 West Ridge Drive Lancaster, PA 17603	Testing
Carla Higgins	1310 W. 40th Street Erie, PA 16509	Testing
Inspection Services Group, LLC	54 South 3rd Street, Suite 1 Oxford, PA 19363	Testing
Joseph D. Kelly, III	P.O. Box 15811 Pittsburgh, PA 15244	Testing
Steven Kowatic	1525 Park Manor Boulevard Suite 292 Pittsburgh, PA 15205	Testing
Jarrod Lape Foundations Radon Mitigation Service	109 Sunset Street Monongahela, PA 15063	Mitigation
Robert Leiby	809 North 7th Street Perkasie, PA 18944	Testing
Mark Long	800 Frailey Road Emmitsburg, MD 21727	Testing
Stephen Maurer	3633 Buttonwood Drive Doylestown, PA 18902	Testing
David Miseyko	P.O. Box 177 Harleysville, PA 19438	Testing
Professional Home Inspection, LLC	14 Crestmont Court Lititz, PA 17543	Testing
Kathleen Remsnyder	7301 Allentown Boulevard Harrisburg, PA 17112	Testing
Nickelas Reznick	8020 Mine Street Fogelsville, PA 18051	Mitigation
RSSI	6312 Oakton Street Morton Grove, IL 60053	Laboratory Analysis

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Jeffrey Schlaline Absolute Radon Mitigation, LLC	800 Locust Grove Road York, PA 17402	Mitigation
David Schumaker	14501 George Carter Way Suite 110 Chantilly, VA 20151	Testing
Thomas Stangroom	P.O. Box 120 Bovard, PA 15619	Testing
Top Dawg Inspections	16 West Hanover Street Gettysburg, PA 17325	Testing
Robert Warth, Jr.	14501 George Carter Way Suite 110 Chantilly, VA 20151	Testing
Matthew Winslow	1881 Brookside Road Macungie, PA 18062	Mitigation
Andrew Wolfe	37 Virginia Avenue Shrewsbury, PA 17361	Testing

### Public Notice of Final State Water Quality Certification for FERC Pipeline Project

#### Water Quality Certification Required by Section 401 of the Clean Water Act for the Birdsboro Pipeline Project; DTE Midstream Appalachia, LLC; FERC Docket No. CP17-409; PADEP File No. WQ03-003

*Southcentral Region: Waterways & Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**WQ03-003:** Certification Request initiated by **DTE Midstream Appalachia, LLC** (DTE), 333 Technology Drive, Suite 255, Canonsburg, PA 15317, Birdsboro Pipeline Project (Project) in Union, Oley, Rockland, Amity Townships, Birdsboro Borough, **Berks County** (Birdsboro and Fleetwood, PA Quadrangles, From Lat: 40° 16' 10.94"; Long: -75° 47' 59.9" to Lat: 40° 24' 39.14"; Long: -75° 45' 37.94"), U.S. Army Corps of Engineers Philadelphia District.

On May 1, 2017, DTE filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP17-409).

On June 23, 2017, DTE requested a State water quality certification from the Department of Environmental Protection (Department), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in this Commonwealth consistent with requirements of State law and the Federal Clean Water Act.

The Project consists of the installation of approximately 13.2 miles of new 12-inch diameter natural gas pipeline which will run from the receipt point on Texas Eastern Transmission Company's (TETCO) pipeline in Rockland Township, Berks County, PA to the Birdsboro Power Facility in the Borough of Birdsboro, Berks County, PA. The Project also includes one new pig receiver at the Birdsboro Power Facility and one new meter site at the TETCO interconnect with two new taps on the TETCO pipelines, three mainline valves and a pig launcher, and temporary access roads and staging areas. The Project will transport natural gas to fuel the proposed Birdsboro Power Facility. The Project will impact 29 streams and 21 wetlands.

The Project will require approximately 128 acres of earth disturbance, and permanent impacts to 493 linear feet and temporary impacts to 649 linear feet of streams including the Schuylkill River (WWF) and two Unnamed Tributaries (UNT) to the Schuylkill River (WWF); Monocacy Creek (WWF) and nineteen UNT's to Monocacy Creek (WWF); four UNT's to Manatawny Creek (CWF); Little Manatawny Creek (CWF) and one UNT to Little Manatawny Creek (CWF), 0.2 acre of permanent impacts to floodway, 2.0 acres of temporary impacts floodway, 1.09 acre of temporary wetland impacts, and 1.22 acre of permanent wetland impacts that are associated with permanent right-of-way maintenance.

The Department published notice of its proposed State water quality certification for the Project in the *Pennsylvania Bulletin* on August 12, 2017, (Vol 47 Pa.B. 32). The Department conducted a public hearing on November 2, 2017 to collect public comments on the request for State water quality certification. The Department has reviewed and considered the comments received on this application. The Department created a comment response document for the overall Birdsboro Power Project which is contained in the file and currently available on the Department's web site.

The Department hereby issues Section 401 Water Quality Certification to DTE for the Project and certifies that DTE's construction, operation and maintenance of the Project complies with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The Department further certifies that DTE's construction, operation and maintenance of the Project will not violate applicable State water quality standards, provided that DTE complies with the applicable laws, permitting programs, criteria and conditions established under State law and as part of the Water Quality Certification as follows:

1. *Discharge Permit*—DTE shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the Project under Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and all applicable implementing regulations (25 Pa. Code Chapter 92a) if such discharges are proposed.

2. *Erosion and Sediment Control Permit*—DTE shall comply with the Department's Chapter 102 Erosion and Sediment Control General Permit No. ESG00-011-17-0001

for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment, Permit issued under Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—DTE shall comply with a Department Chapter 105 Water Obstruction and Encroachment Permit No. E06-717 for the construction, operation and maintenance of all water obstructions and encroachments associated with the Project under Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Submerged Lands License Agreement*—DTE shall comply with Pennsylvania Submerged Lands License Agreement, No. E06-717, under the Pennsylvania Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and all applicable implementing regulations (25 Pa. Code Chapter 105).

5. *Delaware River Basin Commission*—DTE shall comply with the Delaware River Basin Commission's (DRBC) approval of Docket No. D-2016-008-1 which was granted for the Project on September 13, 2017, and any other approvals that may be necessary from the DRBC for the Project.

6. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any construction, operational and maintenance processes associated with the Project that may be employed by DTE.

7. *Operation*—DTE shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures and the operation of backup or auxiliary facilities or similar systems installed by DTE.

8. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department, or an authorized representative thereof, during such inspections of the Project.

9. *Transfer of Projects*—If DTE intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, DTE shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least 30 days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage and liability between them.

10. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to: Department of Environmental Protection, Southcentral Regional Office,

Program Manager, Waterways and Wetlands, 909 Elmerton Avenue, Harrisburg, PA 17110.

11. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that DTE has not complied with the terms and conditions of this certification. The Department may require additional measures to achieve compliance with applicable law, subject to DTE's applicable procedural and substantive rights.

12. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve DTE from any responsibilities, liabilities or penalties established under any applicable Federal or State law or regulation.

13. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Any person aggrieved by this action may file a petition for review under Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

#### **Notice of Projects under the Environmental Good Samaritan Act**

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department of Environmental Protection (Department).

The following project proposals have been received by the Department. A copy of the proposals is available for inspection at the Department Southwest (Pittsburgh) Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222 between 8 a.m. and 4 p.m.

Richland Township, Allegheny County has applied to plug abandoned wells 003-22239 (40.657333 N, -79.984833 W) and 003-22375 (40.672 N, -79.961194 W) located in Richland Township, Allegheny County.

Written comments or objections may be submitted by any person or any office or head of any Federal, State, or local government agency or authority to the Department at the same address within 30 days of this publication.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

[Pa.B. Doc. No. 18-400. Filed for public inspection March 16, 2018, 9:00 a.m.]



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 32(4016)101.1, Abandoned Mine Reclamation Project, Palmer Road Waterline, Burrell Township, Indiana County.** The principal items of work and approximate quantities include: installation of 8" PVC pipe including fittings, 3,520 linear feet; service lateral connections, 12 each; highway crossing, 400 linear feet; stream crossings, 90 linear feet; typical manual air relief blow-off assembly, 3 each; and Penn View Road 6" meter and vault, 1 each.

This bid issues on March 23, 2018, and bids will be opened on April 24, 2018, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid.

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 18-401. Filed for public inspection March 16, 2018, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Interstate Pollution Transport Reduction; Proposed 2018 Ozone Season Nitrogen Oxide Emission Limits for Nonelectric Generating Units

The Department of Environmental Protection (Department) is seeking public comment on the proposed Non-electric Generating Unit (non-EGU) 2018 Ozone Season Nitrogen Oxide (NO<sub>x</sub>) emission limitations established in accordance with 25 Pa. Code § 145.8(d) (relating to transition to CAIR NO<sub>x</sub> trading programs).

Specifically, 25 Pa. Code § 145.8(d) establishes a non-EGU NO<sub>x</sub> Trading Program budget of 3,619 tons of NO<sub>x</sub>, less a specified adjustment amount, to serve as a Statewide Ozone Season NO<sub>x</sub> emissions cap for new and existing non-EGUs. This NO<sub>x</sub> emissions cap also applies to the Clean Air Interstate Rule exempt EGUs that are subject to the NO<sub>x</sub> Budget Trading Program. If total emissions from all the units exceed the Statewide NO<sub>x</sub> emissions cap of 3,438 tons, the owners and operators of non-EGUs must comply with the NO<sub>x</sub> emission limitations established under 25 Pa. Code § 145.8(d). The proposed NO<sub>x</sub> emissions limitations for individual units ensure that non-EGUs in this Commonwealth continue to meet the emission limits of the NO<sub>x</sub> Budget Trading Program.

The Statewide cap for 2017 was not exceeded. Therefore, non-EGUs do not need to purchase allowances to meet their 2017 Ozone Season NO<sub>x</sub> emission limitations

established under 25 Pa. Code § 145.8(d). The preliminary NO<sub>x</sub> emissions for the 2017 Ozone Season (May through September) reported to the United States Environmental Protection Agency by the owners and operators of the affected non-EGUs are 833 tons. The Department's permanent retirement of 3,438 allowances under 25 Pa. Code § 145.8(b) covers all the NO<sub>x</sub> emissions from the affected non-EGUs in 2017.

The NO<sub>x</sub> emissions cap provides 181 tons of NO<sub>x</sub> emissions for non-EGUs and the other units that need to address their emissions through accounting adjustments, including units that previously participated in the NO<sub>x</sub> Budget Trading Program; emissions from these units were below the 25-ton exemption threshold. Adjustments were also made for the permanent retirement of NO<sub>x</sub> allowances due to generation of emission reduction credits. The Department will also use a portion of the 181 tons of the budgeted NO<sub>x</sub> emissions, if necessary, to address mistakes or miscalculations. This year, the Department is proposing to use 19 tons of the 181 tons of NO<sub>x</sub> for account adjustments, leaving 162 tons available for any additional adjustments at the end of the control period.

The Department made accounting adjustments for the following facilities:

*Retired Units:* Shenango Units Nos. 6 and 9 (the generation of emission offsets for small non-NO<sub>x</sub> Budget Trading Program units resulted in a permanent NO<sub>x</sub> accounting adjustment of 19 tons).

*Exempt Units Removed from Facility:* The Naval Surface Warfare Division (Unit 100) had a 25-ton NO<sub>x</sub> permit limit. The Naval Surface Warfare Division (Unit 99) had a 1-ton NO<sub>x</sub> permit limit. These two 25-ton exempt status units in previous years accounted for a total adjustment of 26 tons of NO<sub>x</sub> emissions. The Naval Surface Warfare Division Units 100 and 99 have been permanently removed from the facility and no longer require a 25-ton exemption. The 26 tons of NO<sub>x</sub> emissions provided to these two units for their exemption are now available for additional accounting adjustments.

The following "Proposed Non-EGU 2018 Ozone Season NO<sub>x</sub> Emission Limits" table lists the following: the facility name, ORIS code, the unit ID for each non-EGU unit, the 2017 NO<sub>x</sub> mass or the 2017 Ozone Season emissions, the 2017 heat input for the 2017 Ozone Season, the county location of the facility, the calculated 2018 rate and the 2018 Ozone Season limit.

The Department must receive comments no later than April 2, 2018. Commentators are encouraged to submit comments using the Department's eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments may be mailed to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Proposed Non-EGU 2018 Ozone Season NO<sub>x</sub> emission limits" as the subject line in written communication.

Questions concerning this notice should be directed to Randy Bordner at (717) 772-3921 or [ranbordner@pa.gov](mailto:ranbordner@pa.gov). TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

**Table 1: Proposed Non-EGU 2018 Ozone Season NO<sub>x</sub> Emission Limits**

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>2017 NO<sub>x</sub> Mass (Tons)</i>	<i>2017 Heat Input (MMBtu)</i>	<i>County</i>	<i>2018 Rate (lbs/MMBtu)</i>	<i>2018 OS Limit (Tons NO<sub>x</sub>)</i>
Armagh Compressor Station	880071	31301	0	0	Indiana	0.26	0
Bernville Station	880049	32001	0	0	Berks	0.26	0
Domtar Paper Company, LLC	54638	40	49.347	835,217.1	Elk	0.26	110
Domtar Paper Company, LLC	54638	41	44.55	779,735.4	Elk	0.26	103
Entriken Compressor Station	880072	31601	0	0	Huntingdon	0.26	0
Honeywell Resins & Chemicals LLC	880007	52	28.826	671,694.6	Philadelphia	0.26	89
Kimberly-Clark Tissue Company	50410	34	24.861	33,144.1	Delaware	0.26	4
Kimberly-Clark Tissue Company	50410	35	72.205	1,971,208	Delaware	0.26	260
Merck & Company—West Point	52149	39	4.653	114,233.6	Montgomery	0.26	15
Merck & Company—West Point	52149	40	19.169	1,473,755	Montgomery	0.26	194
Marcus Hook 50, LP	50074	1	0.632	1,951.016	Delaware	0.26	0
SPMT Marcus Hook Industrial Complex	880107	AB01	7.645	619,601.5	Delaware	0.26	82
SPMT Marcus Hook Industrial Complex	880107	AB02	0	0	Delaware	0.26	0
SPMT Marcus Hook Industrial Complex	880107	AB03	3.373	351,909.3	Delaware	0.26	46
SPMT Marcus Hook Industrial Complex	880107	AB04	8.33	589,303.8	Delaware	0.26	78
P H Glatfelter Company	50397	34	144.597	1,665,061	York	0.26	219
P H Glatfelter Company	50397	35	5.216	392,316.2	York	0.26	52
P H Glatfelter Company	50397	36	7.301	445,957.3	York	0.26	59
Philadelphia Refinery	52106	150137	18.3	1,012,653	Philadelphia	0.26	133
Philadelphia Refinery	52106	150138	0	0	Philadelphia	0.26	0
Philadelphia Refinery	52106	150139	18.049	1,000,064	Philadelphia	0.26	132
Philadelphia Refinery	52106	150140	18.598	1,027,967	Philadelphia	0.26	136
Philadelphia Refinery	52106	150145	0.4	571,318.5	Philadelphia	0.26	75
Procter & Gamble Paper Products	50463	328001	118.568	1,928,393	Wyoming	0.26	254
Procter & Gamble Paper Products	50463	328002	7.034	2,072,994	Wyoming	0.26	273
Shermans Dale Station	880050	31801	0	0	Perry	0.26	0
Trainer Refinery	880025	33	1.241	620,392	Delaware	0.26	82
Trainer Refinery	880025	34	1.297	582,283.9	Delaware	0.26	77

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<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>2017 NO<sub>x</sub> Mass (Tons)</i>	<i>2017 Heat Input (MMBtu)</i>	<i>County</i>	<i>2018 Rate (lbs/MMBtu)</i>	<i>2018 OS Limit (Tons NO<sub>x</sub>)</i>
Trainer Refinery	880025	35	1.476	673,417.4	Delaware	0.26	89
US Steel (Clairton Coke)	50729	CLBLR1	121.248	1,349,417	Allegheny	0.26	178
US Steel (Clairton Coke)	50729	CLBLR2	41.97	724,769.4	Allegheny	0.26	96
US Steel (Edgar Thomson)	50732	ETBLR1	16.47	1,464,124	Allegheny	0.26	193
US Steel (Edgar Thomson)	50732	ETBLR2	8.771	815,605.2	Allegheny	0.26	108
US Steel (Edgar Thomson)	50732	ETBLR3	12.721	1,306,278	Allegheny	0.26	172
Veolia Energy Philadelphia—Edison Station	880006	1	0	0	Philadelphia	0.26	0
Veolia Energy Philadelphia—Edison Station	880006	2	0.884	4,539.8	Philadelphia	0.26	1
Veolia Energy Philadelphia—Edison Station	880006	3	0	0	Philadelphia	0.26	0
Veolia Energy Philadelphia—Edison Station	880006	4	0.008	46.1	Philadelphia	0.26	0
Veolia Energy Philadelphia—Schuylkill	50607	23	0	0	Philadelphia	0.26	0
Veolia Energy Philadelphia—Schuylkill	50607	24	0	0	Philadelphia	0.26	0
Veolia Energy Philadelphia—Schuylkill	50607	26	8.73	375,502.4	Philadelphia	0.26	50
Veolia Energy Philadelphia—Schuylkill	50607	RSB1	0.96	105,589.2	Philadelphia	0.26	14
Veolia Energy Philadelphia—Schuylkill	50607	RSB2	1.039	132,690.4	Philadelphia	0.26	17
United Refining	880099	Boiler 4	14.56	356,984	Warren	0.26	47
Shenango Incorporated	54532	6			Allegheny	-	0
Shenango Incorporated	54532	9			Allegheny	-	0
<i>Totals</i>			833.029	26,070,117			3,438

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 18-402. Filed for public inspection March 16, 2018, 9:00 a.m.]



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Mining and Reclamation Advisory Board; Regulatory, Legislative and Technical Committee Meeting

The Mining and Reclamation Advisory Board's Regulatory, Legislative and Technical Committee will meet on April 19, 2018, at 8:30 a.m. in Conference Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning the meeting can be directed to Daniel E. Snowden at (717) 783-8846 or [dsnowden@pa.gov](mailto:dsnowden@pa.gov). The agenda, meeting materials and call-in information for the meeting will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Mining and Reclamation Advisory Board (MRAB)").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden, DEd, at (717) 783-8846 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 18-403. Filed for public inspection March 16, 2018, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Proposed State Implementation Plan Revision; Regional Haze Five-Year Progress Report; Public Hearings

The Department of Environmental Protection (Department) is seeking public comment on a proposed State Implementation Plan (SIP) revision consisting of a Regional Haze Five-Year Progress Report. The proposed SIP revision evaluates progress made in implementing the measures included in the Commonwealth's Regional Haze SIP revision, which was submitted to the United States Environmental Protection Agency (EPA) on December 20, 2010, and which received a limited approval by the EPA (see 77 FR 41279 (July 13, 2012) and 77 FR 48061 (August 13, 2012)) and a limited disapproval by the EPA (see 77 FR 33642 (June 7, 2012)). This proposed SIP revision is submitted in accordance with the visibility and regional haze provisions of sections 169A and 169B of the Federal Clean Air Act (CAA) (42 U.S.C.A. §§ 7491 and 7492) and the Federal Regional Haze Rule in 40 CFR 51.308 (relating to regional haze program requirements).

This proposed SIP revision is intended to address the requirements for periodic reports evaluating progress towards the Reasonable Progress Goals established for mandatory Class I areas where visibility may be impacted by sources in this Commonwealth (40 CFR 51.308(g)). In accordance with 40 CFR 51.308(h)(1), the proposed SIP revision includes a negative declaration that further revision of the 2010 Regional Haze SIP is not needed at

this time to achieve established goals for visibility improvement and emissions reductions.

The Regional Haze Rule in 40 CFR 51.308(i) requires states to consult with the Federal Land Managers (FLM) at least 60 days prior to the scheduled public hearing on the proposed Regional Haze SIP revision. Section 169A(d) of the CAA requires states to include a summary of the conclusions and recommendations of the FLMs in the notice to the public. The FLMs were provided an opportunity for consultation with the United States National Park Service and the United States Department of Agriculture's Forest Service providing comments to the Department; the United States Department of the Interior's Fish and Wildlife Service did not comment. A copy of all comments submitted by the FLMs to the Department, and the Department's responses, is available in Appendix N of the proposed SIP revision.

The proposed SIP revision is available on the Department's web site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). The Department is seeking public comment on this proposed SIP revision.

The Department will hold three public hearings to receive comments on the proposed SIP revision:

- April 19, 2018, at 10 a.m. at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA.
- April 19, 2018, at 10 a.m. at the Department's Southeast Regional Office, 2 East Main Street, Norristown, PA.
- April 20, 2018, at 10 a.m. at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA.

Persons wishing to present testimony at a hearing should contact Kaylene Wance, P.O. Box 8468, Harrisburg, PA 17105, (717) 787-9257 or [kwance@pa.gov](mailto:kwance@pa.gov) to reserve a time. Speakers will be limited to 10 minutes and should provide two written copies of their comments. Persons who do not reserve a time will be able to testify as time allows.

If by 12 p.m. on Monday, April 16, 2018, 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 <http://www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx> if the hearing is cancelled. Persons may also contact Kaylene Wance at (717) 787-9257 or [kwance@pa.gov](mailto:kwance@pa.gov) to find out if the hearing is cancelled.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Kaylene Wance. 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 April 20, 2018. Commentators are encouraged to submit comments using the Department's eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments may be mailed to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Regional Haze Five-Year Progress Report" as the subject line in written communication.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 18-404. Filed for public inspection March 16, 2018, 9:00 a.m.]

**DEPARTMENT OF HEALTH****Ambulatory Surgical Facilities; Requests for Exceptions**

The following ambulatory surgical facility (ASF) has filed a request for exception under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exception relates to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Surgery Center at Allentown, LLC	28 Pa. Code § 551.21(a)(2) and (d) (relating to criteria for ambulatory surgery)

The previously listed 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 previously listed address. 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, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 18-405. Filed for public inspection March 16, 2018, 9:00 a.m.]

**DEPARTMENT OF HEALTH****Health Research Advisory Committee Meeting**

The Department of Health's Health Research Advisory Committee (Committee), established by section 903(b) of the Tobacco Settlement Act (35 P.S. § 5701.903(b)), will hold a public meeting on May 31, 2018, from 9 a.m. to 11 a.m. The meeting will be held in the Desert Room, Keystone Building, 400 North Street, Harrisburg, PA 17120.

The purpose of the meeting is to review the work of the committee and to begin the planning process to establish the health research priorities for State Fiscal Year 2019-2020.

For additional information or persons with disabilities who wish to attend the meeting and require an auxiliary aid, service or other accommodation, contact Penny E. Harris, MEd, CAC, LPC, Director, Health Research Office, or Sylvia Golas, DMD, MPH, Public Health Program Administrator, Health Research Office, (717) 231-2825, ra-healthresearch@pa.gov, by mail to Health and Welfare Building, Room 833, 625 Forster Street, Harrisburg, PA 17120-0701, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 18-406. Filed for public inspection March 16, 2018, 9:00 a.m.]

**DEPARTMENT OF HEALTH****Hospitals; Requests for Exceptions**

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Children's Hospital of Pittsburgh of UPMC	28 Pa. Code § 107.61 (relating to written orders)
Guthrie Towanda Memorial Hospital	28 Pa. Code § 107.61
UPMC Altoona	28 Pa. Code § 117.52 (relating to minimum requirements for sexual assault emergency services)
UPMC Kane	28 Pa. Code § 117.52
UPMC Pinnacle Memorial	28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations)

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Geisinger Medical Center	2.1-3.3.1	Hand scrub facilities	2014
	2.2-3.4.2.1(2)	CT scanner rooms	2014
Geisinger Wyoming Valley Medical Center	2.1-8.5.3.2	Size (TDRs)	2014
	2.2-3.4.2.1(1)(b)	Space requirements (CT scanner rooms)	2014
Geisinger—Community Medical Center	2.2-3.4.5.4(1)	Patient toilet rooms	2014
Lancaster General Hospital	2.1-8.5.3.2	Size (TDRs)	2014
Magee Rehabilitation Hospital	2.6-2.3.1.2	Space requirements	2014
	2.6-2.3.3	Personal services (barber/beauty) areas	2014
Monongahela Valley Hospital	2.2-3.4.5.4	Patient toilet rooms	2014
Penn Highland Clearfield	2.2-3.4.2.2	Control rooms	2014
Penn Highland DuBois	2.2-2.2.2.1	Capacity	2014
	2.2-2.2.2.2	Space requirements	2014
	3.1-3.2.2.2(1)	Area	2014
	3.1-3.2.2.2(2)	Clearances	2014
Penn Highlands Elk	2.1-7.2.3.1(6)(a)	Flooring and wall bases	2014
	2.2-3.3.4.3(1)(b)	Phase I post-anesthetic care unit (PACU)	2014
Riddle Memorial Hospital	2.2-2.11.3.2(1)	Space requirements	2014
	2.2-2.11.3.2(2)	Space requirements	2014
	2.2-2.12.6.12(1)	Environmental services room	2014
	2.2-2.12.6.12(2)	Environmental services room	2014
Thomas Jefferson University Hospital	2.1-2.2.6.3	Room features	2014
	2.1-2.2.6.1	Patient toilet rooms	2014
	2.1-2.2.6.2	Patient toilet rooms in nursing units	2014
Titusville Area Hospital	2.1-2.4.2.2(4)	AII room requirements	2014
	2.2-3.1.3.6(2)	Treatment rooms or areas (single-bed treatment room(s))	2014
	2.2-3.1.3.6(5)	Treatment rooms or areas (treatment rooms for bariatric patients)	2014
	2.2-3.1.3.6(6)	Treatment rooms or areas (trauma/resuscitation room(s))	2014
	2.2-3.1.3.6(8)	Treatment rooms or areas (human decontamination areas)	2014
	2.2-3.1.3.7	Patient toilet rooms	2014
	2.2-3.1.6.12	Environmental services rooms	2014
	2.2-3.1.7.1	Staff lounges	2014
Tyrone Regional Health Network	3.1-3.6.5.1	Location (hand-washing stations)	2014
	3.1-3.6.5.3	Additional requirements for hand-washing stations that serve multiple patient care stations	2014
York Hospital	2.1-3.2.2.1(2)(a)	Clearances (space requirements)	2014

All previously listed requests are 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 previously listed address. 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 for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 18-407. Filed for public inspection March 16, 2018, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Medical Marijuana Advisory Board Meeting

The Department of Health gives notice that the Medical Marijuana Advisory Board (Board) will meet on Monday, April 9, 2018, from 9 a.m. to 1 p.m. in the Forest Room, Keystone Building Meeting Center, Keystone Building, 400 North Street, Suite 114 East, Harrisburg, PA. At this meeting, the Board will present, discuss and vote on the adoption of the report to the Governor, the Senate and the House of Representatives on the Medical Marijuana Program required by section 1201(j) of the Medical Marijuana Act (35 P.S. § 10231.1201(j)).

For additional information, including an alternative format of this notice (for example, large print, audiotope, Braille) or for persons with a disability who wish to attend the meeting who require an auxiliary aid, service or other accommodation to do so, contact Holli Senior, Special Assistant, Office of Medical Marijuana, 625 Forster Street, Room 628, Health and Welfare Building, Harrisburg, PA 17120, (717) 547-3047, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 18-408. Filed for public inspection March 16, 2018, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Newborn Hearing Screening Program; Change in Reporting Requirements

The Infant Hearing Education, Assessment, Reporting and Referral (IHEARR) Act (11 P.S. §§ 876-1—876-9) requires facilities to report, in a manner prescribed by the Department of Health (Department), the number of newborns and infants screened for hearing and the results of the screening to the Newborn Hearing Screening Program, overseen by the Department's Division of Newborn Screening and Genetics. As previously announced, effective January 1, 2018, submitters (hospitals, birth centers and midwives) are required to report individual level hearing screening results for all hearing screenings completed (inpatient or outpatient screens) for all newborns birthed by the submitter. This report requires information on nonscreened babies including parent refusals, missed screens, babies that were transferred to another hospital and expired babies.

The purpose of this notice is to announce a change in the method of reporting hearing screening results. As of June 1, 2018, all individual level hearing screening reporting must be completed by the newborn screening data system, iCMS. If a submitter was not able to participate in one of the iCMS trainings offered between

November 2017 and February 2018, they must participate in the last training scheduled for April 12, 2018, by teleconference. Submitters must register for this training with iCMS vendor representative Lisa Hudson, (631) 873-4193, Lisa.Hudson@natus.com. The only exception for individual level hearing screening reporting through iCMS will be for midwives who provide a written notification to the Division of Newborn Screening and Genetics that they do not have Internet access. In this case, midwives will be allowed to continue reporting by the Newborn Hearing Screening Program Hearing Screening Reporting Form. The monthly hearing screening aggregate report is still required. For additional information contact Stacey Gustin, Program Manager, Division of Newborn Screening and Genetics, (717) 783-8143, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 18-409. Filed for public inspection March 16, 2018, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on Tuesday, March 27, 2018, from 10 a.m. to 3 p.m. The purpose of the meeting is to review progress in the area of organ and tissue donation in this Commonwealth, recommend education and awareness activities, recommend priorities in expenditures from the Organ and Tissue Donation Awareness Fund (Fund) and advise the Acting Secretary of Health on matters relating to the administration of the Fund. The meeting will be held at the Giant Food Store, Community Room, 2300 Linglestown Road, 2nd Floor, Harrisburg, PA 17110.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Christine Bayuk, Program Administrator, Organ and Tissue Donation Program, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 18-410. Filed for public inspection March 16, 2018, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Rare Disease Advisory Council Meeting

The Department of Health will be holding a public meeting of the Rare Disease Advisory Council on Tuesday, April 3, 2018, from 10 a.m. to 3 p.m. This meeting will be held at the Dixon University Center, 2986 North Second Street, Administrative Building, Harrisburg, PA 17110-1201. The purpose of this meeting is to receive the reports of subcommittees, to continue discussions of the committee work and discuss promoting awareness of rare diseases and funding for treatment and research.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact the Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
Acting Secretary

[Pa.B. Doc. No. 18-411. Filed for public inspection March 16, 2018, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Temporary Scheduling of Substance: Fentanyl-Related Substances as Schedule I Controlled Substances

The Acting Secretary of Health ("Secretary") of the Pennsylvania Department of Health ("Department") is issuing this final order temporarily scheduling fentanyl-related substances that are not currently listed in any schedule of The Controlled Substance, Drug, Device and Cosmetic Act ("Act") (35 P.S. §§ 780-101—780-144). This final order will place these substances in schedule I under the Act. The Secretary is taking this action because the scheduling of fentanyl-related substances in this Commonwealth on a temporary basis is necessary to avoid an imminent hazard to public safety.

On February 21, 2018, pursuant to section 3(d)(4) of the Act (35 P.S. § 780-103(d)(4)), the Secretary transmitted to the Attorney General for his review a copy of her notice of intent to issue a final order. On February 24, 2018, the Secretary's notice of intent was published in the *Pennsylvania Bulletin*. On February 26, 2018, the Attorney General agreed in writing that the temporary scheduling of fentanyl-related substances as schedule I controlled substances under the Act was both necessary and appropriate. The Attorney General had, by law, 30 days from receipt of the proposed notice to provide written comments to the Department, if any.

Any formal order may not be issued before the expiration of 14 days after both:

(i) The date of publication in the *Pennsylvania Bulletin* of this proposed notice of the intention to issue a final notice and the grounds upon which the order is to be issued.

(ii) The date the Secretary transmitted the notice to the Attorney General.

This final order temporarily scheduling fentanyl-related substances as schedule I controlled substances is effective for one year from the date of publication of the final order in the *Pennsylvania Bulletin*. The Secretary may, during proceedings to permanently control those substances under the Act, extend the temporary scheduling for up to one additional year. 35 P.S. § 780-103(d)(2).

#### Background

The United States Drug Enforcement Administration ("DEA") published its intent to classify fentanyl-related substances as schedule I synthetic opioids under the Federal Controlled Substance Act ("CSA") (21 U.S.C.A. §§ 801—971) on December 29, 2017. The DEA's temporary scheduling order was issued upon its publication in the *Federal Register* at 83 FR 5188 (February 6, 2018) and is effective February 6, 2018 until February 6, 2020. If the order is extended or made permanent, the DEA will publish a document in the *Federal Register*.

Section 201 of the CSA, 21 U.S.C.A. § 811, provides the U.S. Attorney General with the authority to temporarily place a substance in schedule I of the CSA for two years if he finds that such action is necessary to avoid an imminent hazard to the public safety. The Attorney General has delegated his scheduling authority under 21 U.S.C.A. § 811 to the Administrator of the DEA. To find that placing a substance temporarily into schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator is required to consider: (1) the substances' history and current pattern of abuse; (2) the scope, duration and significance of abuse; and (3) what, if any, risk there is to the public health. 21 U.S.C.A. § 811(h)(3).

The Administrator for the DEA determined that because fentanyl-related substances have: (1) a high potential for abuse; (2) no currently accepted medical use in treatment in the United States; and (3) a lack of accepted safety for use under medical supervision, it was necessary to temporarily schedule I of the CSA to avoid an imminent hazard to the public safety. 83 FR 5190 (February 6, 2018). A substance may be temporarily scheduled if it is not listed in any other schedule under section 202 of the CSA, 21 U.S.C.A. § 812, or if there is no exemption or approval in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act ("FD&C Act"), 21 U.S.C.A. § 355. If such an exemption or approval is in effect under section 505 of the FD&C Act with respect to a substance that falls within the definition of a fentanyl-related substance set forth in this notice and final notice, such substance will be excluded from the temporary scheduling order.

The DEA has further determined that its current temporary scheduling notice would define fentanyl-related substances to include any substance that is structurally related to fentanyl by one or more of the following modifications:

1. Replacement of the phenyl portion of the phenethyl groups by any monocycle, whether further substituted in or on the monocycle;
2. Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, halo, haloalkyl, amino or nitro groups;
3. Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, haloalkyl, amino or nitro groups;
4. Replacement of the aniline ring with an aromatic monocycle whether further substituted in or on the aromatic monocycle; and/or

5. Replacement of the N-propionyl group by another acyl group.

83 FR 5191-5192 (February 6, 2018). The DEA's temporary scheduling order includes all substances that fall within the above definition—even if such substances have not yet emerged on the illicit market in the United States or the Commonwealth. The DEA further noted in its temporary scheduling order that none of the substances being temporarily controlled has a currently accepted medical use in treatment in the United States.

In this Commonwealth, fentanyl-related substances are not currently scheduled. The Commonwealth has recently seen an increase in use of the drug to mix with heroin and other substances (such as cocaine and methamphetamine) or used in counterfeit pharmaceutical prescription drugs. Consequently, users who buy these substances on the illicit market are often unaware of the specific substance they are actually consuming and the associated risk with that substance. Fentanyl-related substances have a high potential for abuse and are approximately 100 times stronger than morphine. Typically, these substances are manufactured outside the United States by clandestine manufacturers and then smuggled into the United States. They are also widely available over the internet as a “research chemical,” allowing for potential widespread use within the Commonwealth.

These factors, in addition to fentanyl-related substances not currently listed in any schedule and having no currently acceptable medical use in the United States, show that fentanyl-related substances pose a substantial risk to the public. This has prompted the Secretary to schedule fentanyl-related substances as schedule I controlled substances on a temporary basis. In doing so, the Secretary is acting to protect the citizens of this Commonwealth and bring the Commonwealth into conformity with Federal Law.

#### *Legal Authority and Action*

Under section 3 of the Act, the Secretary shall control all substances listed in schedules I through V of the act. Under section 3(d) of the Act, the Secretary is authorized to schedule any substance on a temporary basis to avoid an imminent hazard to public safety. When determining whether a substance poses an imminent hazard to public safety, the Secretary is required to consider: (1) the substance's history and current pattern of abuse; (2) the substance's scope, duration and significance of its abuse; (3) the risk to the public health; and (4) whether the substance is controlled under Federal law. 35 P.S. §§ 780-103(a)(4), (a)(5), (a)(6), and (a)(8) When a substance is already controlled under Federal law, the Secretary is not required to take into consideration the remaining factors in section 780-103(a) of the Act.

In addition, the Secretary is authorized under section 3(d) of the Act, to schedule on a temporary basis a substance under one of the schedules in section 4 of the act (35 P.S. § 780-104), regarding schedules of controlled substances, if the substance is not listed in any other schedule in section 4 of the Act or 28 Pa. Code §§ 25.72 and 25.75 (relating to schedules of controlled substances; and paregoric) and if no exception or approval is in effect for the substance under section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C.A. § 355). As previously noted, the FDA has not approved fentanyl-related substances not currently listed in any schedule under the CSA for any type of medical use.

Because fentanyl-related substances are not currently listed in any schedule of the CSA, the Secretary has the

authority to temporarily schedule fentanyl-related substances under the Act. Although not required to do so in taking this action, the Secretary has considered: (1) the increased current use of fentanyl-related substances in combination with other substances; (2) fentanyl-related substances' addictive nature; (3) the fact that fentanyl-related substances are approximately 100 times more potent than morphine; (4) the availability of fentanyl-related substances through on-line distributors; and (5) the lack of a valid, medical use. Accordingly, the Secretary determined that fentanyl-related substances are a dangerous hazard to public safety.

To revise 28 Pa. Code § 25.72 to conform to this final order issued by the Secretary under section 3(d) of the Act to temporarily schedule as schedule I controlled substances fentanyl-related substances that are not currently listed in any schedule under the Act, the Department plans to promulgate a conforming amendment to 28 Pa. Code § 25.72 through final rulemaking with proposed rulemaking omitted.

#### *Accessibility*

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Department of Health, Bureau of Community Program Licensure and Certification, Division of Home Health by means of the Drug, Device and Cosmetic Program, 132A Kline Plaza, Harrisburg, PA 17104, (717) 783-1379, or, for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 18-412. Filed for public inspection March 16, 2018, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$1 MONOPOLY™ Instant Lottery Game 1335

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$1 MONOPOLY™ (hereinafter “\$1 MONOPOLY™”). The game number is PA-1335.

2. *Price:* The price of a \$1 MONOPOLY™ instant lottery game ticket is \$1.

3. *Play Symbols:* Each \$1 MONOPOLY™ instant lottery game ticket will contain one play area. The prize play symbols and their captions located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN), \$200 (TWO HUN), \$5,000 (FIV THO), and a Scottie Dog (DOUBLE) symbol.

4. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$30, \$40, \$100, \$200 and \$5,000. The player can win up to 1 time on the ticket.



5. *Second-Chance Game*: The Pennsylvania Lottery will conduct a MONOPOLY™ Second-Chance Game for which non-winning \$1 MONOPOLY™ instant lottery game tickets may be eligible as provided for in section 9 (relating to second-chance game).

6. *Approximate Number of Tickets Printed For the Game*: Approximately 10,800,000 tickets will be printed for the \$1 MONOPOLY™ instant lottery game.

7. *Determination of Prize Winners*:

(a) Holders of tickets with three matching prize play symbols of \$5,000 (FIV THO) in the play area, on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three matching prize play symbols of \$200 (TWO HUN) in the play area, on a single ticket, shall be entitled to a prize of \$200.

(c) Holders of tickets with two matching prize play symbols of \$100 (ONE HUN) and a Scottie Dog (DOUBLE) symbol appearing in the play area, on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with three matching prize play symbols of \$40<sup>00</sup> (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with two matching prize play symbols of \$20<sup>00</sup> (TWENTY) and a Scottie Dog (DOUBLE) symbol appearing in the play area, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets with three matching prize play symbols of \$30<sup>00</sup> (THIRTY) in the play area, on a single ticket, shall be entitled to a prize of \$30.

(h) Holders of tickets with three matching prize play symbols of \$20<sup>00</sup> (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets with two matching prize play symbols of \$10<sup>00</sup> (TEN DOL) and a Scottie Dog

(DOUBLE) symbol appearing in the play area, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets with three matching prize play symbols of \$10<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with two matching prize play symbols of \$5<sup>00</sup> (FIV DOL) and a Scottie Dog (DOUBLE) symbol appearing in the play area, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets with three matching prize play symbols of \$5<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets with three matching prize play symbols of \$4<sup>00</sup> (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets with two matching prize play symbols of \$2<sup>00</sup> (TWO DOL) and a Scottie Dog (DOUBLE) symbol appearing in the play area, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets with three matching prize play symbols of \$2<sup>00</sup> (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets with two matching prize play symbols of \$1<sup>00</sup> (ONE DOL) and a Scottie Dog (DOUBLE) symbol appearing in the play area, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets with three matching prize play symbols of \$1<sup>00</sup> (ONE DOL) in the play area, on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets with three matching prize play symbols of FREE (TICKET) in the play area, on a single ticket, shall be entitled to a prize of one PA-1335 \$1 MONOPOLY™ instant lottery game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds*: The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal Three Like Amounts, Win That Amount. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
3—FREEs	FREE \$1 TICKET	12.5	864,000
3—\$1s	\$1	60	180,000
2—\$1s w/ SCOTTIE DOG	\$2	20.69	522,000
3—\$2s	\$2	100	108,000
2—\$2s w/ SCOTTIE DOG	\$4	33.33	324,000
3—\$4s	\$4	300	36,000
3—\$5s	\$5	150	72,000
2—\$5s w/ SCOTTIE DOG	\$10	100	108,000
3—\$10s	\$10	600	18,000
2—\$10s w/ SCOTTIE DOG	\$20	600	18,000
3—\$20s	\$20	1,000	10,800
3—\$30s	\$30	1,200	9,000
2—\$20s w/ SCOTTIE DOG	\$40	3,000	3,600
3—\$40s	\$40	3,429	3,150

<i>Reveal Three Like Amounts, Win That Amount. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
3—\$100s	\$100	8,000	1,350
2—\$100s w/ SCOTTIE DOG	\$200	240,000	45
3—\$200s	\$200	240,000	45
3—\$5,000s	\$5,000	1,080,000	10

Reveal two like amounts and a “SCOTTIE DOG” (DOUBLE) symbol, win double that amount!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Game:* Pennsylvania Lottery’s MONOPOLY™ Second-Chance Game (hereafter, the “Game”).

(a) *Qualifying Tickets:* Non-winning PA-1335 \$1 MONOPOLY™ (\$1), PA-1334 \$2 MONOPOLY™ (\$2), PA-1332 \$5 MONOPOLY™ (\$5) and PA-1331 \$10 MONOPOLY™ (\$10) instant lottery tickets (“Qualifying Tickets”) are eligible for entry in the Game.

(b) *Participation and Entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Game. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Game, entrants must enter the identifying information from at least one Qualifying Ticket via the Game’s promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery’s official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Game. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Game.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Game Description.*

(1) The Game will consist of a drawing and an optional, virtual non-prize-determinative interactive game.

(2) *Drawing.*

(i) The Lottery will conduct one Game drawing. All time references are Eastern Prevailing Time.

(ii) All entries received after 11:59:59 p.m. March 18, 2018, through 11:59:59 p.m. May 24, 2018, will be entered into the Game drawing, held between May 25, 2018 and June 5, 2018.

(3) The entry periods for each Game drawing will be posted to the Pennsylvania Lottery’s publicly accessible website.

(4) Each entrant will have the opportunity to play an optional, virtual non-prize-determinative interactive game that may reveal a predetermined instant cash prize or a predetermined prize that multiplies the number of entries the entrant receives by entering a Qualifying Ticket (the “Entry-multiplier Prize”). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine the outcome of the non-prize-determinative game play.

(5) The number of entries an entrant will receive for the Game drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry-multiplier Prize, if applicable. The respective purchase prices and corresponding number of entries for Qualifying Tickets are as follows: PA-1335 \$1 MONOPOLY™ (\$1) = 1 entry; PA-1334 \$2 MONOPOLY™ (\$2) = 2 entries; PA-1332 \$5 MONOPOLY™ (\$5) = 5 entries; and PA-1331 \$10 MONOPOLY™ (\$10) = 10 entries.

(6) Players may review prizes won and their entries for each Game drawing via the Game’s promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning.*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e), or mentioned anywhere else in these rules.

(2) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the optional, virtual non-prize-determinative game play shall not result in an instant cash prize or an Entry-multiplier Prize, the play sequence will show the player receiving the number of entries that were assigned to the Qualifying Ticket entered for the Game’s drawing.

(3) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the optional, virtual non-prize-determinative game play shall result in an award of an instant cash prize, the play sequence will show the player winning a \$200 instant cash prize and receiving the number of entries that were assigned to the Qualifying Ticket entered for the Game’s drawing. The following tables set forth the approximate number of instant cash prize winners and the approximate odds of winning an instant cash prize:

<i>Game</i>	<i>Approximate Odds Are 1 in:</i>	<i>Approximate Number of \$200 Winners</i>
PA-1331	3,400	1,767
PA-1332	3,600	2,321
PA-1334	3,900	1,689
PA-1335	4,300	1,982

(4) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the optional, virtual non-prize-determinative game play sequence shall result in an award of an Entry-multiplier Prize, the play sequence will show the player winning the Entry-multiplier. The player will receive the number of entries that were assigned to the Qualifying Ticket entered for the Game's drawing, multiplied by either five (5) or ten (10). The following table sets forth the approximate number of Entry-multiplier Prizes and the approximate odds of winning an Entry-multiplier Prize:

<i>Game</i>	<i>Approximate 5X Chances Are 1 in:</i>	<i>Approximate 10X Chances Are 1 in:</i>	<i>Approximate Number of 5X Multiplier Winners</i>	<i>Approximate Number of 10X Multiplier Winners</i>
PA-1331	5	10	1,201,572	600,786
PA-1332	5	10	1,671,342	835,671
PA-1334	10	5	658,625	1,317,250
PA-1335	10	5	852,200	1,704,400

(5) The Lottery will conduct one Game drawing from among all the entries received during the applicable entry period(s) as described in section 9(c). All prizes will be paid as a lump-sum cash payment.

(i) The first entry selected in the Game drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$75,000, less required income tax withholding.

(ii) The second entry selected in the Game drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$25,000, less required income tax withholding.

(iii) The third through the seventh entries selected in the Game drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(iv) The eighth through the seventeenth entries selected in the Game drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,000.

(v) The eighteenth through the twenty-seventh entries selected in the Game drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,000.

(6) The number of winning entries to be selected in the Game drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(7) The odds of winning a prize in the Game drawing depends upon the number of entries received for the drawing.

(8) A computer-generated randomizer will be used to select the Game drawing winners.

(e) *Game Restrictions.*

(1) To be eligible to participate in the optional, virtual non-prize-determinative Game and Game drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Game. The

Lottery is not responsible for entries that are not entered into the Game because of incompatible internet browsers, mobile lottery application failure or other technical issues. If an entry is selected as a winner and disqualified or otherwise rejected during or following the Game drawing, the Lottery will select another entry to replace the disqualified or otherwise rejected entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Game, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Game. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Game and change these rules if the Game cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Game.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Game or to be acting in violation of these rules or applicable law.

(8) The Game is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won. If no claim is made within one year of the drawing date of the drawing in which the prize was won, the right of an



entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Game to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising in connection with any prize won, including any amount of taxes which exceeds the basic level of withholding required by law.

(13) A player may only win the prize for which the player is first selected in the Game drawing. Subsequent entries, from the same individual, selected in the same drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$1 MONOPOLY™ instant lottery game tickets.

11. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

12. *Unclaimed Prize Money:* For a period of 1 year from the announced close of \$1 MONOPOLY™, prize money from winning \$1 MONOPOLY™ instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$1 MONOPOLY™ instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

13. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

14. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets

from this game may be sold. The announcement will be disseminated through media used to advertise or promote \$1 MONOPOLY™ or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 18-413. Filed for public inspection March 16, 2018, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$2 MONOPOLY™ Instant Lottery Game 1334

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$2 MONOPOLY™ (hereinafter referred to as “\$2 MONOPOLY™”). The game number is PA-1334.

2. *Price:* The price of a \$2 MONOPOLY™ instant lottery game ticket is \$2.

3. *Play Symbols:* Each \$2 MONOPOLY™ instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), and 20 (TWENT). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a Railroad (WIN25) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$25.<sup>00</sup> (TWY FIV), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$25, \$50, \$100, \$250, \$500, \$1,000 and \$25,000. A player can win up to 10 times on a ticket.

6. *Second-Chance Game:* The Pennsylvania Lottery will conduct a MONOPOLY™ Second-Chance Game for which non-winning \$2 MONOPOLY™ instant lottery game tickets may be eligible as provided for in section 10 (relating to second-chance game).

7. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the \$2 MONOPOLY™ instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears in the “prize” area

under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$250 (TWHYHUNFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol

of \$25<sup>00</sup> (TWY FIV) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is Railroad (WIN25) symbol and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "prize" area under that Railroad (WIN25) symbol, on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$2	\$2	9.09	924,000
\$2 × 2	\$4	37.5	224,000
\$4	\$4	50	168,000
\$5	\$5	30	280,000
\$2 × 5	\$10	500	16,800
\$5 × 2	\$10	500	16,800
(\$4 × 2) + \$2	\$10	750	11,200
\$10	\$10	750	11,200
\$5 × 5	\$25	1,500	5,600
(\$10 × 2) + \$5	\$25	1,500	5,600
\$25 w/ RAILROAD	\$25	71.43	117,600
\$25	\$25	1,500	5,600
\$5 × 10	\$50	3,000	2,800
\$10 × 5	\$50	6,000	1,400
(\$25 w/ RAILROAD) + (\$5 × 5)	\$50	1,000	8,400
(\$25 w/ RAILROAD) × 2	\$50	1,000	8,400
\$50	\$50	6,000	1,400
\$10 × 10	\$100	24,000	350

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
\$50 × 2	\$100	24,000	350
(((\$25 w/ RAILROAD) × 2) + (\$10 × 5))	\$100	12,000	700
(((\$25 w/ RAILROAD) × 3) + \$25)	\$100	12,000	700
(\$25 w/ RAILROAD) × 4	\$100	4,000	2,100
\$100	\$100	24,000	350
\$25 × 10	\$250	120,000	70
\$50 × 5	\$250	120,000	70
(((\$25 w/ RAILROAD) × 4) + (\$50 × 3))	\$250	120,000	70
(\$25 w/ RAILROAD) × 10	\$250	120,000	70
\$250	\$250	120,000	70
\$50 × 10	\$500	840,000	10
\$500	\$500	840,000	10
\$100 × 10	\$1,000	840,000	10
\$1,000	\$1,000	840,000	10
\$25,000	\$25,000	840,000	10

Reveal a "RAILROAD" (WIN25) symbol, win \$25 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Game*: Pennsylvania Lottery's MONOPOLY™ Second-Chance Game (hereafter, the "Game").

(a) *Qualifying Tickets*: Non-winning PA-1335 \$1 MONOPOLY™ (\$1), PA-1334 \$2 MONOPOLY™ (\$2), PA-1332 \$5 MONOPOLY™ (\$5) and PA-1331 \$10 MONOPOLY™ (\$10) instant lottery tickets ("Qualifying Tickets") are eligible for entry in the Game.

(b) *Participation and Entry*:

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Game. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Game, entrants must enter the identifying information from at least one Qualifying Ticket via the Game's promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Game. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Game.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Game Description*.

(1) The Game will consist of a drawing and an optional, virtual non-prize-determinative interactive game.

(2) *Drawing*.

(i) The Lottery will conduct one Game drawing. All time references are Eastern Prevailing Time.

(ii) All entries received after 11:59:59 p.m. March 18, 2018, through 11:59:59 p.m. May 24, 2018, will be entered into the Game drawing, held between May 25, 2018 and June 5, 2018.

(3) The entry periods for each Game drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(4) Each entrant will have the opportunity to play an optional, virtual non-prize-determinative interactive game that may reveal a predetermined instant cash prize or a predetermined prize that multiplies the number of entries the entrant receives by entering a Qualifying Ticket (the "Entry-multiplier Prize"). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine the outcome of the non-prize-determinative game play.

(5) The number of entries an entrant will receive for the Game drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry-multiplier Prize, if applicable. The respective purchase prices and corresponding number of entries for Qualifying Tickets are as follows: PA-1335 \$1 MONOPOLY™ (\$1) = 1 entry; PA-1334 \$2 MONOPOLY™ (\$2) = 2 entries; PA-1332 \$5 MONOPOLY™ (\$5) = 5 entries; and PA-1331 \$10 MONOPOLY™ (\$10) = 10 entries.

(6) Players may review prizes won and their entries for each Game drawing via the Game's promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning*.

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or mentioned anywhere else in these rules.



(2) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the optional, virtual non-prize-determinative game play shall not result in an instant cash prize or an Entry-multiplier Prize, the play sequence will show the player receiving the number of entries that were assigned to the Qualifying Ticket entered for the Game's drawing.

(3) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the optional,

virtual non-prize-determinative game play shall result in an award of an instant cash prize, the play sequence will show the player winning a \$200 instant cash prize and receiving the number of entries that were assigned to the Qualifying Ticket entered for the Game's drawing. The following tables set forth the approximate number of instant cash prize winners and the approximate odds of winning an instant cash prize:

<i>Game</i>	<i>Approximate Odds Are 1 in:</i>	<i>Approximate Number of \$200 Winners</i>
PA-1331	3,400	1,767
PA-1332	3,600	2,321
PA-1334	3,900	1,689
PA-1335	4,300	1,982

(4) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the optional, virtual non-prize-determinative game play sequence shall result in an award of an Entry-multiplier Prize, the play sequence will show the player winning the Entry-multiplier. The player will receive the number of entries that were assigned to the Qualifying Ticket entered for the Game's drawing, multiplied by either five (5) or ten (10). The following table sets forth the approximate number of Entry-multiplier Prizes and the approximate odds of winning an Entry-multiplier Prize:

<i>Game</i>	<i>Approximate 5X Chances Are 1 in:</i>	<i>Approximate 10X Chances Are 1 in:</i>	<i>Approximate Number of 5X Multiplier Winners</i>	<i>Approximate Number of 10X Multiplier Winners</i>
PA-1331	5	10	1,201,572	600,786
PA-1332	5	10	1,671,342	835,671
PA-1334	10	5	658,625	1,317,250
PA-1335	10	5	852,200	1,704,400

(5) The Lottery will conduct one Game drawing from among all the entries received during the applicable entry period(s) as described in section 10(c). All prizes will be paid as a lump-sum cash payment.

(i) The first entry selected in the Game drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$75,000, less required income tax withholding.

(ii) The second entry selected in the Game drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$25,000, less required income tax withholding.

(iii) The third through the seventh entries selected in the Game drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(iv) The eighth through the seventeenth entries selected in the Game drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,000.

(v) The eighteenth through the twenty-seventh entries selected in the Game drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,000.

(6) The number of winning entries to be selected in the Game drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(7) The odds of winning a prize in the Game drawing depends upon the number of entries received for the drawing.

(8) A computer-generated randomizer will be used to select the Game drawing winners.

(e) *Game Restrictions.*

(1) To be eligible to participate in the optional, virtual non-prize-determinative Game and Game drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Game. The Lottery is not responsible for entries that are not entered into the Game because of incompatible internet browsers, mobile lottery application failure or other technical issues. If an entry is selected as a winner and disqualified or otherwise rejected during or following the Game drawing, the Lottery will select another entry to replace the disqualified or otherwise rejected entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Game, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Game. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Game and change these rules if the Game cannot be conducted as planned

due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Game.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Game or to be acting in violation of these rules or applicable law.

(8) The Game is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won. If no claim is made within one year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Game to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising in connection with any prize won, including any amount of taxes which exceeds the basic level of withholding required by law.

(13) A player may only win the prize for which the player is first selected in the Game drawing. Subsequent entries, from the same individual, selected in the same drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$2 MONOPOLY™ instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-

winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of \$2 MONOPOLY™, prize money from winning \$2 MONOPOLY™ instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$2 MONOPOLY™ instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote \$2 MONOPOLY™ or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 18-414. Filed for public inspection March 16, 2018, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$5 MONOPOLY™ Instant Lottery Game 1332

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$5 MONOPOLY™ (hereinafter referred to as “\$5 MONOPOLY™”). The game number is PA-1332.

2. *Price:* The price of a \$5 MONOPOLY™ instant lottery game ticket is \$5.

3. *Play Symbols:* Each \$5 MONOPOLY™ instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV),

26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRTY), Electric Company (4TIMES) symbol and a Water Works (10TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “prize” areas are: \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$40.<sup>00</sup> (FORTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$200, \$400, \$1,000, \$5,000 and \$100,000. The player can win up to 12 times on a ticket.

6. *Second-Chance Game:* The Pennsylvania Lottery will conduct a MONOPOLY™ Second-Chance Game for which non-winning \$5 MONOPOLY™ instant lottery game tickets may be eligible as provided for in section 10 (relating to second chance game).

7. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the \$5 MONOPOLY™ instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Water Works (10TIMES) symbol and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that Water Works (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$4,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Water Works (10TIMES) symbol and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Water Works (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Water Works (10TIMES) symbol and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the “prize” area under that Water Works (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is an Electric Company (4TIMES) symbol and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Electric Company (4TIMES) symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Water Works (10TIMES) symbol and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the “prize” area under that Water Works (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is an Electric Company (4TIMES) symbol and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the “prize” area under that Electric Company (4TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Water Works (10TIMES) symbol and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “prize” area under that Water Works (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Water Works (10TIMES) symbol and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “prize” area under that Water Works (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is an Electric Company (4TIMES) symbol and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “prize” area under that Electric Company (4TIMES) symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.



(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Electric Company (4TIMES) symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "prize" area under that Electric Company (4TIMES) symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket,

shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number; Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
\$5	\$5	9.09	1,188,000
\$5 × 2	\$10	30	360,000
\$10	\$10	30	360,000
\$5 × 4	\$20	300	36,000
\$10 × 2	\$20	300	36,000
\$5 w/ ELECTRIC COMPANY	\$20	120	90,000
\$20	\$20	300	36,000
\$5 × 8	\$40	300	36,000
\$10 × 4	\$40	600	18,000
(\$5 w/ ELECTRIC COMPANY) × 2	\$40	200	54,000
\$10 w/ ELECTRIC COMPANY	\$40	200	54,000
\$40	\$40	600	18,000
\$5 × 10	\$50	600	18,000
(\$20 × 2) + \$10	\$50	600	18,000
(\$10 w/ ELECTRIC COMPANY) + (\$5 × 2)	\$50	600	18,000
\$5 w/ WATER WORKS	\$50	300	36,000
\$50	\$50	600	18,000
\$20 × 5	\$100	3,000	3,600
\$50 × 2	\$100	3,000	3,600
(\$10 × 8) + (\$5 × 4)	\$100	3,000	3,600
(\$5 w/ ELECTRIC COMPANY) × 5	\$100	2,400	4,500
(\$5 w/ WATER WORKS) × 2	\$100	1,200	9,000
\$10 w/ WATER WORKS	\$100	1,200	9,000
\$100	\$100	2,400	4,500
\$50 × 4	\$200	12,000	900
\$100 × 2	\$200	12,000	900
(\$50 × 2) + (\$10 × 10)	\$200	12,000	900
(\$5 w/ ELECTRIC COMPANY) × 10	\$200	4,000	2,700
\$50 w/ ELECTRIC COMPANY	\$200	6,000	1,800
\$20 w/ WATER WORKS	\$200	4,000	2,700
\$200	\$200	12,000	900
\$100 × 4	\$400	120,000	90
\$200 × 2	\$400	120,000	90
(\$10 w/ ELECTRIC COMPANY) × 10	\$400	120,000	90
\$100 w/ ELECTRIC COMPANY	\$400	120,000	90
(\$10 w/ WATER WORKS) × 4	\$400	120,000	90

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
\$40 w/ WATER WORKS	\$400	120,000	90
\$400	\$400	120,000	90
\$100 × 10	\$1,000	1,080,000	10
\$100 w/ WATER WORKS	\$1,000	1,080,000	10
\$1,000	\$1,000	1,080,000	10
(\$400 w/ WATER WORKS) + (\$100 w/ WATER WORKS)	\$5,000	1,080,000	10
\$5,000	\$5,000	1,080,000	10
\$100,000	\$100,000	1,080,000	10

Reveal an "ELECTRIC COMPANY" (4TIMES) symbol, win 4 times the prize shown under that symbol.

Reveal a "WATER WORKS" (10TIMES) symbol, win 10 times the prize shown under that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Game*: Pennsylvania Lottery's MONOPOLY™ Second-Chance Game (hereafter, the "Game").

(a) *Qualifying Tickets*: Non-winning PA-1335 \$1 MONOPOLY™ (\$1), PA-1334 \$2 MONOPOLY™ (\$2), PA-1332 \$5 MONOPOLY™ (\$5) and PA-1331 \$10 MONOPOLY™ (\$10) instant lottery tickets ("Qualifying Tickets") are eligible for entry in the Game.

(b) *Participation and Entry*:

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Game. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Game, entrants must enter the identifying information from at least one Qualifying Ticket via the Game's promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Game. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Game.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Game Description*.

(1) The Game will consist of a drawing and an optional, virtual non-prize-determinative interactive game.

(2) *Drawing*.

(i) The Lottery will conduct one Game drawing. All time references are Eastern Prevailing Time.

(ii) All entries received after 11:59:59 p.m. March 18, 2018, through 11:59:59 p.m. May 24, 2018, will be entered into the Game drawing, held between May 25, 2018 and June 5, 2018.

(3) The entry periods for each Game drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(4) Each entrant will have the opportunity to play an optional, virtual non-prize-determinative interactive game that may reveal a predetermined instant cash prize or a predetermined prize that multiplies the number of entries the entrant receives by entering a Qualifying Ticket (the "Entry-multiplier Prize"). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine the outcome of the non-prize-determinative game play.

(5) The number of entries an entrant will receive for the Game drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry-multiplier Prize, if applicable. The respective purchase prices and corresponding number of entries for Qualifying Tickets are as follows: PA-1335 \$1 MONOPOLY™ (\$1) = 1 entry; PA-1334 \$2 MONOPOLY™ (\$2) = 2 entries; PA-1332 \$5 MONOPOLY™ (\$5) = 5 entries; and PA-1331 \$10 MONOPOLY™ (\$10) = 10 entries.

(6) Players may review prizes won and their entries for each Game drawing via the Game's promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning*.

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or mentioned anywhere else in these rules.

(2) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the optional, virtual non-prize-determinative game play shall not result in an instant cash prize or an Entry-multiplier Prize, the play sequence will show the player receiving the number of entries that were assigned to the Qualifying Ticket entered for the Game's drawing.

(3) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the optional,

virtual non-prize-determinative game play shall result in an award of an instant cash prize, the play sequence will show the player winning a \$200 instant cash prize and receiving the number of entries that were assigned to the

Qualifying Ticket entered for the Game's drawing. The following tables set forth the approximate number of instant cash prize winners and the approximate odds of winning an instant cash prize:

<i>Game</i>	<i>Approximate Odds Are 1 in:</i>	<i>Approximate Number of \$200 Winners</i>
PA-1331	3,400	1,767
PA-1332	3,600	2,321
PA-1334	3,900	1,689
PA-1335	4,300	1,982

(4) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the optional, virtual non-prize-determinative game play sequence shall result in an award of an Entry-multiplier Prize, the play sequence will show the player winning the Entry-multiplier. The player will receive the number of entries that were assigned to the Qualifying Ticket entered for the Game's drawing, multiplied by either five (5) or ten (10). The following table sets forth the approximate number of Entry-multiplier Prizes and the approximate odds of winning an Entry-multiplier Prize:

<i>Game</i>	<i>Approximate 5X Chances Are 1 in:</i>	<i>Approximate 10X Chances Are 1 in:</i>	<i>Approximate Number of 5X Multiplier Winners</i>	<i>Approximate Number of 10X Multiplier Winners</i>
PA-1331	5	10	1,201,572	600,786
PA-1332	5	10	1,671,342	835,671
PA-1334	10	5	658,625	1,317,250
PA-1335	10	5	852,200	1,704,400

(5) The Lottery will conduct one Game drawing from among all the entries received during the applicable entry period(s) as described in section 10(c). All prizes will be paid as a lump-sum cash payment.

(i) The first entry selected in the Game drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$75,000, less required income tax withholding.

(ii) The second entry selected in the Game drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$25,000, less required income tax withholding.

(iii) The third through the seventh entries selected in the Game drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(iv) The eighth through the seventeenth entries selected in the Game drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,000.

(v) The eighteenth through the twenty-seventh entries selected in the Game drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,000.

(6) The number of winning entries to be selected in the Game drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(7) The odds of winning a prize in the Game drawing depends upon the number of entries received for the drawing.

(8) A computer-generated randomizer will be used to select the Game drawing winners.

(e) *Game Restrictions.*

(1) To be eligible to participate in the optional, virtual non-prize-determinative Game and Game drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Game. The Lottery is not responsible for entries that are not entered into the Game because of incompatible internet browsers, mobile lottery application failure or other technical issues. If an entry is selected as a winner and disqualified or otherwise rejected during or following the Game drawing, the Lottery will select another entry to replace the disqualified or otherwise rejected entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Game, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Game. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Game and change these rules if the Game cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Game.



(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Game or to be acting in violation of these rules or applicable law.

(8) The Game is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won. If no claim is made within one year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Game to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising in connection with any prize won, including any amount of taxes which exceeds the basic level of withholding required by law.

(13) A player may only win the prize for which the player is first selected in the Game drawing. Subsequent entries, from the same individual, selected in the same drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$5 MONOPOLY™ instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of \$5 MONOPOLY™, prize money from winning \$5 MONOPOLY™ instant lottery game tickets will be retained by the Secretary for pay-

ment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$5 MONOPOLY™ instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote \$5 MONOPOLY™ or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 18-415. Filed for public inspection March 16, 2018, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$10 MONOPOLY™ Instant Lottery Game 1331

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$10 MONOPOLY™ (hereinafter “\$10 MONOPOLY™”). The game number is PA-1331.

2. *Price:* The price of a \$10 MONOPOLY™ instant lottery game ticket is \$10.

3. *Play Symbols:* Each \$10 MONOPOLY™ instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “BONUS” area. The “BONUS” play area is played separately. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY).

Question Mark (QSTMRK) symbol and a Car (WINALL) symbol. The play symbols and their captions located in the "BONUS" area are: NO BONUS (TRY AGAIN) symbol, TRY AGAIN (NO BONUS) symbol, NO BONUS (TRY AGAIN) symbol, TRY AGAIN (NO BONUS) symbol and a GO (WIN200) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$30, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$10,000 and \$300,000. The prize that can be won in the "BONUS" area is \$200. A player can win up to 15 times on a ticket.

6. *Second-Chance Game:* The Pennsylvania Lottery will conduct a MONOPOLY™ Second-Chance Game for which non-winning \$10 MONOPOLY™ instant lottery game tickets may be eligible as provided for in section 10 (relating to second-chance game).

7. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the \$10 MONOPOLY™ instant game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$300,000 (THRHUNTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$10,000 (TEN THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Question Mark (QSTMRK) symbol, and a prize symbol of \$10,000 (TEN THO) appears in the "prize" area under that Question Mark (QSTMRK) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Question Mark (QSTMRK) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that Question Mark (QSTMRK) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Car (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the

"WINNING NUMBERS" play symbols, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Question Mark (QSTMRK) symbol, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that Question Mark (QSTMRK) symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Car (WINALL) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the "prize" areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the "prize" areas and a prize symbol of \$100 (ONE HUN) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Car (WINALL) symbol, and a prize symbol of \$100 appears in three of the "prize" areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the "prize" areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Question Mark (QSTMRK) symbol, and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under that Question Mark (QSTMRK) symbol, on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Car (WINALL) symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in five of the "prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Car (WINALL) symbol, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in ten of the "prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Question Mark (QSTMRK) symbol, and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under that Question Mark (QSTMRK) symbol, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets with a GO (WIN200) symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Car (WINALL) symbol, and

a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Question Mark (QSTM RK) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Question Mark (QSTM RK) symbol, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Question Mark (QSTM RK) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that Question Mark (QSTM RK) symbol, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Question Mark (QSTM RK) symbol, and a prize symbol of \$30<sup>00</sup>

(THIRTY) appears in the “prize” area under that Question Mark (QSTM RK) symbol, on a single ticket, shall be entitled to a prize of \$30.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Question Mark (QSTM RK) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that Question Mark (QSTM RK) symbol, on a single ticket, shall be entitled to a prize of \$20.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Question Mark (QSTM RK) symbol, and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the “prize” area under that Question Mark (QSTM RK) symbol, on a single ticket, shall be entitled to a prize of \$15.

(dd) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(ee) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Question Mark (QSTM RK) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that Question Mark (QSTM RK) symbol, on a single ticket, shall be entitled to a prize of \$10.

*9. Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Bonus:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
\$10 w/ QUESTION MARK		\$10	17.14	490,000
\$10		\$10	15	560,000
\$15 w/ QUESTION MARK		\$15	30	280,000
\$15		\$15	30	280,000
\$10 × 2		\$20	120	70,000
(\$10 w/ QUESTION MARK) × 2		\$20	100	84,000
\$20 w/ QUESTION MARK		\$20	60	140,000
\$20		\$20	120	70,000
\$15 × 2		\$30	200	42,000
(\$15 w/ QUESTION MARK) × 2		\$30	600	14,000
\$30 w/ QUESTION MARK		\$30	100	84,000
\$30		\$30	600	14,000



<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Bonus:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
\$10 × 5		\$50	300	28,000
(\$15 × 2) + (\$10 × 2)		\$50	300	28,000
(((\$20 w/ QUESTION MARK) × 2) + \$10		\$50	300	28,000
\$50 w/ QUESTION MARK		\$50	300	28,000
\$50		\$50	300	28,000
\$10 × 10		\$100	600	14,000
\$20 × 5		\$100	600	14,000
\$50 × 2		\$100	600	14,000
(\$10 w/ QUESTION MARK) × 10		\$100	600	14,000
\$100 w/ QUESTION MARK		\$100	600	14,000
\$100		\$100	600	14,000
CAR w/ ((\$20 × 5) + (\$10 × 10))		\$200	1,091	7,700
\$100 × 2		\$200	6,000	1,400
	\$200 w/ GO	\$200	342.86	24,500
\$200 w/ QUESTION MARK		\$200	12,000	700
\$200		\$200	12,000	700
CAR w/ ((\$30 × 10) + (\$20 × 5))		\$400	20,000	420
CAR w/ ((\$40 × 5) + (\$20 × 10))		\$400	20,000	420
\$50 × 8		\$400	60,000	140
\$100 × 4		\$400	60,000	140
(\$30 × 10) + (\$20 × 5)		\$400	60,000	140
\$200 w/ QUESTION MARK	\$200 w/ GO	\$400	24,000	350
\$400 w/ QUESTION MARK		\$400	60,000	140
\$400		\$400	60,000	140
CAR w/ ((\$100 × 3) + (\$50 × 2) + (\$10 × 10))		\$500	20,000	420
CAR w/ ((\$50 × 4) + (\$20 × 10) + \$100)		\$500	20,000	420
\$100 × 5		\$500	120,000	70
\$50 × 10		\$500	120,000	70
\$30 × 10	\$200 w/ GO	\$500	15,000	560
(((\$100 w/ QUESTION MARK) × 2) + \$100	\$200 w/ GO	\$500	15,000	560
\$500 w/ QUESTION MARK		\$500	120,000	70
\$500		\$500	120,000	70
CAR w/ ((\$100 × 5) + (\$50 × 10))		\$1,000	60,000	140
\$100 × 10		\$1,000	120,000	70
\$500 × 2		\$1,000	120,000	70
\$400 × 2	\$200 w/ GO	\$1,000	30,000	280
(\$200 w/ QUESTION MARK) × 4	\$200 w/ GO	\$1,000	30,000	280
\$1,000 w/ QUESTION MARK		\$1,000	120,000	70
\$1,000		\$1,000	120,000	70
\$10,000 w/ QUESTION MARK		\$10,000	840,000	10
\$10,000		\$10,000	840,000	10
\$300,000		\$300,000	840,000	10

Reveal a "QUESTION MARK" (QSTMRK) symbol, win prize shown under that symbol automatically.

Reveal a "CAR" (WINALL) symbol, win all 15 prizes shown!

BONUS: Reveal a "GO" (WIN200) symbol, win \$200 instantly! BONUS is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Game*: Pennsylvania Lottery's MONOPOLY™ Second-Chance Game (hereafter, the "Game").

(a) *Qualifying Tickets*: Non-winning PA-1335 \$1 MONOPOLY™ (\$1), PA-1334 \$2 MONOPOLY™ (\$2), PA-1332 \$5 MONOPOLY™ (\$5) and PA-1331 \$10 MONOPOLY™ (\$10) instant lottery tickets ("Qualifying Tickets") are eligible for entry in the Game.

(b) *Participation and Entry*:

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Game. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Game, entrants must enter the identifying information from at least one Qualifying Ticket via the Game's promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Game. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Game.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Game Description*.

(1) The Game will consist of a drawing and an optional, virtual non-prize-determinative interactive game.

(2) *Drawing*.

(i) The Lottery will conduct one Game drawing. All time references are Eastern Prevailing Time.

(ii) All entries received after 11:59:59 p.m. March 18, 2018, through 11:59:59 p.m. May 24, 2018, will be entered into the Game drawing, held between May 25, 2018 and June 5, 2018.

(3) The entry periods for each Game drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(4) Each entrant will have the opportunity to play an optional, virtual non-prize-determinative interactive game that may reveal a predetermined instant cash prize or a predetermined prize that multiplies the number of entries the entrant receives by entering a Qualifying Ticket (the "Entry-multiplier Prize"). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine the outcome of the non-prize-determinative game play.

(5) The number of entries an entrant will receive for the Game drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry-multiplier Prize, if applicable. The respective purchase prices and corresponding number of entries for Qualifying Tickets are as follows: PA-1335 \$1 MONOPOLY™ (\$1) = 1 entry; PA-1334 \$2 MONOPOLY™ (\$2) = 2 entries; PA-1332 \$5 MONOPOLY™ (\$5) = 5 entries; and PA-1331 \$10 MONOPOLY™ (\$10) = 10 entries.

(6) Players may review prizes won and their entries for each Game drawing via the Game's promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning*.

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or mentioned anywhere else in these rules.

(2) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the optional, virtual non-prize-determinative game play shall not result in an instant cash prize or an Entry-multiplier Prize, the play sequence will show the player receiving the number of entries that were assigned to the Qualifying Ticket entered for the Game's drawing.

(3) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the optional, virtual non-prize-determinative game play shall result in an award of an instant cash prize, the play sequence will show the player winning a \$200 instant cash prize and receiving the number of entries that were assigned to the Qualifying Ticket entered for the Game's drawing. The following tables set forth the approximate number of instant cash prize winners and the approximate odds of winning an instant cash prize:

<i>Game</i>	<i>Approximate Odds Are 1 in:</i>	<i>Approximate Number of \$200 Winners</i>
PA-1331	3,400	1,767
PA-1332	3,600	2,321
PA-1334	3,900	1,689
PA-1335	4,300	1,982

(4) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the optional, virtual non-prize-determinative game play sequence shall result in an award of an Entry-multiplier Prize, the play sequence will show the player winning the Entry-multiplier. The player will receive the number of entries that were assigned to the Qualifying Ticket entered for the Game's drawing, multiplied by either five (5) or ten (10). The following table sets forth the approximate number of Entry-multiplier Prizes and the approximate odds of winning an Entry-multiplier Prize:

<i>Game</i>	<i>Approximate 5X Chances Are 1 in:</i>	<i>Approximate 10X Chances Are 1 in:</i>	<i>Approximate Number of 5X Multiplier Winners</i>	<i>Approximate Number of 10X Multiplier Winners</i>
PA-1331	5	10	1,201,572	600,786
PA-1332	5	10	1,671,342	835,671
PA-1334	10	5	658,625	1,317,250
PA-1335	10	5	852,200	1,704,400

(5) The Lottery will conduct one Game drawing from among all the entries received during the applicable entry period(s) as described in section 10(c). All prizes will be paid as a lump-sum cash payment.

(i) The first entry selected in the Game drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$75,000, less required income tax withholding.

(ii) The second entry selected in the Game drawing will be a winning entry and the entrant who submitted that winning entry shall be entitled to a prize of \$25,000, less required income tax withholding.

(iii) The third through the seventh entries selected in the Game drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(iv) The eighth through the seventeenth entries selected in the Game drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,000.

(v) The eighteenth through the twenty-seventh entries selected in the Game drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,000.

(6) The number of winning entries to be selected in the Game drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(7) The odds of winning a prize in the Game drawing depends upon the number of entries received for the drawing.

(8) A computer-generated randomizer will be used to select the Game drawing winners.

(e) *Game Restrictions.*

(1) To be eligible to participate in the optional, virtual non-prize-determinative Game and Game drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Game. The Lottery is not responsible for entries that are not entered into the Game because of incompatible internet browsers, mobile lottery application failure or other technical issues. If an entry is selected as a winner and disqualified or otherwise rejected during or following the Game drawing, the Lottery will select another entry to replace the disqualified or otherwise rejected entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Game, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Enter-

tainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Game. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Game and change these rules if the Game cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Game.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Game or to be acting in violation of these rules or applicable law.

(8) The Game is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won. If no claim is made within one year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Game to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising in connection with any prize won, including any amount of taxes which exceeds the basic level of withholding required by law.

(13) A player may only win the prize for which the player is first selected in the Game drawing. Subsequent entries, from the same individual, selected in the same drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$10 MONOPOLY™ instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant



lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of the \$10 MONOPOLY™, prize money from winning \$10 MONOPOLY™ instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$10 MONOPOLY™ instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote \$10 MONOPOLY™ or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 18-416. Filed for public inspection March 16, 2018, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Mother's Day Surprise Instant Lottery Game 1333

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Mother's Day Surprise (hereinafter "Mother's Day Surprise"). The game number is PA-1333.

2. *Price:* The price of a Mother's Day Surprise instant lottery game ticket is \$5.

3. *Play Symbols:* Each Mother's Day Surprise instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), !! (SURPRZ) and a MOM (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$60<sup>00</sup> (SIXTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$60, \$100, \$200, \$400, \$1,000, \$5,000 and \$50,000. The player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the Mother's Day Surprise instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a !! (SURPRZ) symbol, and a prize symbol of \$5,000 (FIV THO) appears in the "prize" area to the right of that !! (SURPRZ) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MOM (WINALL) symbol, and a prize symbol of \$200 (TWO HUN) appears in two of the "prize" areas, a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a !! (SURPRZ) symbol, and a prize symbol of \$400 (FOR HUN) appears in the "prize" area to the right of that !! (SURPRZ) symbol, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MOM (WINALL) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the "prize" areas, a prize symbol of \$200 (TWO HUN) appears in one of the "prize" areas and a prize symbol of \$100 (ONE HUN) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MOM (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in two of the "prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a !! (SURPRZ) symbol, and a prize symbol of \$200 (TWO HUN) appears in the "prize" area to the right of that !! (SURPRZ) symbol, on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MOM (WINALL) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the "prize" areas, a prize symbol of \$100 (ONE HUN) appears in one of the "prize" areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MOM (WINALL) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the "prize" areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a !! (SURPRZ) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area to the right of that !! (SURPRZ) symbol, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MOM (WINALL) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears

in two of the "prize" areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the "prize" areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in eight of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MOM (WINALL) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in eight of the "prize" areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$60<sup>00</sup> (SIXTY) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$60.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a !! (SURPRZ) symbol, and a prize symbol of \$60<sup>00</sup> (SIXTY) appears in the "prize" area to the right of that !! (SURPRZ) symbol, on a single ticket, shall be entitled to a prize of \$60.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MOM (WINALL) symbols, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in all twelve of the "prize" areas, on a single ticket, shall be entitled to a prize of \$60.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a !! (SURPRZ) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area to the right of that !! (SURPRZ) symbol, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a !! (SURPRZ) symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "prize" area to the right of that !! (SURPRZ) symbol, on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a !! (SURPRZ) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area to the right of that !! (SURPRZ) symbol, on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area to the

right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a !! (SURPRZ) symbol, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "prize" area to the right of that !! (SURPRZ) symbol, on a single ticket, shall be entitled to a prize of \$10.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "prize" area to the right

of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a !! (SURPRZ) symbol, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "prize" area to the right of that !! (SURPRZ) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown To The Right Of The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets</i>
\$5 w/ !!	\$5	16.67	324,000
\$5	\$5	16.67	324,000
\$5 × 2	\$10	600	9,000
(\$5 w/ !!) + \$5	\$10	300	18,000
(\$5 w/ !!) × 2	\$10	60	90,000
\$10 w/ !!	\$10	60	90,000
\$10	\$10	60	90,000
\$5 × 4	\$20	300	18,000
\$10 × 2	\$20	300	18,000
(\$10 w/ !!) × 2	\$20	100	54,000
\$20 w/ !!	\$20	120	45,000
\$20	\$20	300	18,000
\$5 × 8	\$40	600	9,000
\$10 × 4	\$40	600	9,000
\$20 × 2	\$40	600	9,000
(\$10 w/ !!) × 4	\$40	300	18,000
(\$20 w/ !!) × 2	\$40	600	9,000
\$40 w/ !!	\$40	600	9,000
\$40	\$40	600	9,000
\$5 × 10	\$50	600	9,000
(((\$10 w/ !!) × 4) + (\$5 × 2))	\$50	600	9,000
(((\$20 w/ !!) × 2) + \$10)	\$50	600	9,000
\$50 w/ !!	\$50	300	18,000
\$50	\$50	600	9,000
MOM w/ (\$5 × 12)	\$60	400	13,500
\$10 × 6	\$60	4,000	1,350
\$20 × 3	\$60	4,000	1,350
(((\$20 w/ !!) × 2) + (\$10 × 2))	\$60	4,000	1,350
\$60 w/ !!	\$60	4,000	1,350
\$60	\$60	4,000	1,350
MOM w/ (((\$10 × 8) + (\$5 × 4)))	\$100	2,400	2,250
MOM w/ (((\$20 × 2) + (\$10 × 2) + (\$5 × 8)))	\$100	2,400	2,250
\$10 × 10	\$100	3,000	1,800
\$20 × 5	\$100	3,000	1,800
(((\$40 w/ !!) × 2) + (\$20 w/ !!))	\$100	3,000	1,800



<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown To The Right Of The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets</i>
(\$50 w/ !!) + (\$10 × 5)	\$100	3,000	1,800
\$100	\$100	3,000	1,800
MOM w/ ((\$50 × 2) + (\$10 × 10))	\$200	6,000	900
MOM w/ ((\$5 × 10) + \$100 + \$50)	\$200	6,000	900
\$20 × 10	\$200	24,000	225
\$50 × 4	\$200	24,000	225
(((\$60 w/ !!) × 2) + ((\$40 w/ !!) × 2))	\$200	24,000	225
(\$100 w/ !!) × 2	\$200	24,000	225
\$200 w/ !!	\$200	24,000	225
\$200	\$200	24,000	225
MOM w/ ((\$100 × 2) + (\$20 × 10))	\$400	24,000	225
MOM w/ ((\$10 × 10) + \$200 + \$100)	\$400	24,000	225
\$100 × 4	\$400	30,000	180
(\$40 × 8) + (\$20 × 4)	\$400	24,000	225
\$400 w/ !!	\$400	30,000	180
\$400	\$400	30,000	180
MOM w/ ((\$200 × 2) + (\$100 × 5) + (\$20 × 5))	\$1,000	540,000	10
\$100 × 10	\$1,000	540,000	10
(((\$200 w/ !!) × 4) + ((\$40 w/ !!) × 4) + ((\$10 w/ !!) × 4))	\$1,000	540,000	10
\$1,000	\$1,000	540,000	10
\$5,000 w/ !!	\$5,000	540,000	10
\$5,000	\$5,000	540,000	10
\$50,000	\$50,000	540,000	10

Reveal a “!!” (SURPRZ) symbol, win prize shown to the right of that symbol automatically.

Reveal a “MOM” (WINALL) symbol, win all 12 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Mother’s Day Surprise instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a

winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Mother’s Day Surprise, prize money from winning Mother’s Day Surprise instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Mother’s Day Surprise instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets

from this game may be sold. The announcement will be disseminated through media used to advertise or promote Mother's Day Surprise or through normal communications methods.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 18-417. Filed for public inspection March 16, 2018, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by Global Host, Inc., 2898 Banksville Road, Pittsburgh, PA seeking to lease highway right-of-way located along SR 0019 (Banksville Road) near Potomac Avenue, City of Pittsburgh, Ward 20, Allegheny County, containing 0.163 ± acre or 7,084 square feet for the purposes of customer parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Cheryl Moon-Sirianni, PE, District Executive, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Jeff Powell, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4835.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 18-418. Filed for public inspection March 16, 2018, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Boat and Marine Forfeiture; Maximum Amount

Chapter 53, Subchapter C of 30 Pa.C.S. (relating to boat and marine forfeiture) applies only to boats and related equipment with a resale value based upon established industry standards equal to or less than the maximum amount set forth in 30 Pa.C.S. § 5331(c) (relating to scope of subchapter). This subsection provides that for the year 2006, the maximum amount will be \$5,000 and for each year thereafter, the maximum amount will be fixed annually by the Fish and Boat Commission (Commission) based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The subsection further provides that the maximum amount as adjusted will be rounded to the nearest multiple of \$5 and that the Commission will give notice of the new maximum amount by publication in the *Pennsylvania Bulletin*. The Commission previously fixed the maximum amount for 2017 at \$6,100.

Under 30 Pa.C.S. § 5331(c), the Commission has fixed the maximum amount for 2018 as \$6,230.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 18-419. Filed for public inspection March 16, 2018, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Mentored Youth Fishing Day Program; Trout

Acting under the authority of 58 Pa. Code § 65.20 (relating to Mentored Youth Fishing Day Program), the Executive Director has designated March 24 and April 7, 2018, as Mentored Youth Fishing Days for trout, beginning at 8 a.m. and ending at 7:30 p.m., in stocked trout waters designated under 58 Pa. Code § 63.3 (relating to fishing in stocked trout waters) and the waters identified as follows that are normally closed to trout fishing on those dates. This designation under 58 Pa. Code § 65.20 will be effective upon publication of this notice in the *Pennsylvania Bulletin*.

To participate, anglers 16 years of age or older (adult anglers) must possess a valid Pennsylvania fishing license and current trout/salmon permit and be accompanied by a youth (less than 16 years of age) who has obtained a mentored youth permit or a voluntary youth license from the Fish and Boat Commission (Commission). Youth anglers must obtain a 2018 mentored youth permit or a voluntary youth license from the Commission and be accompanied by a licensed adult angler to participate.

Although waters included in the Mentored Youth Fishing Day Program (Program) will be open to adult anglers, only youth anglers with a 2018 voluntary youth license or mentored youth permit may possess a total of two trout (combined species) with a minimum length of 7 inches. Adult anglers are prohibited from possessing trout. Other Commonwealth inland regulations will apply. It is unlawful to fish in waters designated as part of the Program except in compliance with the requirements of 58 Pa. Code § 65.20 when participating in the Program.

The waters included in the Program on March 24, 2018, are those stocked trout waters in 18 southeastern counties and 2 waters crossing from those counties that are regulated under 58 Pa. Code § 65.12 (relating to regional opening day of trout season). The waters included in the Program on April 7, 2018, are the stocked trout waters in the remaining counties. Special regulation areas are not included in the Program. A listing of stocked trout waters is published in the Commission's "Summary of Fishing Regulations and Laws" available from the Commission at P.O. Box 67000, Harrisburg, PA 17106-7000. The listing is also available at <http://pfbc.pa.gov/fishpub/summaryad/troutwaters.html>.

In addition, the Executive Director has identified the following water as being included in the Program on March 24, 2018:

County	Water
Lancaster	Donegal Creek, 150 yards upstream and downstream of Route 772

The Executive Director has identified the following waters as being included in the Program on April 7, 2018:

County	Water
Centre	Little Sandy Run and Ponds (headwaters at State Line Road, downstream to Lower Adult Pond)
Centre	Wolf Run (sections 1, 2 and 3—headwaters to mouth)
Elk	Blue Valley Pond
Jefferson	Reitz Run, Beaver Township

JOHN A. ARWAY,  
Executive Director

[Pa.B. Doc. No. 18-420. Filed for public inspection March 16, 2018, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Special Regulation Designations

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 April 23 and 24, 2018, 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, 2019:

#### 58 Pa. Code § 65.11. Panfish enhancement

The Commission will consider removing the designation as a “panfish enhancement” water from the following water:

County	Water	Species
Montour	Lake Chillisquaque	Crappie and sunfish

The Commission will consider designating the following water as a “panfish enhancement” water:

County	Water	Species
Mercer	Shenango River Lake	Crappie

At this time, the Commission is soliciting public input concerning the previous designations. Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic com-

ments 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. 18-421. Filed for public inspection March 16, 2018, 9:00 a.m.]

## GAME COMMISSION

### Chronic Wasting Disease—Designation of Disease Management Areas and Endemic States and Canadian Provinces Order # 4

#### Executive Order

*Whereas*, Chronic Wasting Disease (CWD) is an infectious and progressive neurological disease that is found in, and always proves fatal to, members of the family Cervidae (deer, elk or moose, and other susceptible species, collectively called cervids); and

*Whereas*, There are no known treatments for CWD infection, no vaccines to protect against CWD infection, and no approved tests that can detect the presence of CWD in live cervids; and

*Whereas*, CWD is designated as a “dangerous transmissible disease” of animals by order of the Secretary of Agriculture under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases); and

*Whereas*, The Game and Wildlife Code (Code) (34 Pa.C.S. §§ 101 et seq.) and regulations promulgated thereunder (58 Pa. Code §§ 131.1 et seq.) collectively provide broad authority to the PGC to regulate activities relating to the protection, preservation, and management of game and wildlife, including cervids; and

*Whereas*, On March 28, 2017 (effective May 16, 2017), the Commission added 58 Pa. Code § 137.35 (relating to Chronic Wasting Disease Restrictions) to give more permanent status and structure to the CWD requirements and restrictions previously established and maintained over the prior decade by and through executive orders; and

*Whereas*, Section 137.35(d) provides the Executive Director with the authority to designate CWD Disease Management Areas (DMAs) within this Commonwealth; and

*Whereas*, Section 137.35(d) also provides the Executive Director with the authority to designate CWD-endemic States or Canadian Provinces; and

*Whereas*, Previous executive orders concerning designation of CWD DMAs and CWD-endemic States and Canadian Provinces within this Commonwealth were issued by the Commission on June 1, 2017, July 24, 2017 and October 6, 2017; and

*Whereas*, The Commission has determined that further designation of CWD DMAs and CWD-endemic States and Canadian Provinces is necessary to fully implement the Commission’s CWD program.

*Now Therefore*, I, BRYAN J. BURHANS, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct the following:



1. DMAs within this Commonwealth are designated as set forth below. These DMAs are more graphically illustrated on the following maps titled "DMA 2," "DMA 3" and "DMA 4" and incorporated by reference herein. Should any conflict exist between the below-listed written boundaries and maps of DMA 2 and DMA 3, the written descriptions shall prevail.

a. *DMA 1*: Eliminated.

b. *DMA 2*: Adams, Bedford, Blair, Cambria, Clearfield, Cumberland, Franklin, Fulton, Huntingdon and Somerset counties, bounded and described as follows: Beginning in the Southeastern extent of the DMA at the intersection of Taneytown Road (State Highway 134) and the Maryland State Line, proceed north on Highway 134 for approximately 7.4 miles to the intersection of Steinwehr Avenue in Gettysburg. Follow right on Steinwehr Avenue to Baltimore Street. Follow left on Baltimore Street through downtown Gettysburg. Proceed halfway around the traffic circle at the square unto Carlisle Street (State Highway 34). The DMA boundary follows Highway 34 north for approximately 23.1 miles to the intersection of the Baltimore Avenue (State Highway 94). Follow Highway 94 north for approximately 3 miles to the intersection of W. Old York Road (State Highway 174). Turn left and follow Highway 174 west for approximately 18.1 miles to US Highway 11 in Shippensburg. Follow US Highway 11 south for approximately 1.25 miles to the intersection of State Highway 533. Turn right the DMA boundary follows Highway 533 for approximately 4.6 miles to the intersection of State Highway 433 in Orrstown. Turn right and the boundary follows Tanyard Hill Road (State Highway 433) north for approximately 1.75 miles to the intersection of State Highway 997. Follow route 997 north for approximately 3.1 miles to the intersection of State Highway 641. Turn left and the boundary follows State Highway 641 (Forge Hill Road) for approximately 17.5 miles to the intersection of US Highway 522 near Shade Gap. The DMA boundary follows US Highway 522 east for approximately 5.6 miles to the intersection of State Highway 994 (Elliot Street) in Orbisonia. Proceed left on route 994 and follow westward for approximately 8.2 miles to the intersection of State Highway 655. Turn right and the boundary follows Highway 655 north for approximately 16.9 miles to the intersection of US Highway 22. The DMA boundary follows US Highway 22 west for 16.6 miles to State Highway 453, then north along State Highway 453 for 20.5 miles to intersection of State Highway 253. Follow State Highway 253 south for 8.1 miles to State Highway 53 in Van Ormer. The DMA continues on State Highway 53 south for 1.7 miles to Marina Road. At Marina Road the boundary follows for 5.5 miles to the intersection of Glendale Lake Road. Continue left on Glendale Lake Road and in 3 miles join onto State Highway 36. The DMA boundary follows State Highway 36 west into the town of Patton and then straight onto Magee Avenue to the intersection of 5th Avenue. Continue south on 5th Avenue for about .3 miles where the road becomes Mellon Avenue. Continuing on Mellon Avenue for .4 miles the road becomes Carroll Road once in East Carroll Township. The boundary continues south on Carroll Road for 3.7 miles to State Highway 219 in Carrolltown. The DMA boundary follows State Highway 219 south for 26.7 miles to State Highway 56 East and then follows State Highway 56 east for 3.9 miles to State Highway 160. Following State Highway 160 southward the boundary continues for 26.5 miles to the borough of Berlin, then west through downtown Berlin on State Highway 2030 (Main Street) for 0.44 miles to the

intersection of State Highway 219. Finally south along State Highway 219 for 20.6 miles to the Maryland border.

c. *DMA 3*: Clearfield and Jefferson Counties, Pennsylvania, bounded and described as follows: Beginning in the Northwest corner of the DMA at the intersection of State Highway 36 and Interstate 80 (I-80), proceed east on I-80 for 27 miles to where Anderson Creek Road intersects I-80. Continue southwest on Anderson Creek Road for 1.8 miles to Home Camp Road (State Route 4016). Follow Home Camp Road south for 2.5 miles to the intersection with US Highway 322 (Rockton Mountain Highway). Continue west on US Highway 322 for 4 miles to US Highway 219, then south on along US Highway 219 for 20.25 miles to the intersection with State Highway 36. Continue west on the US 219/State Highway 36 overlap for 2.25 miles, then continue north on State Highway 36. Follow State Highway 36 (Colonel Drake Highway) northwest for 32.5 miles to its intersection with US Highway 322 (Main Street) in Brookville. Continue west on State Highway 36's overlap with US Highway 322 for approximately 0.75 miles, then continue north on State Highway 36 for 0.5 mile to the intersection with I-80.

d. *DMA 4*: Lancaster, Lebanon and Berks Counties, bounded and described as follows: Beginning in the northwestern extent of the DMA in the city of Lebanon at the intersection of State Routes 897 and US 422 proceed easterly on US 422 for 12.3 miles to the intersection with State Route 419. Turn left on SR 419 and proceed northerly for 2.3 miles to the intersection with Christmas Village Rd. (4010). Turn right, proceeding easterly on Christmas Village Rd. for 5.1 miles to the intersection with North Heidelberg Rd. (3033). Turn left on North Heidelberg Rd., proceeding northeasterly for .6 miles to the intersection with State Route 183. Turn right on SR 183, proceeding southeasterly for 7.7 miles to the intersection with US 222. Turn right on US 222 proceeding southwesterly for 3.2 miles to the interchange with US Route 422 Bypass. Proceed on US 422 Bypass for 2.4 miles to intersection with Business Route 222E (Lancaster Ave.). Proceed southerly on Business 222E for .6 miles to the intersection with State Route 625. Turn left onto SR 625 and proceed southerly for 16.7 miles to the intersection with Route 23. Turn right on Route 23, proceeding westerly for 9.7 miles to intersection with State Route 772 (Glenbrook Rd.). Turn right on SR 772, proceeding northwesterly for 9.3 miles to the intersection with State Route 501 (Furnace Hills Pike). Turn right on SR 501, proceeding northerly for 5 miles to the intersection with US 322 (West 28th Division Highway). Turn left on US 322, proceeding westerly for 1.3 miles to intersection with the PA Turnpike (US 76). Turn right on US 76, proceeding easterly for .7 miles to the western boundary of Pennsylvania State Game Land 46. Proceed northerly then easterly for 1.2 miles along the game land boundary to the intersection with State Route 501 (Furnace Hills Pike). Turn left on SR 501, proceeding northerly for 4.1 miles to the intersection with State Route 419. Turn left, proceeding westerly for .1 miles to the intersection with State Route 897 (South 5th Street). Turn right on SR 897, proceeding northwesterly for 6.2 miles to the starting point at the intersection of SR 897 and US 422.

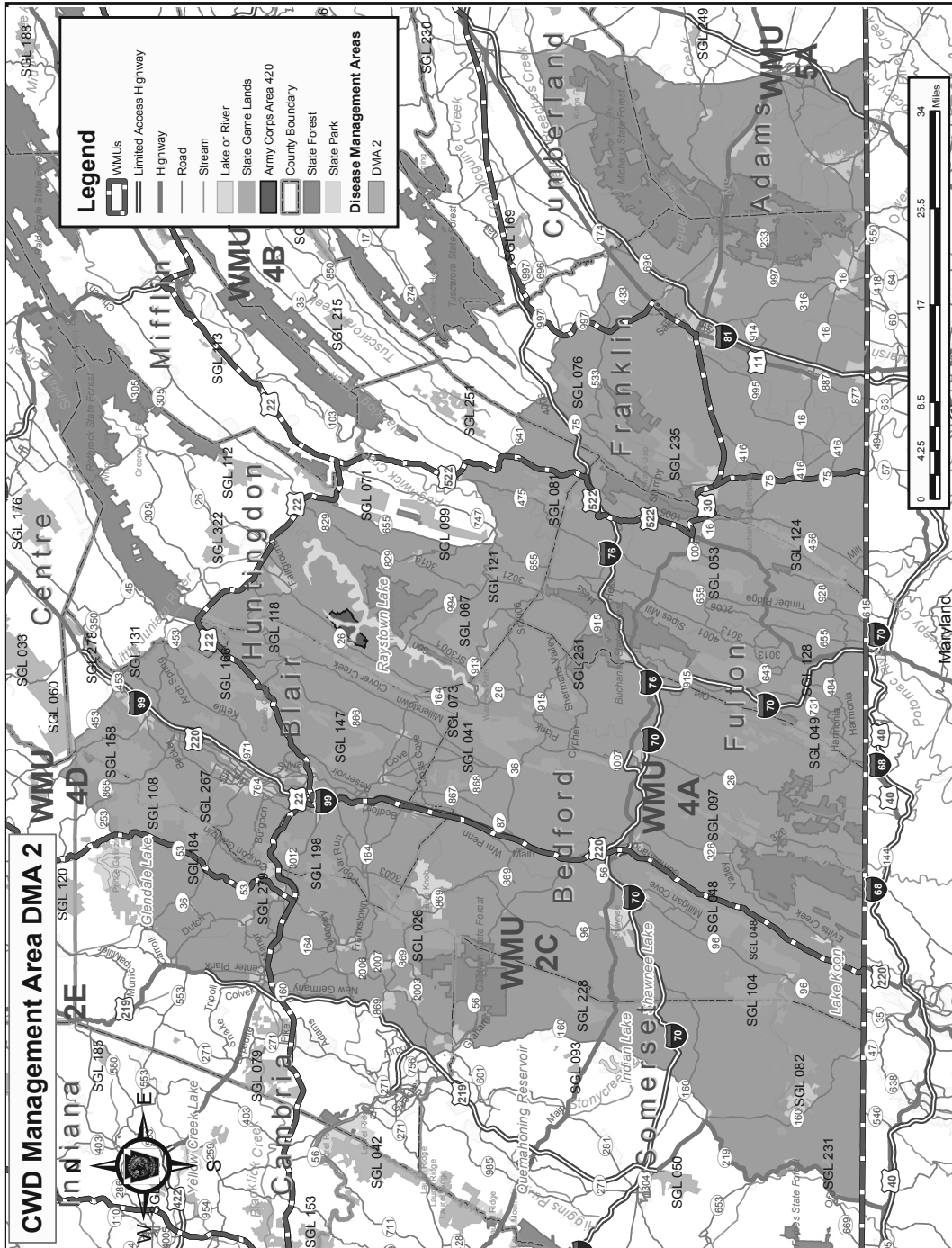
2. CWD-endemic States or Canadian Provinces are designated to include the following specific States and Canadian Provinces: Alberta, Arkansas, Colorado, Illinois, Iowa, Kansas, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Ohio, Oklahoma, Saskatchewan, South Dakota, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

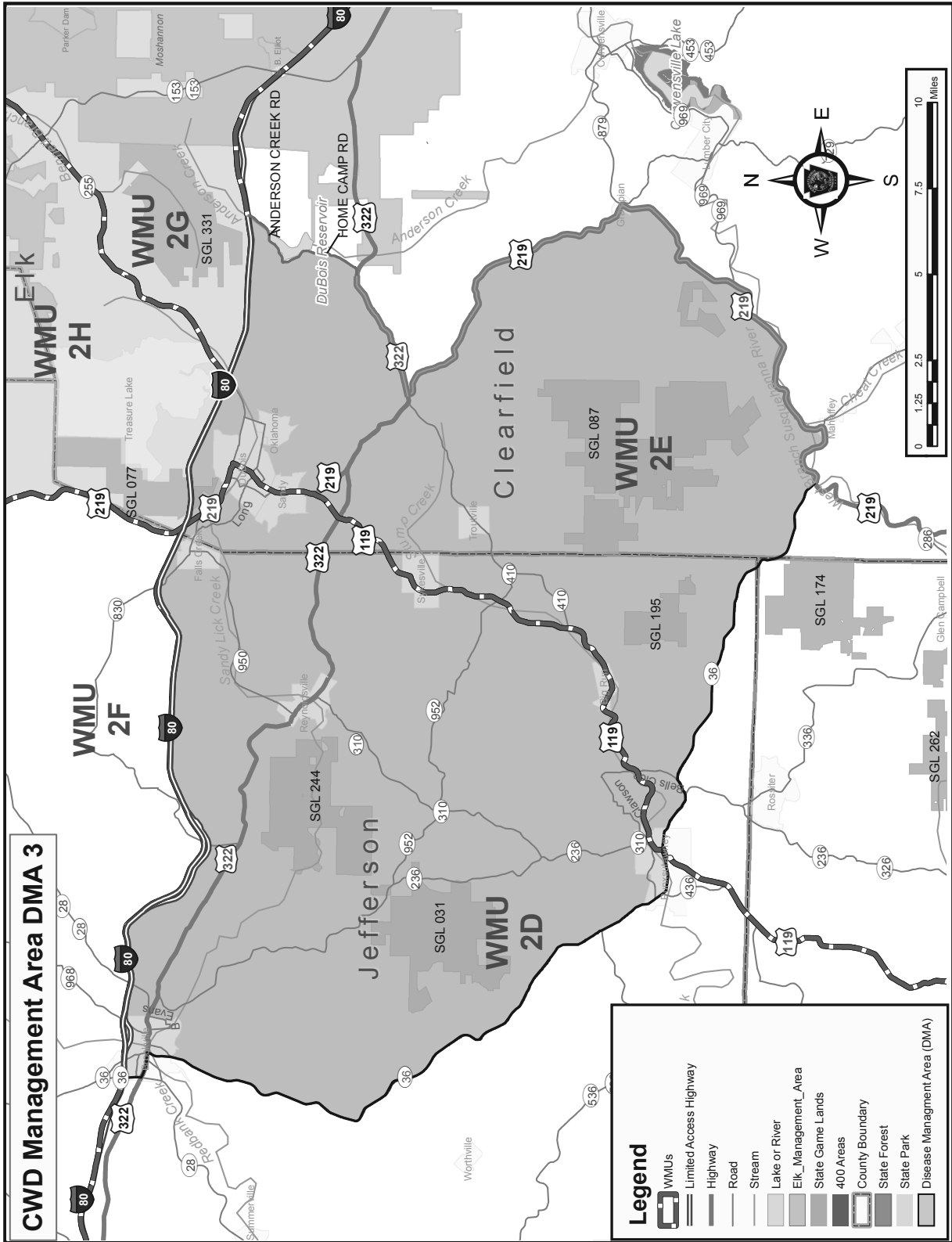
3. The previous executive order concerning designation of CWD DMAs and CWD-endemic States and Canadian Provinces within this Commonwealth that was issued by the Commission on October 6, 2017 and published in the *Pennsylvania Bulletin* on October 21, 2017 at 47 Pa.B. 6591 is hereby rescinded in its entirety and replaced by this Order.

4. This Order is effective immediately and shall remain in effect until rescinded or modified by subsequent order.

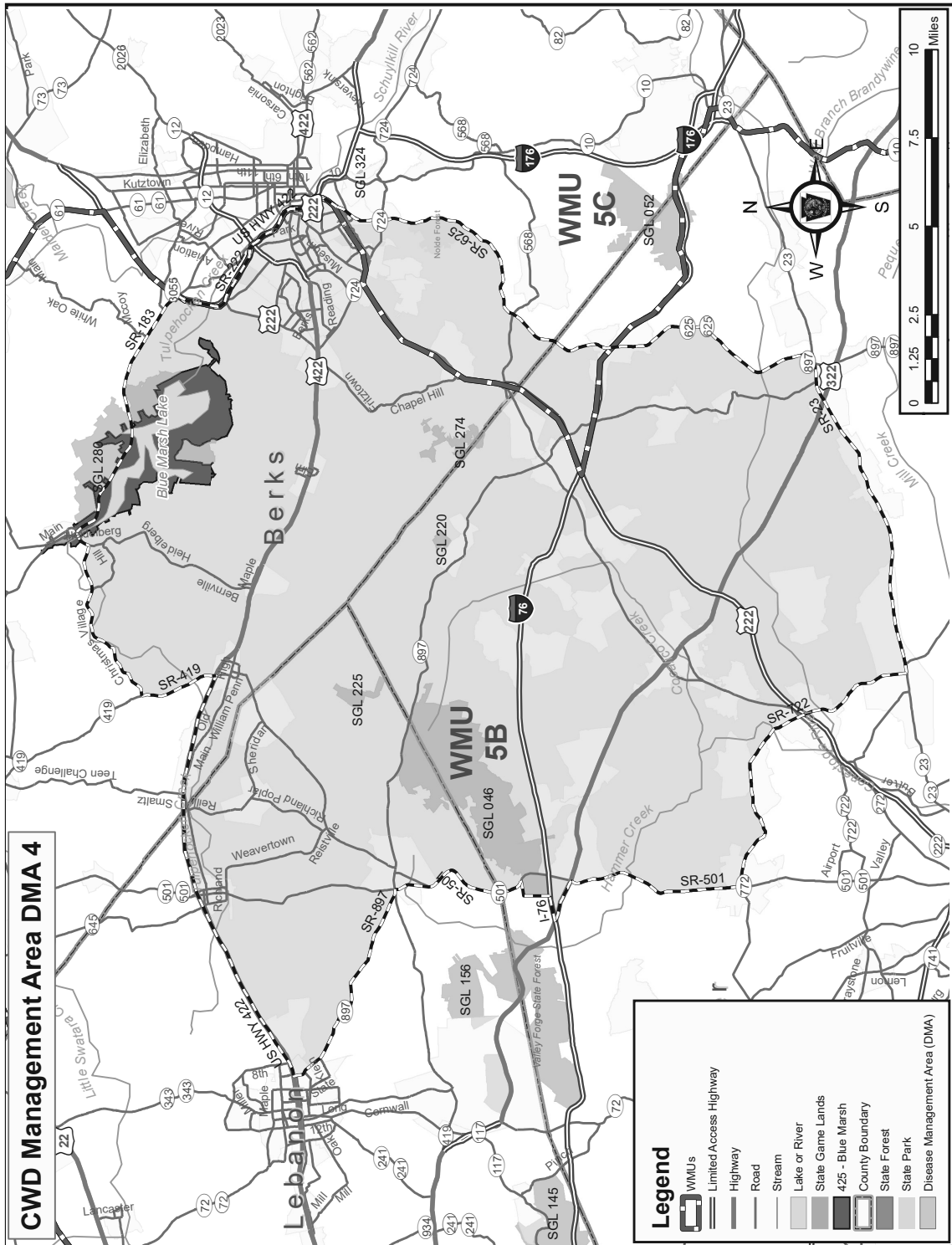
Given under my hand and seal of the Pennsylvania Game Commission on this 16th day of February, 2018.

BRYAN J. BURHANS,  
*Executive Director*









[Pa.B. Doc. No. 18-422. Filed for public inspection March 16, 2018, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### 2019 Low Income Housing Tax Credit Allocation Plan; Public Hearing

The Housing Finance Agency (Agency), as the administrator of the Federal Low Income Housing Tax Credit Program for the Commonwealth provides notice of a public hearing to obtain public comment on the proposed 2019 Low Income Housing Tax Credit Allocation Plan (Plan). This public hearing will be held on Thursday, April 5, 2018, at 9:30 a.m. at the Housing Finance Agency, 211 North Front Street, Harrisburg, PA. Copies of the proposed Plan are available upon written request at the following address, by phone at (717) 780-3948 or through the Agency's web site at [www.phfa.org](http://www.phfa.org).

Persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to participate should contact the Agency by Wednesday, April 4, 2018, to discuss how the Agency may best accommodate their needs.

Individuals who wish to comment on the proposed Plan who are unable to attend the scheduled hearing are invited to provide written comments no later than Wednesday, April 4, 2018, to the Manager, Tax Credit Program, Housing Finance Agency, P.O. Box 8029, Harrisburg, PA 17105-8029, TTY (in Pennsylvania): 711.

Written comments must be submitted prior to the date of the scheduled hearing or at the public hearing. Persons who plan to attend the public hearing should contact the Agency at (717) 780-3948.

BRIAN A. HUDSON, Sr.,  
*Executive Director*

[Pa.B. Doc. No. 18-423. Filed for public inspection March 16, 2018, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control of Capitol Insurance Company

Glacier Capital Holdings, LLC, a Pennsylvania limited liability company, has filed an application to acquire control of Capitol Insurance Company, a Pennsylvania domestic stock casualty insurance company. The filing was received on March 6, 2018, and was made under the requirements of Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on this acquisition are invited to submit a written statement to the Insurance Department (Department) within 10 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Lori Bercher, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [lbercher@pa.gov](mailto:lbercher@pa.gov).

Comments received will be part of the public record regarding the filing and will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 18-424. Filed for public inspection March 16, 2018, 9:00 a.m.]

## JOINT COMMITTEE ON DOCUMENTS

### Action Taken

The Joint Committee on Documents met publicly at 10 a.m. on Thursday, March 1, 2018, and announced the following:

#### *Action Taken—Regulation Approved:*

Independent Regulatory Review Commission # 70-9: General Revisions (amends 1 Pa. Code Chapters 301, 303, 305, 307, 309, 311, 311a and 315)

### Approval Order

Public Meeting Held  
March 1, 2018

*Members and Alternates Voting:* Vincent C. DeLiberato, Jr., Chairperson, Joint Committee on Documents, Legislative Reference Bureau; John K. Lavelle, Vice Chairperson, Joint Committee on Documents, Alternate for Honorable Denise J. Smyler, General Counsel; Laura Campbell, Legislative Reference Bureau; Andrew Crompton, Alternate for Senate President Pro Tempore Joseph B. Scarnati, III; Amy M. Elliott, Alternate for Attorney General Josh Shapiro; C.J. Hafner, II, Alternate for Senate Democratic Leader Jay Costa; Michael Schwoyer, Alternate for House Democratic Leader Frank Dermody; Shawn E. Smith, Alternate for Secretary of General Services Curtis M. Topper; Ronald T. Tomasko, Public Member; Jill S. Vecchio, Alternate for Speaker of the House of Representatives Mike Turzai

#### *Independent Regulatory Review Commission General Revisions Regulation No. 70-9*

On October 13, 2015, the Joint Committee on Documents (Committee) received this proposed rulemaking from the Independent Regulatory Review Commission (IRRC). This rulemaking amends 1 Pa. Code Chapters 301, 303, 305, 307, 309, 311, 311a and 315. The proposed rulemaking was published at 45 Pa.B. 6818 (November 28, 2015) with a 30-day public comment period that ended on December 28, 2015. The final-form rulemaking was submitted to the Committee on December 13, 2017.

This final-form rulemaking updates and clarifies definitions, explains when documents are determined to be delivered, describes what information should be included in the preamble, clarifies when documents are to be delivered during sine die, provides clarification of existing regulatory review procedures and ensures consistency with the Regulatory Review Act (act) (71 P.S. §§ 745.1—745.14). Executive and independent agencies will know their responsibilities and options under the act. Regulated communities and commentators will also have a clearer understanding of an agencies' responsibilities and their options for providing input into the regulatory process.

The Committee determined this final-form rulemaking is consistent with the statutory authority of IRRC under section 11(a) of the act (71 P.S. § 745.11(a)) and the intention of the General Assembly. Having considered all of the other criteria of the act, the Committee finds promulgation of this final-form rulemaking is in the public interest.

*By Order of the Committee:*

This final-form rulemaking is approved.

VINCENT C. DeLIBERATO, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 18-425. Filed for public inspection March 16, 2018, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution No. CB-18-001, Dated February 16, 2018. Authorizes the Memorandum of Understanding between the Commonwealth of Pennsylvania and the OPEIU Healthcare Pennsylvania, Local 112. The Memorandum of Understanding provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2016, through June 30, 2019.

#### *Governor's Office*

Management Directive No. 315.13—Payment of Wages, Salary, Employee Benefits, and Travel Expense Reimbursements Due Deceased Employees, Amended February 12, 2018.

Administrative Circular No. 18-01—2018-19 Budget Hearing Materials, Dated January 22, 2018.

Administrative Circular No. 18-02—Distribution of the 2018-19 Commonwealth Budget, Dated February 6, 2018.

Administrative Circular No. 18-03—Computation of Interest Penalties, Act 1982-266 Amended, Dated February 6, 2018.

LAURA CAMPBELL,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 18-426. Filed for public inspection March 16, 2018, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Corporate Federal Income Tax Rate Changes and the Effects on Pennsylvania Telecommunications Carriers and Ratepayers; Request for Public Comments; M-2018-2641242

On March 2, 2018, the Pennsylvania Public Utility Commission (Commission) issued a Secretarial Letter to alert telecommunications carriers that their existing price cap rates, rates for interconnection service, and rates for other retail and wholesale services are under review as they may not be just and reasonable, as required by 66 Pa.C.S. § 3015(g) (relating to alternative forms of regulation), following the reduction in their Federal income tax rate through the Tax Cuts and Jobs Act (TCJA) (Pub.L. No. 115-97). The Commission seeks to determine the effects of the TCJA on the tax liabilities of Commission-regulated telecommunications public utilities for 2018 and future years and the feasibility of reflecting the impacts in the rates charged to Pennsylvania utility ratepayers.

Under the TCJA, effective January 1, 2018, various provisions of the Tax Reform Act of 1986 have been repealed or amended and one of these modifications is a reduction in the corporate Federal Income Tax (FIT) rate from 35% to 21%. Commission-regulated public utilities are corporations subject to the FIT. Therefore, the Commission has directed that specified telecommunications carriers provide responses to data requests designed to calculate, among other things, the net effect on income tax expense, price cap rates, rates for interconnections service, and rates for other retail and wholesale services as a result of implementation of the TCJA.

The Commission has further requested that interested parties submit comments addressing: (1) all provisions, under either 66 Pa.C.S. Chapter 30 (relating to alternative form of regulation of telecommunications services), the telecommunications carriers' alternative regulation plans, or any other provision of 66 Pa.C.S. (relating to Public Utility Code) and Commission regulations affecting the carriers' or the Commission's ability to adjust customer rates to account for the tax changes, including the rate reductions in the TCJA; and (2) whether the Commission should adjust current retail and wholesale rates to reflect the effect of the tax rate reductions. If the answer to the second question is yes, the Commission seeks comment on the appropriate negative surcharge or other methodology to permit immediate modifications to consumer rates and whether such surcharge or other methodology should provide that any refunds to customers due to these tax rate reductions be effective as of January 1, 2018. Responses to the data requests and comments are due on, or before, March 27, 2018.

The Secretarial Letter and data requests regarding telecommunications public utilities can be found on the Commission's web site under docket number M-2018-2641242.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 18-427. Filed for public inspection March 16, 2018, 9:00 a.m.]



**PENNSYLVANIA PUBLIC UTILITY  
COMMISSION  
Telecommunications**

**A-2018-3000145. Windstream Pennsylvania, Inc., Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Barr Tell USA, Inc.** Joint petition of Windstream Pennsylvania, Inc., Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Barr Tell USA, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream Pennsylvania, Inc., Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Barr Tell USA, Inc., by their counsel, filed on February 28, 2018, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Windstream Pennsylvania, Inc., Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Barr Tell USA, Inc. joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 18-428. Filed for public inspection March 16, 2018, 9:00 a.m.]

**PENNSYLVANIA PUBLIC UTILITY  
COMMISSION  
Water Service**

**A-2018-3000254. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval of the right to offer, render, furnish or supply water service to the public in an additional portion of Jackson Township, Butler County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 2, 2018. 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. 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](http://www.puc.pa.gov) and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Brian A. Ardire, Esquire, Pennsylvania American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 18-429. Filed for public inspection March 16, 2018, 9:00 a.m.]

**PROFESSIONAL STANDARDS AND  
PRACTICES COMMISSION**

**Application of Michael Slade for Reinstatement of  
Teaching Certificates; Doc. No. RE 18-01**

**Notice of Hearing**

Under the Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c), the Professional Standards and Practices Commission (Commission) has initiated hearing procedures to consider the application of Michael Slade for reinstatement of his teaching certificates.

On or about January 18, 2018, Michael Slade filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P.S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.123 (relating to reinstatements). In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Commission will appoint a hearing examiner to serve as presiding officer to conduct the proceedings and hearings as might be necessary, and to prepare a proposed report to the Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Any interested party wishing to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Any person objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

All notices and petitions to intervene and protests shall be filed with Shane F. Crosby, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation to participate should contact Suzanne Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

SHANE F. CROSBY,  
*Executive Director*

[Pa.B. Doc. No. 18-430. Filed for public inspection March 16, 2018, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Gianna Tarasco Sustello, RN; File No. 15-51-  
11447; Doc. No. 1494-51-2016**

On January 26, 2018, Gianna Tarasco Sustello, RN, Pennsylvania license No. RN342987L, last known of Santa Cruz, CA, was indefinitely suspended and was assessed a \$500 civil penalty based on receiving disciplinary action by the proper licensing authority of another state and failing to report it to the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Ariel E. O'Malley, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 18-431. Filed for public inspection March 16, 2018, 9:00 a.m.]

## STATE HORSE RACING COMMISSION

### Administrative Hearing Bond

The State Horse Racing Commission (Commission) provides notice that on February 27, 2018, at its regularly scheduled public meeting, it issued an Order adopting procedures for the submission of an administrative hearing bond (appeal bond) in the amount of \$750 along with a timely written request for a hearing before the Commission. The appeals to the full Commission are typically from determinations by the Commission's Board of Judges and Stewards after an initial hearing. This Order was adopted under the authority of 3 Pa.C.S. § 9311(h) (relating to State Horse Racing Commission), under Administrative Docket No. 2018-2.

The general purpose of the Order is: (1) to bring consistency and uniformity between standardbred regulations which presently require the submission of a \$250 bond and thoroughbred regulations which do not contain a bond requirement; (2) to, at least in part, ensure that appellants engage in a thoughtful and accurate assessment of the merits of their matter prior to seeking an appeal hearing before the Commission; and (3) to attempt to reduce instances of snap appeals which are thereafter withdrawn, but in which the Commission has incurred administrative costs associated with scheduling those hearings.

In summary, the Order requires licensees to submit a \$750 bond in conjunction with a written and timely request for an administrative hearing before the Commission. This Order will become effective on May 1, 2018.

The Order and specific provisions have been posted and published on the Commission's web site at <http://www.agriculture.pa.gov/Animals/RacingCommission/Pages/default.aspx>. The Commission will also provide copies of the Order upon request directed to (717) 787-5539.

BRETT REVINGTON,  
*Director*  
*Bureau of Standardbred Horse Racing*

THOMAS F. CHUCKAS, Jr.,  
*Director*  
*Bureau of Thoroughbred Horse Racing*

[Pa.B. Doc. No. 18-432. Filed for public inspection March 16, 2018, 9:00 a.m.]

## STATE HORSE RACING COMMISSION

### Lasix Administration in 2-Year Old Horses; Thoroughbred Horse Racing

The State Horse Racing Commission (Commission) provides notice that on February 27, 2018, at its regularly scheduled public meeting, it issued an Order clarifying and deleting certain inconsistent provisions in its existing thoroughbred horse regulations relating to the permitted administration of the medication furosemide (Lasix) to 2-year old horses. Within regulatory confines, Lasix has been permitted in thoroughbred horses in this Commonwealth for decades with the exception of 2-year old horses. The Commission's existing regulations contain inconsistent provisions and practices relating to 2-year old horses and the use of furosemide. This Order was adopted under the authority of 3 Pa.C.S. §§ 9311(h) and 9312(6)(i) (relating to State Horse Racing Commission; and additional powers of commission), under Administrative Docket No. 2018-1.

The general purpose of the Commission's Order is: (1) to create uniformity and consistency between its existing regulations and its present-day allowance of Lasix in 2-year old thoroughbred horses; (2) to expressly authorize the specific use of Lasix in 2-year old thoroughbred horses in this Commonwealth; and (3) to continue to protect the integrity of horse racing, guard the health of the horse and safeguard the interests of the general public and the racing participants while allowing for the appropriate use of certain therapeutic drugs and medications such as Lasix in 2-year old thoroughbred horses.

The Order and specific provisions have been posted and published on the Commission's web site at <http://www.agriculture.pa.gov/Animals/RacingCommission/Pages/default.aspx>. The Commission will also provide copies of the Order upon request directed to (717) 787-5539.

THOMAS F. CHUCKAS, Jr.,  
*Director*  
*Bureau of Thoroughbred Horse Racing*

[Pa.B. Doc. No. 18-433. Filed for public inspection March 16, 2018, 9:00 a.m.]

## STATE HORSE RACING COMMISSION

### Refusal of Admission or Ejections; Expedited Hearing Procedures

The State Horse Racing Commission (Commission) provides notice that on February 27, 2018, at its regularly scheduled public meeting, it issued an Order amending its previously adopted procedures governing the expedited hearing process before the Commission relating to ejections or refusal, or both, of admission of licensees to racetracks in this Commonwealth. The Commission's procedures were previously published at 47 Pa.B. 3168 (June 3, 2017).

The Commission received specific comments and requested amendments to its expedited ejection hearing procedures from some members of the racing industry. The Commission reviewed and considered all the proposed changes and adopted certain provisions. This Order was adopted under the authority of 3 Pa.C.S. §§ 9311(h) and 9312(6)(i) (relating to State Horse Racing Commission; and additional powers of commission), under Administrative Docket No. 2018-1.

The general purpose of the Commission's Order is: (1) to amend its existing expedited ejection hearing procedures in accordance with the requested changes; (2) to amend the specific provisions relating to providing adequate notice and the scheduling of the expedited hearing; and (3) to amend the language to give the parties in the matter at least 5 days notice prior to the upcoming Commission hearing.

The Order and specific provisions have been posted and published on the Commission's web site at <http://www.agriculture.pa.gov/Animals/RacingCommission/Pages/default.aspx>. The Commission will also provide copies of the Order upon request directed to (717) 787-5539.

BRETT REVINGTON,  
*Director*  
*Bureau of Standardbred Horse Racing*

THOMAS F. CHUCKAS, Jr.,  
*Director*  
*Bureau of Thoroughbred Horse Racing*

[Pa.B. Doc. No. 18-434. Filed for public inspection March 16, 2018, 9:00 a.m.]

## STATE HORSE RACING COMMISSION

### Schedule of Controlled Therapeutic Medications; Standardbred Horse Racing

The State Horse Racing Commission (Commission) provides notice that on February 27, 2018, at its regularly scheduled public meeting, it issued an Order adopting Schedule of Controlled Therapeutic Medications (Therapeutic List) as established by the Nationally recognized

Racing Medication and Testing Consortium (RMTC) and the Association of Racing Commissioners International. In July 2016, the Commission previously adopted the RMTC Therapeutic List for the thoroughbred industry which was published at 46 Pa.B. 6204 (October 1, 2016). This Order was adopted under the authority of 3 Pa.C.S. §§ 9311(h) and 9312(6)(i) (relating to State Horse Racing Commission; and additional powers of commission), under Administrative Docket No. 2018-4.

The general purpose of the Order is: (1) to provide up-to-date scientific information to this Commonwealth's racing industry related to the use of therapeutic medications and the respective threshold levels of those medications; (2) to bring uniformity to this Commonwealth's standardbred and thoroughbred industries and its horsemen as it relates to the permitted use of therapeutic medications under the threshold levels in the Therapeutic List; and (3) to create uniformity and consistency within the regulatory bodies of the Mid-Atlantic racing states regarding the use and detection of allowable therapeutic medications.

In summary, the Order adopts the list of 30 approved therapeutic medications and their respective threshold levels for the standardbred horse industry in this Commonwealth. The approved list of therapeutic medications and threshold levels will take effective upon publication in the *Pennsylvania Bulletin*.

The Order and specific provisions have been posted and published on the Commission's web site at <http://www.agriculture.pa.gov/Animals/RacingCommission/Pages/default.aspx>. The Commission will also provide copies of the Order upon request directed to (717) 787-5539.

BRETT REVINGTON,  
*Director*  
*Bureau of Standardbred Horse Racing*

[Pa.B. Doc. No. 18-435. Filed for public inspection March 16, 2018, 9:00 a.m.]

## THADDEUS STEVENS COLLEGE OF TECHNOLOGY

### Request for Proposals

Thaddeus Stevens College of Technology seeks a coordinator to create a version control system to be managed by the selected provider that will also establish a process of ongoing improvement and refinement of the CSET curriculum to ensure its success. The provider will research and develop necessary new programs and courses to be added allowing for a more versatile department to bolster the value of the Computer Science degree. Proposals for this position can be mailed to Dr. Parker, Vice President of Academic Affairs, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602 by April 6, 2018.

DR. WILLIAM E. GRISCOM,  
*President*

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