



Volume 40 (2010)

Pennsylvania Bulletin
Repository

2-20-2010

February 20, 2010 (Pages 961-1058)

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: https://digitalcommons.law.villanova.edu/pabulletin_2010

Recommended Citation

Pennsylvania Legislative Reference Bureau, "February 20, 2010 (Pages 961-1058)" (2010). *Volume 40 (2010)*. 8.

https://digitalcommons.law.villanova.edu/pabulletin_2010/8

This February is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 40 (2010) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

PENNSYLVANIA BULLETIN

Volume 40
Saturday, February 20, 2010 • Harrisburg, PA
Number 8
Pages 961—1058

Agencies in this issue

The Governor
The Courts
Delaware River Basin Commission
Department of Community and Economic
Development
Department of Education
Department of Environmental Protection
Department of Health
Department of Revenue
Department of Transportation
Environmental Hearing Board
Insurance Department
Legislative Reference Bureau
Pennsylvania Gaming Control Board
Pennsylvania Public Utility Commission
Port of Pittsburgh Commission
State Board of Nursing
State Employees' Retirement System
Detailed list of contents appears inside.



PRINTED ON 100% RECYCLED PAPER



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

No. 423, February 2010

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE

If information on mailing label is incorrect, please make changes in space provided below and mail to:

FRY COMMUNICATIONS, INC.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, Pennsylvania 17055-3198

(717) 766-0211 ext. 2340

(800) 334-1429 ext. 2340 (toll free, out-of-State)

(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

Copyright © 2010 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE GOVERNOR

Proclamation of disaster emergency 967

THE COURTS

LOCAL COURT RULES

Montgomery County

In re: order designating the chief juvenile probation officer under Pa.R.J.C.P. 1604(B) to receive reports regarding adjustment, progress and condition of a child; No. MD 32-2010. 969

Venango County

Local rule—ARD 310. 969

Washington County

In re: local rules L-527—nonmonetary conditions of release on bail; 00.L-322—327 Alternative Disposition Program (ADP); No. 2010-1. 969

EXECUTIVE AGENCIES

DELAWARE RIVER BASIN COMMISSION

Notices

Meeting and public hearing 1005
Public hearing on Stone Energy Corporation proposed surface water withdrawal and natural gas well site. 1008

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Notices

Public hearing. 1009

DEPARTMENT OF EDUCATION

Notices

Application of Washington and Jefferson College for approval of merger. 1009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices. 1010
Chesapeake Bay Advisory Committee meeting cancellation. 1046
Pennsylvania Energy Development Authority Board meeting. 1046
Rates to be used for calculating long-term operation and maintenance cost bonds for water supply replacement-mining operations 1046
Submission deadline for application for reimbursement for certified host municipality inspectors. 1047

DEPARTMENT OF HEALTH

Notices

Home care agencies and home care registries; extension of deadline for licensure under 28 Pa. Code Chapter 611 (correction). 1047
Long-term care nursing facilities; requests for exception. 1048

Surcharge for The Patient Safety Trust Fund under the Medical Care Accountability and Reduction of Error Act. 1048
Women, Infants and Children Program; public meetings. 1049

DEPARTMENT OF REVENUE

Notices

Pennsylvania \$50 A Day For Life instant lottery game. 1050
Pennsylvania Gold Rush Gus instant lottery game. 1051

DEPARTMENT OF TRANSPORTATION

Notices

Sale of land no longer needed for transportation purposes 1053

ENVIRONMENTAL HEARING BOARD

Notices

Mountain Watershed Association, Inc., Citizens for Pennsylvania's Future (PennFuture), and Youghiogheny Riverkeeper v. DEP and Potato Ridge, LLC, Permittee; EHB Doc. No. 2010-013-K. 1054

INSURANCE DEPARTMENT

Notices

Application for the merger of Redland Insurance Company with and into Praetorian Insurance Company. 1054

LEGISLATIVE REFERENCE BUREAU

Notices

Documents filed but not published. 1054

PENNSYLVANIA GAMING CONTROL BOARD

Rules and Regulations

Vendor revisions 975
Temporary table game surveillance requirements; temporary table game rules for roulette, big six wheel, craps and blackjack 985

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Service of notice of motor carrier applications. 1054
Telecommunications (5 documents). 1055
Tentative order 1057

PORT OF PITTSBURGH COMMISSION

Notices

Independent auditor's report. 1057

STATE BOARD OF NURSING

Notices

Bureau of Professional and Occupational Affairs v. Julie Cook Stilts, RN; Doc. No. 2152-51-08 1058

STATE EMPLOYEES' RETIREMENT SYSTEM

Rules and Regulations

Definitions 971
Termination of annuities 972
Death benefits. 973

Now Available Online at <http://www.pabulletin.com>

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

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

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

Printing Format

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

Fiscal Notes

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

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

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

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 2010.

4 Pa. Code (Administration)

Adopted Rules

1	8
5	11, 398
6	12, 212, 399
7a	14, 16
241	971
247	972, 973

Statements of Policy

9	888
---	-----

22 Pa. Code (Education)

Adopted Rules

4	240
---	-----

25 Pa. Code (Environmental Protection)

Proposed Rules

78	623
92	847
92a	847
96	876
121	703
127	703
129	420

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

16	250
18	250
27	842

Proposed Rules

15	623
16	884
18	884
29	440

55 Pa. Code (Public Welfare)

Adopted Rules

501	29
-----	----

58 Pa. Code (Recreation)

Adopted Rules

61	254
73	257
75	620
435a	975
437a	975
465a	416
491a	254
521	985
529	844
531	985
533	985
537	985
549	985

Proposed Rules

61	427
65	427
75	429
433a	434

201 Pa. Code (Judicial Administration)

Adopted Rules

7	19
19	218

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

83	513
87	700
89	700
93	700
213	513

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200	19, 518
1910	413, 586
3000	19, 700

Proposed Rules

3000	413
------	-----

234 Pa. Code (Rules of Criminal Procedure)

Proposed Rules

5	21
---	----

237 Pa. Code (Juvenile Rules)

Adopted Rules

1	222, 518
2	222
3	222
4	222
5	222, 518
11	222, 518
13	222
16	21

246 Pa. Code (Minor Court Civil Rules)

Proposed Rules

500	522
-----	-----

249 Pa. Code (Philadelphia Rules)

Unclassified	237
--------------	-----

255 Pa. Code (Local Court Rules)

Unclassified	23, 24, 237, 238, 414, 415, 523, 701, 702, 838, 840, 969
--------------	--

THE GOVERNOR

Proclamation of Disaster Emergency

February 6, 2010

Whereas, a winter storm, accompanied by substantial accumulations of snow and high winds, began on February 5, 2010 and has significantly impacted the Commonwealth of Pennsylvania with severe weather conditions; and

Whereas, the winter storm conditions, including heavy snowfall and high winds, have resulted in substantial power outages, community public safety delays, property damage, and other adverse impacts upon the population of the Commonwealth; and

Whereas, these severe winter weather conditions have prompted affected county and municipal governments to declare local disaster emergencies or snow emergencies to exist; and

Whereas, the emergency situation may be of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county and municipal emergency response plans.

Now Therefore, pursuant to the provision of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq., as amended), I do hereby proclaim the existence of a disaster emergency in the Commonwealth and authorize and direct that the Pennsylvania Emergency Management Agency Director or his designee assume command and control of all statewide emergency operations and that all Commonwealth departments and agencies, under the direction of the Pennsylvania Emergency Management Agency Director or his designee, utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

Further, I hereby transfer up to \$1 million in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses that may be incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516; the time consuming bid and contract procedures and formalities normally prescribed by law shall be waived for the duration of the Proclamation, mandatory constitutional requirements excepted; and

Further, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner he deems necessary, to ensure that all interstate and other federal and state highways in the Commonwealth are cleared of snow and any other obstructions resulting from this severe winter storm. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in clearing and removal of snow and other types of obstructions from non state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. However, this assistance does not apply to privately owned highways, roads, streets, or other types of property; and I hereby authorize the Secretary of Transportation, in his sole discretion, to waive any provision of the Vehicle Code or any other law or regulation, which he is authorized by law to administer or enforce as may be necessary to respond to this impending emergency; and

Further, if investigations made on my behalf determine that the Commonwealth is in need of greater flexibility in truck driver regulations to accommodate truck drivers in the finding and transporting of fuel or other commodities across the state to provide emergency relief during this emergency, I direct the state Department of Transportation to hereby waive any laws or federal regulations related to drivers of commercial vehicles; and

Further, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, I hereby authorize the Adjutant General of Pennsylvania to use her discretion in placing on state active duty for the duration of the emergency disaster proclamation such individuals and units of the Pennsylvania National Guard as requested by the Pennsylvania Emergency Management Agency to alleviate the potential danger to public health and safety caused by the aforementioned emergency; and

Further, I hereby authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel of the Department, in whatever manner that he deems necessary, to aid in the recovery aspects related to all interstate as well as other federal and state highways in the Commonwealth to address the emergency resulting from this severe winter storm; and

Further, I direct that the emergency response and recovery aspects of the Commonwealth and all applicable county, municipal, and other disaster response plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

Still Further, I hereby urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this Proclamation, namely, by the employment of temporary workers, by the rental of equipment, and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

Given under my hand and the Seal of the Governor, at the City of Harrisburg, on this sixth day of February in the year of our Lord two thousand ten, and of the Commonwealth the two hundred and thirty-fourth.

Edmund G. Rendell

Governor

[Pa.B. Doc. No. 10-315. Filed for public inspection February 19, 2010, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

In Re: Order Designating the Chief Juvenile Probation Officer Under Pa.R.J.C.P. 1604(B) to Receive Reports Regarding Adjustment, Progress and Condition of a Child; No. MD 32-2010

Administrative Order

And Now, this 29th day of January, 2010, it is hereby *Ordered* that the Chief Juvenile Probation Officer of Montgomery County is named as the designee to receive reports regarding a child's adjustment, progress and condition pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 6336.1(b).

This Order shall become effective immediately.

By the Court

RICHARD J. HODGSON,
President Judge

[Pa.B. Doc. No. 10-316. Filed for public inspection February 19, 2010, 9:00 a.m.]

VENANGO COUNTY Local Rule—ARD 310

The Court will not grant a motion for ARD where the application has not been presented to the District Attorney's office within 30 days of the arraignment date stated on the Criminal Case Scheduling form, absent extraordinary circumstances and unless the time for filing has been extended by the Court for cause shown. The Defendant shall file on the same day the ARD application is filed with the District Attorney a notice with the Clerk of Courts' office evidencing the timely presentation of such application to the District Attorney on the form provided with the "Instructions for Filing for ARD."

The filing of a timely ARD application will extend the last day to enter a negotiated plea. The filing of an untimely ARD application will not extend the last day to enter a negotiated plea and will not delay the Criminal Pre-Trial Conference Date, the Call of the List Date (which is the last day for a negotiated plea) or the Jury Selection Date which are all established when the case enters the Court of Common Pleas and are listed on the Criminal Case Scheduling form in each respective case.

By the Court

OLIVER J. LOBAUGH,
President Judge

[Pa.B. Doc. No. 10-317. Filed for public inspection February 19, 2010, 9:00 a.m.]

WASHINGTON COUNTY

In Re: Local Rules L-527—Nonmonetary Conditions of Release on Bail; 00.L-322—327 Alternative Disposition Program (ADP); No. 2010-1

Order

And Now, this 2nd day of February, 2010, *It Is Hereby Ordered* that the above-stated Washington County Local Criminal Rules be adopted as follows.

This rule will become effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

DEBBIE O'DELL SENECA,
President Judge

BAIL

L-527. Nonmonetary Conditions of Release on Bail.

(A) (3)

(a) In any court case, wherein the defendant is preliminarily arraigned and the issuing authority determines that nonmonetary conditions of bail are appropriate to ensure that the defendant does not engage in further criminal activity, the issuing authority may set as a condition of bail one or more of the following requirements:

1a. The defendant report to a Forensic Case Manager designated by the Washington County Mental Health/Mental Retardation Office at a specified date and time;

2a. The defendant remain in contact with the designated Forensic Case Manager specified in paragraph 1a above;

3a. The defendant agree to submit to a mental health evaluation and/or drug and alcohol evaluation as deemed necessary by the designated Forensic Case Manager or by a representative of the Washington County Mental Health/Mental Retardation Office;

4a. The defendant attend outpatient mental health and/or drug and alcohol treatment as recommended by the Forensic Case Manager specified in paragraph 1a above or by a representative of the Washington County Mental Health/Mental Retardation Office;

5a. The defendant reside at a particular location or address, including but not limited to the Crisis Stabilization Unit;

6a. The defendant take all medication currently prescribed by a psychiatrist, and any medication prescribed by a psychiatrist in the future; and

7a. The defendant cooperate with Forensic Case Management services if deemed necessary.

ALTERNATIVE DISPOSITION PROGRAM (ADP)

00.L-322. Motion for Entry into Alternative Disposition Program.

After criminal proceedings in a court case have been instituted, the attorney for the Commonwealth may move, before a judge empowered to try court cases to whom cases under this program have been assigned, that the case be considered for alternative disposition.

00.L-323. Application Process and Notice of Motion by Attorney for the Commonwealth.

Upon application by the defendant or the defendant's attorney for admission into the ADP, the attorney for the Commonwealth shall advise the victim of the application. Information or statements supplied by the defendant to the attorney for the Commonwealth in an ADP application shall not be used against the defendant for any purpose in any criminal proceedings except a prosecution based on the falsity of the information or statement supplied.

00.L-324. Deferring Action Upon Admission to the Program.

(A) When a defendant is accepted into the ADP before the filing of an information, the judge shall order that no information shall be filed with the court on the charges during the term of the program.

(B) When a defendant is accepted into the ADP after the filing of an information, the judge shall order that further proceedings on the charges shall be postponed during the term of the program.

00.L-325. Conditions of the Program.

The conditions of the ADP may be such as may be imposed with respect to probation after conviction, including restitution, except that a fine may not be imposed. The other conditions of the program include the provisions set forth in the ADP Rules and the Performance Contract, and any other conditions set by the Court that are reasonably designed to best help the defendant and necessary to protect the community. The period of such program for any defendant shall not exceed five years.

00.L-326. Other ADP Procedures.

(A) If a defendant refuses to accept the conditions required by the judge, the judge shall deny the application to enter the ADP. In such event, the case shall proceed in the same manner as if these proceedings had not taken place.

(B) If the attorney for the Commonwealth, or the supervising Probation Officer, files a motion or petition alleging that the defendant during the period of the program has violated a condition thereof, or objects to the defendant's request for an order of discharge from the program, the judge who entered the order for entry into the ADP may issue such process as is necessary to bring the defendant before the court. When the defendant is brought before the court, the judge shall afford the defendant an opportunity to be heard. If the judge finds that the defendant has committed a violation of a condition of the program, the judge may order, when appropriate, that the defendant's participation in the program be terminated, and that the attorney for the Commonwealth shall proceed on the charges as provided by law. No appeal shall be allowed from such order.

(C) When the defendant shall have completed satisfactorily the program prescribed and complied with its conditions, the defendant may move the court for an order dismissing the charges. If neither the attorney for the Commonwealth nor the supervising probation officer object to the defendant's motion, the court shall dismiss

the charges against the defendant. If either the attorney for the Commonwealth or the supervising probation officer objects to the defendant's motion, the court shall proceed as set forth in paragraph (B) above.

(D) When the judge orders dismissal of the charges against the defendant, the judge shall also order the expungement of the defendant's arrest record unless the attorney for the Commonwealth objects to the expungement. If the attorney for the Commonwealth objects to the expungement, the judge shall hold a hearing on the objections.

00.L-327. Diversion for Summary Cases.

In any case wherein only summary offenses are alleged, the Magisterial District Judge, upon the agreement of the District Attorney, defendant, victim, and the prosecuting police officer, may postpone the case for a specified period (usually 90 days) if the defendant agrees to:

A. Report to a Forensic Case Manager designated by the Washington County Mental Health/Mental Retardation Office at a specified date and time;

B. Remain in contact with the designated Forensic Case Manager specified in paragraph A above;

C. Submit to a mental health evaluation and/or drug and alcohol evaluation as deemed necessary by the designated Forensic Case Manager or by a representative of the Washington County Mental Health/Mental Retardation Office;

D. Attend outpatient mental health and/or drug and alcohol treatment as recommended by the Forensic Case Manager specified in paragraph A above or by a representative of the Washington County Mental Health/Mental Retardation Office;

E. Reside at a particular location or address, including but not limited to the Crisis Stabilization Unit;

F. Take all medication currently prescribed by a psychiatrist, and any medication prescribed by a psychiatrist in the future;

G. Cooperate with Forensic Case Management services if deemed necessary; and

H. Follow an individualized treatment plan, 50 Pa.C.S.A. § 7107, and any other conditions set by the Magisterial District Judge that are reasonably designed to best help the defendant and necessary to protect the community.

If the defendant does not comply with these requirements, the Forensic Case Manager will immediately contact the Magisterial District Judge, and the Magisterial District Judge will schedule the case for disposition. If the Magisterial District Judge determines at the end of the postponement period that the defendant has substantially complied with the above-stated requirements and any other reasonable requirements designed to ensure the defendant's safety and the safety of the public, the charges will be dismissed.

[Pa.B. Doc. No. 10-318. Filed for public inspection February 19, 2010, 9:00 a.m.]

RULES AND REGULATIONS

Title 4—ADMINISTRATION

STATE EMPLOYEES' RETIREMENT BOARD

[4 PA. CODE CH. 241]

Definitions

The State Employees' Retirement Board (Board) is amending § 241.1 regarding the definition of "beneficiary" to read as set forth in Annex A.

This amendment to § 241.1 (relating to definitions) clarifies the definitions of the term "beneficiary" by defining the words "person or persons." It also removes the gender specific terms currently in the regulation and replaces them with gender neutral terms. Finally, it removes the operative provisions regarding payment to an estate or next of kin if a beneficiary is not designated by a member.

A. Effective Date

This amendment will be effective upon publication in the *Pennsylvania Bulletin* as a final rulemaking.

B. Contact Person

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 787-9657 or Jill S. Vecchio, Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317.

C. Statutory Authority

This final rulemaking is being made under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board) (Retirement Code).

D. Summary of the Final-Form Rulemaking

This final-form regulation clarifies the definition of the term "beneficiary" by defining the words "person or persons." It also removes the gender specific terms currently in the regulation and replaces them with gender neutral terms. Finally, it removes the operative provisions regarding payment to an estate or next of kin if a beneficiary is not designated by a member.

E. Summary of Comments and Responses

No comments were received regarding this rulemaking.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the final-form regulation.

Benefits

The amendment will alleviate confusion and prevent possible disputes with regard to proper naming of beneficiaries by members.

Costs

There are no costs to the Commonwealth, its citizens or State employees associated with this proposal.

Compliance Costs

The amendment will not impose any additional compliance costs on State employees.

G. Sunset Review

A sunset date has not been established for this regulation.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 18, 2008, the Board submitted a copy of the proposed rulemaking, published at 38 Pa.B. 613 (February 2, 2008), to the Independent Regulatory Review Commission (IRRC) and the House State Government Committee and the Senate Finance Committee (Committees) for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board is required to provide IRRC and the Committees with copies of the comments received during the public comment period, as well as other documents requested. No comments from IRRC, the Committees or the public were received.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on January 6, 2010, this final-form regulation was deemed approved by the Committees. Under section 5(g) of the Regulatory Review Act, IRRC the final-form regulation was deemed approved effective January 6, 2010.

I. Findings

The Board finds that:

(1) Public notice of intention to amend this regulation was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 by publication at 38 Pa.B. 613.

(2) The final-form rulemaking is necessary and appropriate for the administration of the Retirement Code.

J. Order

The Board, acting under the authorizing statutes orders that:

(a) The regulations of the Board, 4 Pa. Code Chapter 241, are amended by amending § 241.1 to read as set forth in Annex A.

(b) The amendment shall be submitted to the Office of Attorney General for approval as to legality as required by law.

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

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

NICHOLAS J. MAIALE,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 575 (January 23, 2010).)

Fiscal Note: Fiscal Note 31-8 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 241. PRELIMINARY PROVISIONS

§ 241.1. Definitions.

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

Active member—Employees on intervening military service or studying under a Federal grant as defined in section 5302(b) of the code (relating to credited State service) provided the member, in all cases, makes contributions while in the service.

Actuarially equivalent—Annuities of equal present value determined by multiplying the annual amount of the annuity by the appropriate cost factor for an annuity of \$1 based on mortality tables currently adopted and used by the Board.

Annuitant—A member on or after the effective date of retirement who was formerly a State employee, excluding a beneficiary or survivor annuitant.

Basic contribution rate—The rate shall be 5%, except that in no case may a member be required to contribute, excluding contributions for Social Security integration credit, at a rate greater than the member's contribution rate on March 1, 1974. This rate may not be applicable to those who became members of the System prior to June 1, 1948, at age 26 or younger who did not, under prior law, elect additional coverage (SSI). It shall be applicable to those in the joint coverage group except that the appropriate offset factor shall be deducted on earnings covered by Federal Social Security.

Beneficiary—The person or persons, as defined in 1 Pa.C.S. § 1991 (relating to definitions), last designated in writing to the Board by a member to receive the member's accumulated deductions or a lump sum benefit upon the death of the member.

Board—The State Employees' Retirement Board required under the code to administer the System.

Code—71 Pa.C.S. §§ 5101—5956 (relating to State Employees' Retirement Code).

Compensation—Limited to salary or wages received for services performed as an employee, but excluding monies received for bonuses, cash awards or similar emoluments.

Date of termination of service—The last day of service for which an active member makes contributions; or in the case of an inactive member on leave without pay, the date of resignation or the date employment is formally discontinued by the employer; or the date a member is placed on furlough.

Effective date of disability retirement—The date following the last day for which compensation was paid or the date on which the member filed an effective application for disability benefits, whichever is later.

Final average salary—In the case of a part-time employee, the salary shall be annualized by multiplying the employee's actual earnings by the reciprocal of the fractional portion of full time compensation or the percentage of service credit earned, whichever is higher, during nonoverlapping periods of 4 consecutive calendar quarters during which the member was a State employee.

Inactive member—A member who is on furlough and has elected to leave his accumulated deductions in the fund at statutory interest during the furlough period. The furlough period may not exceed 1 year.

Member's annuity—Determined by dividing the member's regular accumulated deductions and Social Security integration accumulated deductions by the cost of a \$1 annuity factor based on the member's nearest age and sex at the effective date of retirement and computed on the basis of statutory interest and the mortality tables adopted and used by the Board.

Optional alternate retirement program—An independent retirement program limited to certain designated employees and officers of the Pennsylvania State University, Indiana University, the State Colleges and the Department of Education, as shall be approved by the governing body of the institution or the Secretary of Education, as the case may be.

Statutory interest—As applied to a member's contributions, means interest at 4% per annum compounded annually which shall be calculated as follows: the sum of the balance of the accumulated deductions at the conclusion of the previous year and the mean balance of the current year's contributions multiplied by 4% times the fractional part of year for which the contributor was a member, including one on leave without pay subsequent to July 1, 1974.

System—The State Employees' Retirement System of Pennsylvania as established by the act of June 27, 1923 (P. L. 858, No. 331), and codified by the act of June 1, 1959 (P. L. 392, No. 78), and this title.

Vestee—A member with ten or more eligibility points who has terminated State service and has elected to leave his total accumulated deductions in the fund and to defer receipt of an annuity, provided the election is made within 90 days after the effective date of termination of service. In absence of an election, a terminated State employee is not entitled to vest. The employee shall, however, be eligible to file for an annuity benefit or return of accumulated contributions as they stood at termination of service, at a later date, but is not eligible for death benefits beyond 90 days after termination of service or the accumulation of interest beyond the date of termination of service. In the event the employee applies for an annuity, it shall take effect upon filing of the application.

[Pa.B. Doc. No. 10-319. Filed for public inspection February 19, 2010, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

[4 PA. CODE CH. 247]

Termination of Annuities

The State Employees' Retirement Board (Board) amends Chapter 247 to read as set forth in Annex A.

The deletion of § 247.6(a) will eliminate obsolete language and language that is repetitive of language in 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code) (Retirement Code). The language contained in this subsection that refers to multiple service is obsolete. The remainder of the language in this subsection is repetitive of language currently contained in 71 Pa.C.S. §§ 5706 and 5906 (relating to termination of annuities; and duties of heads of departments).

A. *Effective Date*

The amendment will be effective upon publication in the *Pennsylvania Bulletin* as a final rulemaking.

B. *Contact Person*

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 787-9657 or Jill S. Vecchio, Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317.

C. *Statutory Authority*

This final rulemaking is being made under the authority of 71 Pa.C.S. § 5902(h) of the Retirement Code (relating to administrative duties of the board).

D. *Summary of the Final-Form Rulemaking*

The subsection to be deleted contains obsolete language and language that is repetitive of language in the Retirement Code. Deleting this section will avoid potential confusion on the part of members of State Employees' Retirement System (SERS) and the agency's personnel and potential litigation.

E. *Summary of Comments and Responses*

No comments were received regarding this rulemaking.

F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of this final-form regulation.

Benefits

The deletion of this subsection would benefit SERS and its members. This subsection is unnecessary, as parts are repetitive and are obsolete. Deleting this subsection of the regulation will avoid potential confusion on the part of members of SERS and the agency's personnel and potential litigation.

Costs

There are no costs to the Commonwealth, its citizens or State employees associated with this proposal.

Compliance Costs

The deletion is not expected to impose any additional compliance costs.

G. *Sunset Review*

A sunset date has not been established for this regulation.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 18, 2008, the Board submitted a copy of the proposed rulemaking, published at 38 Pa.B. 615 (February 2, 2008), to the Independent Regulatory Review Commission (IRRC) and the House State Government Committee and the Senate Finance Committee (Committees) for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board is required to provide IRRC and the Committees with copies of the comments received during the public comment period, as well as other documents requested. No comments from IRRC, the Committees or the public were received.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on January 6, 2010, this final-form rulemaking was deemed approved by the Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved effective January 6, 2010.

I. *Findings*

The Board finds that:

(1) Public notice of intention to amend this regulation was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 by publication at 38 Pa.B. 615.

(2) The final-form rulemaking is necessary and appropriate for the administration of the Retirement Code.

J. *Order*

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

(a) The regulations of the Board, 4 Pa. Code Chapter 247, are amended by amending § 247.6 to read as set forth in Annex A.

(b) The amendment shall be submitted to the Office of Attorney General for approval as to legality as required by law.

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

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

NICHOLAS J. MAIALE,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 575 (January 23, 2010).)

Fiscal Note: Fiscal Note 31-10 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 247. BENEFITS

§ 247.6. Termination of annuities.

The requirement that the subsequent annuity of a member who returns to active service, having once been on retirement, be reduced on the basis of benefits received prior to superannuation age, does not apply to a member who returns to active State service from a disability annuity.

[Pa.B. Doc. No. 10-320. Filed for public inspection February 19, 2010, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

[4 PA. CODE CH. 247]

Death Benefits

The State Employees' Retirement Board (Board) amends § 247.7(a) pertaining to the priority of death benefit payments in the event these payments cannot be made to a designated beneficiary or the member's estate.

This amendment sets priorities for the payment of death benefits in the event a member dies without a valid designation of beneficiaries.

A. *Effective Date*

The amendment will go into effect upon publication in the *Pennsylvania Bulletin* as a final rulemaking.

B. *Contact Person*

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 787-9657 or Salvatore

A. Darigo, Jr., Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317.

C. Statutory Authority

This final rulemaking is being made under the authority of 71 Pa.C.S. §§ 5902(h) and 5953 (relating to administrative duties of the board; and taxation, attachment and assignment of funds).

D. Summary of the Final-Form Rulemaking

This final-form regulation clarifies the priority for payment of a member's death benefit in the event that payment of the benefits cannot be made to a member's designated beneficiary or estate. The amendment enables consistent application of the statute and the avoidance litigation of priority issues.

E. Summary of Comments and Responses

No comments were received regarding this rulemaking.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the proposed regulation.

Benefits

The amendment is intended to alleviate confusion and prevent possible disputes with regard to conflicting demands on members' death benefits.

Costs

There are no costs to the Commonwealth, its citizens or State employees associated with this proposal.

Compliance Costs

The amendment is not expected to impose any additional compliance costs on State employees.

G. Sunset Review

A sunset date has not been established for this regulation.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 25, 2008, the Board submitted a copy of the proposed amendment, published at 38 Pa.B. 4396 (August 9, 2008) to the Independent Regulatory Review Commission (IRRC) and the House State Government Committee and the Senate Finance Committee (Committees). In addition to submitting the proposed amendment, the Board has provided IRRC and the Committees with a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, the Board is required to provide IRRC and the Committees with copies of the comments received during the public comment period, as requested. No comments from IRRC, the Committees, or the public were received.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 9, 2009, this final-form regulation was deemed approved by the Committees. Under section 5(g) of the Regulatory Review Act, the final-form regulation was deemed approved effective December 9, 2009.

I. Findings

The Board finds that:

(1) Public notice of intention to amend this regulation was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 by publication at 38 Pa.B. 4396.

(2) The final-form rulemaking is necessary and appropriate for the administration of 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code).

J. Order

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

(a) The regulations of the Board, 4 Pa. Code Chapter 247, are amended by amending § 247.7 to read as set forth in Annex A.

(b) The amendment shall be submitted to the Office of Attorney General for approval as to legality as required by law.

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

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

NICHOLAS J. MAIALE,
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 7271 (December 26, 2009).)

Fiscal Note: Fiscal Note 31-12 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 247. BENEFITS

§ 247.7. Death benefits.

(a) *Manner of payments.* In the event the member does not designate a beneficiary before death or the designation is not valid for any reason or no validly designated beneficiary survives the member by 30 days under 71 Pa.C.S. § 5709(c) (relating to the payment of benefits) to receive any of the death benefits provided in the code, the benefits shall be payable to the estate of the member.

(1) If the estate of the member is entitled to receive the member's death benefits but does not file a claim for the benefits within 60 days of the date the System mails notice of the benefits to the estate of the member, the entire amount of the death benefit shall be payable in the following sequential priority:

(i) To the appointed executor or administrator of the deceased member.

(ii) To the surviving spouse of the member.

(iii) To any child of the member.

(iv) To the father or mother of the member.

(v) To any sister or brother of the member.

(2) Payments made under paragraph (1)(iii)—(iv) shall be made to only one person and not divided among members of the classes identified in those subsections. Upon payment of a death benefit pursuant to this section, the System shall be discharged from any further liability for the payment of the death benefits to any other person.

Any person to whom payment is made under this paragraph shall be answerable therefore to anyone prejudiced by the payment.

(b) *Single life annuity.* If a single life annuitant dies before receiving in monthly annuity payments the total amount of accumulated deductions, the balance of the total accumulated deductions shall be paid to the designated beneficiary without regard to the actual proportion the State share represents to the total monthly annuity payments actually received before death.

[Pa.B. Doc. No. 10-321. Filed for public inspection February 19, 2010, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 435a AND 437a]

Vendor Revisions

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 1321 (relating to additional licenses and permits and approval of agreements), amends Chapters 435a and 437a (relating to employees; and vendor certification and registration).

Purpose of the Final-form Rulemaking

The final-form rulemaking contains numerous amendments to Chapters 435a and 437a which are designed to improve the clarity of these chapters, reduce unnecessary filing requirements and improve the overall effectiveness of the Board's oversight of vendors based on the Board's experience to date.

Explanation of Amendments to Chapters 435a and 437a

Throughout this final-form rulemaking, the Board has made minor language changes to improve the clarity of the regulations. For example, the Board has replaced the term "business" with "goods or services" to track more closely the language in the statute.

In Chapter 435a a new § 435a.9a (relating to vendor employee temporary access credentials) has been added which codifies the Bureau of Licensing's policy for issuing temporary credentials to employees of vendors that are construction companies to complete work under the original contract, change orders, punch lists, make periodic repairs or do warranty work. This provides a controlled mechanism for contractors to complete work or make repairs under the supervision of the slot machine licensee's security department instead of requiring these employees to obtain a gaming permit or nongaming registration.

In § 437a.1 (relating to general vendor requirements), the monetary thresholds that trigger the registration or certification requirements have been revised. Under these amendments, vendors who provide less than \$15,000 worth of goods or services in a 12-month period will continue to be exempt from the registration or certification requirements. A new subsection (h) has been added which requires slot machine applicants and licensees to file a one-page Notification of Material Vendor Form for any vendor that is not required to be registered or certified that has provided goods or services that are valued at \$15,000 or more in a consecutive 12-month

period. This will allow the Board to track low dollar value vendor transactions without requiring small vendors to complete an extensive application.

Under subsection (a), if a vendor provides goods or services to one or more slot machine applicants or licensees worth \$100,000 up to \$500,000 in a 12-month period, the vendor will be required to be registered. Under subsection (b), if a vendor provides goods or services worth more than \$500,000 in a 12-month period to one or more slot machine applicants or licensees, the vendor will be required to be certified. These changes will significantly reduce the number of vendors who will have to obtain registrations or certifications which will make it easier for small businesses in this Commonwealth to provide services to slot machine applicants and licensees.

Also in subsection (a), vendors whose employees will be working on the gaming floor or in restricted areas will now, in most cases, be required to be registered. Under the current regulation, these vendors are required to be certified. This change will reduce application costs for vendors. Additionally, an exemption to the registration requirement has been added where registration will not be required if the following conditions are met: the vendor's employee's access to the gaming floor is for no more than 24 hours in a 72-hour period, once in any 3-month period; the vendor's employees sign-in with the slot machine licensee's security department and the Board's casino compliance representatives; and the vendor has received written approval from the Bureau of Licensing.

A new subsection (c) has been added that requires registration or certification as a vendor if a person provides goods or services that have a total dollar value that exceeds the respective dollar thresholds to an intermediary, holding company or affiliate of a slot machine licensee, if those goods or services are for the benefit of or use by the slot machine licensee.

It is not uncommon for entities that operate multiple casinos in multiple jurisdictions to consolidate the purchase of goods or services for their multiple properties. These provisions will ensure that a vendor that provides goods and services in this manner, that are ultimately to be used by a slot machine licensee in this Commonwealth, shall obtain Pennsylvania certification or registration if the value of the goods or services exceeds the applicable dollar thresholds.

Section 437a.1(d) has been amended to clarify the exemptions in paragraphs (8) and (12) and add one new exemption.

The new exemption, which has been added as paragraph (15), exempts individuals licensed by a Federal or State agency if that agency's licensing requirements are similar to the Board's. The goal of this provision is to reduce redundant licensing burdens.

Section 437a.1(e) has been added which allows the Board to request information from anyone claiming an exemption under subsection (d) to verify the person's exempt status. This provision is necessary to allow the Board to ensure that the person is eligible for the exemption the person has claimed.

A new subsection (g) has been added which will create a new process to be used, instead of the registration or certification process, for vendors that are listed on a major stock exchange. For these vendors, the Board does not believe certification or registration is necessary because, to be listed on one of the named stock exchanges, the vendor must meet certain regulatory requirements

similar to those that a certified or registered vendor would have to meet. Therefore, certification or registration by the Board would be redundant. However, these vendors will still have to comply with the applicable requirements in § 437a.7 (relating to registered and certified vendor responsibilities) and immediately notify the Board if they cease to be listed on the major stock exchange.

The requirement that currently is contained in subsection (b)(4) that authorizes the Board to require a vendor to be certified if the Board determines certification is necessary to protect the integrity of gaming, has been moved to the new subsection (i) and expanded to allow the Board to require either registration or certification.

Section 437a.2(b) (relating to vendor registration applications), has been amended to require the submission of a nonrefundable application fee and to require the submission of fingerprints for officers, certain owners and sales persons who will have direct contact with slot machine applicants and licensees. The fee will go toward covering the costs of the investigation conducted on the applicant and the fingerprints will allow the Board to conduct a criminal history check of these individuals. A new subsection (c) has been added which gives the Board discretion to require fingerprints from additional individuals who are involved with the vendor. A new subsection (d) has also been added which will require the individuals listed in subsections (b)(4) or (c) to be found qualified by the Board. The provisions that formerly appeared as subsections (c) and (d) are now subsections (e) and (f).

Existing § 437a.3(a)(3) (relating to vendor certification applications), has been deleted and the remaining subsection has been renumbered. The Board does not believe this information is necessary to evaluate an applicant for vendor certification.

Section 437a.3(d)(3) has been amended to require that a person seeking a waiver from certification based on a single transaction, not have a continuing business relationship with the slot machine applicant or licensee as well as not having a continuing onsite presence at the licensed facility. This new language has been added to clarify the intent of the single transaction waiver provision and to prevent any potential misuse of the single transaction waiver.

Section 437a.3(e) is being deleted and the remaining subsections renumbered. Based on the Board's experience and the increased monetary levels required for certification, the Board does not believe this provision is needed.

Section 437a.4 (relating to qualification of individuals and entities) has been totally rewritten to improve the clarity of these requirements, eliminate unnecessary filings and to replace the term "certification" with "qualification." The new requirement in subsection (a)(1) corresponds to the former requirements in existing subsections (a) and (b). New subsection (a)(2) requires anyone with an ownership or beneficial interest of 10% or more (instead of 5% which is currently required) to file a Pennsylvania Personal History Disclosure Form. Subsection (a)(3) is a revision of existing subsection (f) which continues the requirement that salespersons be qualified, but eliminates the requirement for qualification of their supervisors.

The new subsection (b) requires that any entity that owns 20% or more of a certified vendor or applicant for certification to file a Vendor Certification Form—Private Holding Company and be found qualified by the Board.

Subsection (c) lists individuals who may be required to file a Pennsylvania Personal History Disclosure Form and be found to be qualified if the Board determines that it is necessary to protect the public or to enhance the integrity of gaming.

A new subsection (d) has also been added to this section which will allow the Bureau of Licensing to issue a temporary credential to the individuals who are required to be qualified under this section. This will allow these individuals to work in a licensed facility prior to the completion of the application process.

The net effect of these revisions will be to reduce the number of individuals who will be required to file the Pennsylvania Personal History Disclosure Form and be found qualified by the Board.

In § 437a.6 (relating to registration and certification term and renewal), has had minor wording changes have been made to improve clarity.

In § 437a.7 the provisions requiring permitting and registration of certain employees have been revised to include registered vendors as well as certified vendors. Additionally, subsection (c) has been amended to add a new paragraph (4) that requires the offsite supervisor of a registered or certified vendor's employees who work at a licensed facility to obtain a nongaming registration. While these individuals will not normally be working in the licensed facility, because they will be responsible for vendor's employees who are working in the licensed facility, having these individuals obtain a nongaming permit is appropriate.

The Board has also added a new subsection (e), which in concert with the proposed new § 435a.9(a) (relating to permission to conduct business prior to certification or registration), codifies the Bureau of Licensing's policy for issuing temporary credentials to employees of construction company vendors to complete work under the original contract, change orders, punch lists, make periodic repairs or do warranty work. As stated previously, this provides a controlled mechanism for contractors to complete work or make repairs under the supervision of the slot machine licensee's security department instead of having these employees go through the process of obtaining a gaming permit or nongaming registration.

In § 437a.8 (relating to authorized vendor list; prohibited vendors), subsection (a) has been amended to clarify that the authorized vendor list will include persons who have completed the registration or certification process, persons who have filed a Publicly Traded Vendor Form and persons who have been given permission to conduct business with a slot machine licensee or applicant while their applications are being reviewed.

Subsection (b) has been amended to explicitly state that a slot machine licensee or applicant may not do \$100,000 or more worth of business with a person within a 12-month period or do business with a vendor that would require the vendor's employees to be working on the gaming floor or in a restricted area unless the person is on the authorized vendor list. This prohibition does not apply to services provided under § 437a.1(a)(2) or (d) or § 437a.10 (relating to emergency vendor).

Subsection (c) has been amended to improve the clarity of the subsection and to delete existing paragraphs (4) and (5) which are redundant.

Subsection (d) has been amended to make the petitioner responsible for all costs related to a petition for removal from the prohibited vendors list. Similarly, a new

subsection (e), which allows the Board to impose fines or other sanctions in connection with a petition for removal from the prohibited vendor list, has been added. These provisions have been added to address problems that the Board has had with vendors who have been uncooperative and who have tried to provide services without complying with the Board's regulations.

In § 437a.9 subsection (a) has been amended by replacing "Board" with "Bureau of Licensing." The Bureau of Licensing has been responsible for processing these requests. This change will codify this delegation of authority from the Board to the Bureau of Licensing.

Subsection (a) has also been amended by adding a new paragraph (3) which expands upon the criteria that must be met for vendors to provide goods and services before the review of their application has been completed. Paragraph (3) requires an applicant to agree that the Bureau of Licensing may rescind the authorization with or without prior notice if the applicant's suitability is at issue or the applicant fails to cooperate in the application process. While the Board recognizes that slot machine licensees may need a vendor's services before the application process is complete, the Board's ultimate responsibility is to protect the integrity of gaming. Therefore, if a problem arises during the investigation of the vendor, it is essential that the Bureau of Licensing be able to immediately rescind the interim authorization it has granted.

Subsections (d) and (e), which limit the permission to conduct business to a period of 6 months unless the permission is extended for an additional 6 months for good cause shown, have been deleted. These provisions imposed unnecessary administrative burdens on vendors, slot machine applicants and licensees and the Board. The Board believes that once the need for the goods or services has been established, no further action is needed until a final decision is made on the vendor's application for certification or registration.

In § 437a.11(c) (relating to slot machine applicants' and licensees' duty to investigate), pertaining to contracts or agreements between an applicant for or holder of a slot machine license and an applicant for or holder of a vendor certification or registration, has been deleted. This provision repeats the requirements in § 441a.13(c) (relating to Board review of agreements and records of agreements) and is therefore unnecessary.

Comment and Response Summary

Notice of proposed rulemaking was published at 39 Pa.B. 4894 (August 15, 2009).

During the public comment period, the Board received a letter from International Gaming Technology thanking the Board for the opportunity to comment, but not offering any comments on the substance of the rulemaking. Comments on the proposed rulemaking were received from Greenwood Gaming and Entertainment, Inc. (Greenwood), Downs Racing, L.P. (Downs) and NCR Corporation (NCR). By letter dated October 12, 2009, the Independent Regulatory Review Commission (IRRC) also submitted comments on this rulemaking.

In § 435a.9a(c), Greenwoods and Downs suggested that the number of days that a vendor's employee be allowed to work on the gaming floor without being required to obtain a nongaming registration be increased from 12 days to 20 or 30 days respectively. IRRC asked the Board to explain why the 12 days in a 12-month period is reasonable.

Currently, the Board requires all employees of vendors who will be working on the gaming floor or in a restricted

area to obtain a nongaming employee credential. While this only involves the one-time filing of an application and payment of the \$60 registration fee, the Board has observed that there are instances when a vendor's employees may only need to be on the gaming floor on a one-time basis or for only a short period of time. This is particularly true when the employees are completing change orders, punch list items or are doing warranty work.

The provisions of § 435a.9a, and other revisions in this rulemaking, have been designed to provide some regulatory relief from the normal registration requirement for these employees. Initially, the Board considered limiting this exemption to 5 or 10 days in a year, but expanded it to 12 days in 12 months to include situations in which an employee might have to be at a licensed facility for a short period of time once a month. However, the Board's primary responsibility is to protect the integrity of gaming. For this reason, the Board does not believe that individuals who are going to be on the gaming floor or in a restricted area for an extended period of time, such as 20 or 30 days, should be exempted from registration. Additionally, because the cost and time required to obtain a nongaming employee registration is low, the Board does not believe the registration requirement imposes an unreasonable burden on registered or certified construction company vendors. Therefore, the Board has not expanded the time period for this exemption.

IRRC also asked the Board to explain why it included the time restrictions in § 437a.1(a)(2)(i).

Currently, a vendor whose employees will have access to the gaming floor or restricted areas shall be certified. Through this rulemaking, the Board has relaxed this requirement so that a vendor whose employees will be on the gaming floor or in restricted areas will only be required to be registered, if the value of the goods and services provided exceeds \$500,000.

The purpose of the provision in subsection (a)(2) is to provide an additional limited exemption from the requirement that a vendor be registered, when their employees will be on the gaming floor. The Board is aware of situations in which vendors have needed to have their employees on the gaming floor for a very short period of time on a nonrecurring basis. The use of the no more than 24 hours within a 72-hour period no more than once in a 3-month period criteria will allow these vendors to provide their goods and services without having to obtain a vendor registration. However, vendors whose employees will be on the gaming floor for longer time periods or on a recurring basis shall be required to be registered regardless of the value of the goods or services required. This is because the employees' presence on the gaming floor constitutes a potential threat to the integrity of gaming.

Also regarding § 437a.1, both Greenwood and Downs asked that subsection (c) be amended to clarify that only the value of the goods or services received by the slot machine licensee should be used to determine if registration or certification would be required. That was the Board's intent, so the language of subsection (c) has been amended as suggested by the commentators.

NCR suggested that the exemption for publicly traded companies in § 437a.1(d)(15) be expanded to include publicly traded companies that have employees who are required to obtain a gaming permit or nongaming em-

ployee registration. IRRC also asked why the Board decided not to treat all publicly traded companies the same.

To address the comments on the limited application of the exemption for vendors listed on a major stock exchange, the Board has deleted the proposed exemption language in subsection (d)(15) and replaced it with a new subsection (g). Under this revision, all vendors listed on a major stock exchange will be able to file a Publicly Traded Vendor Form instead of an application for registration or certification. But these vendors will still be required to comply with § 437a.7. This will substantially reduce the administrative burden on these vendors while still preserving the oversight provisions for their employees who will be working at a licensed facility. Also as part of this revision, the provision that appeared as subsection (g) in the proposed rulemaking has been moved to a new subsection (i).

In § 437a.2, Downs suggested that subsection (b)(4)(i) be amended to exclude owners and directors who are not involved with the management or control of an applicant for vendor registration from the requirement that they submit fingerprints. Downs also suggested that a similar amendment be made to § 437a.4(a)(1) which requires owners and directors to complete a Pennsylvania Personal History Disclosure Form.

The Board has not elected to make this suggested change to § 437a.2(b)(4)(i) or § 437.4(a)(1). If such a provision was added, the individuals would have to file some form of waiver request explaining how they are not involved in the operations of the applicant. This would take more time and, in many cases, be more expensive for these individuals than the submission of fingerprints or the Pennsylvania Personal History Disclosure Form.

In § 437a.2, both IRRC and Downs stated that the requirement in subsection (b)(4)(iii) does not clearly identify which individuals must submit fingerprints. They believe the phrase "each individual who has the power to control or influence the affairs of the registered vendor applicant" is vague and should be deleted, defined or replaced with more specific language concerning who must be fingerprinted. Similar comments were filed by IRRC and Downs concerning § 437a.4(a)(3) which would require these individuals to submit a Pennsylvania Personal History Disclosure Form as part of the application process for certified vendors.

The Board has found that the myriad of organizational structures used by applicants makes it difficult to make a complete list of all of the individuals who may have a significant interest or role in a vendor's operations. The intent behind this provision was to allow the Board some flexibility to obtain fingerprints or the Pennsylvania Personal History Disclosure Form from additional individuals who are involved with the vendor depending on the degree of their involvement. However, the Board agrees that this phrase could be interpreted in a number of different ways which would make it difficult for individuals to determine if it applies to them. To address both the Board's intent and to eliminate possible confusion among the applicants, the Board has deleted § 437a.2 (b)(4)(iii), but added a new subsection (c), which is similar to the existing requirement in § 437a.4(d)(4), that will allow the Board the ability to require an individual to submit fingerprints if that person meets certain criteria and the Board determines that requiring fingerprints is necessary to protect the public interest or to enhance the integrity of gaming. To accommodate this revision, the provisions that previously appeared as sub-

sections (c) and (d) have been moved to subsections (e) and (f) and former subsection (e) now appears as subsection (d). In § 437a.4, for the reasons stated within this preamble, subsection (a)(3) has also been deleted.

In § 437a.7, Downs and IRRC questioned the need to expand subsections (b) and (c) to include registered vendors and expressed concerns that the costs of this revision might exceed its benefits. Downs also expressed a concern about the possible fiscal impact of the new provision contained in subsection (c)(4).

The Board disagrees that the revisions to subsections (b) and (c) represent an expansion of current regulatory requirements which may lead to increased costs. Under the current Board regulations, a vendor who has employees that would be required to obtain a gaming permit or nongaming registration, must be a certified vendor regardless of the value of the goods or services provided. As previously noted, in this rulemaking that requirement has been changed so that a vendor will only have to be registered. This will result in a significant savings to these vendors. The amendments to subsections (b) and (c) simply recognize this reduced regulatory requirement.

Concerning the addition of offsite supervisors to the list of vendor employees who will be required to obtain a nongaming employee registration, the Board does not agree that this will impose an unreasonable financial burden on vendors. These individuals are responsible for directing the work done by the vendor's employees who will be working at the licensed facility. Accordingly, the Board does not believe that this minimal level of scrutiny is unwarranted. Additionally, the Board does not believe the one-time cost of \$60 for registration is excessive.

Greenwood and Downs both objected to the requirement in § 437a.8(b) which explicitly requires slot machine licensees to only use vendors on the authorized vendor list unless the amount of business will be below \$100,000 or when they are responding to an emergency situation. They believe it will hinder their ability to do business with new vendors who are not on the authorized vendor list.

This requirement merely reflects the Board's current policy that a slot machine licensee or applicant may only use vendors who have been approved or have received interim authority to provide goods and services under § 437a.9. Therefore, the amendments to this section will have no negative impact on which vendors a slot machine licensee may use. Additionally, raising the threshold for registration to \$100,000 and the other changes throughout this rulemaking, which reduce the requirements related to registration or certification, will make it easier for slot machine licensees to try new vendors.

In § 437a.9, IRRC and Greenwood asked how subsection (a)(3) and (4) would work in relation to the new subsections (b) and (c) that were added by the final adoption of Regulation No. 125-97. See 39 Pa.B. 5559 (September 26, 2009). Greenwood also expressed concern that the new requirements in subsection (a)(3) and (4) would add substantial amounts of time to the process for receiving interim authorization to conduct business and limit the ability of new businesses to conduct business with slot machine licensees. Additionally, Greenwood suggested that subsection (a)(3) should be amended to recognize the wind-up period that can be established by the Bureau of Licensing when it sends a notice of rescission of interim authority to conduct business.

The Board disagrees that the amendments to § 437a.9 will increase the amount of time required to obtain

interim authorization to conduct business with a vendor. First of all, vendor applicants are not automatically allowed to provide goods or services as soon as they submit an application and the slot machine licensee certifies that it has conducted its due diligence review. Instead, a preliminary review of the applicant is conducted by the Bureau of Licensing. The provisions in this rulemaking reflect the internal procedures that are currently being used by the Board to process these requests. Accordingly, the time required to receive interim authorization to conduct business under this rulemaking will not change.

On the comment concerning how subsection (a)(3) relates to subsection (b), subsection (a)(3) states that a vendor's interim authority may be revoked if suitability issues arise or the applicant fails to cooperate in the application process. Subsection (b) specifies that when permission to conduct business granted under subsection (a) has been rescinded, the vendor and slot machine licensee shall cease doing business on the date specified in the notice provided under subsection (c). In essence, subsections (a), (b) and (c) lay out the sequence of activities that will occur. For this reason, there is no need to add additional language to subsection (a).

While the Board has proposed no substantive changes to § 437a.11, both IRRC and Downs suggested that the Board amend subsection (c) to limit the duty of slot machine licensees to inform the Board about actions of vendors that constitute a violation of the act or the Board's regulations to actions that they have actual knowledge of.

The Board has not adopted the change suggested by IRRC and Downs. The Board believes that it is appropriate to require a slot machine licensee to report any information it has concerning what may be inappropriate behavior on the part of a vendor. The Board will then evaluate that information, and based on its own investigation, determine whether or not the vendor has violated the act or the Board's regulations. If this section was revised as suggested, slot machine licensees' would be placed in a situation of either ignoring some activity that may be inappropriate or having to conduct an investigation to make a determination as to whether or not the vendor has committed a violation. Neither of these options would be in the public interest.

Additional Revisions

Throughout the final-form regulations, additional minor editorial changes have been made to enhance the clarity of the final-form regulations.

Section 435a.9a(a) has been deleted. Instead of having requirements within this section and in Chapter 437a, § 437a.4(d) has been amended to address temporary credentials for individuals who are required to be qualified. Additionally, the time limits in proposed subsections (b) and (c) have been deleted because the Board does not see a need for them. As a result of these deletions, proposed § 435a.9b is now § 435a.9a.

Section 437a.1(f) has been revised to also cross reference § 441a.14 (relating to master purchasing and disbursement report) to make it clear that business conducted with a vendor that is exempt under subsection (d) is reflected in the master purchasing and disbursement report. Subsection (h) has also been revised to improve its clarity and update the name of the form required by this subsection. It has been revised to tie the requirement to file a Notification of Material Vendor Form to the actual provision of goods or services and a time frame has been

added (prior to the date of the payment to the vendor that exceeds the \$15,000 threshold) for the submission of this form.

Section 437a.2(f) has been deleted because it simply repeats the provision in § 435a.9a and therefore is not necessary.

Proposed § 437a.4(c) has been deleted. It is no longer needed because of the revisions that are now contained in § 437a.1(g). In what is now subsection (c), the Vendor Certification Form—Private Holding Company Form has been added because this is the form an entity, as opposed to an individual, would be required to fill out. In subsection (c)(1), the phrase "not otherwise required to be qualified" has been added because in some instances these entities are required to be qualified. In addition to the revisions contained in subsection (d) that were previously discussed, a new subsection (e) has been added to address the issuance of permanent credentials to individuals who are found to be qualified. This subsection is needed because neither the existing regulations nor the proposed rulemaking contain any provisions pertaining to the issuance of permanent credentials for these individuals.

Section 437a.8(a) has been revised to improve its clarity and make it consistent with the new § 437a.1(g). Subsection (b) has been modified to also make it clear that a slot machine licensee may not use a vendor, except as provided in § 437a.1(a)(2), (d) and (g), that is not on the authorized vendor list if the vendors employees will be working on the gaming floor or in a restricted area. This will make the language in this section consistent with the requirements in § 437a.1. Subsection (c)(1) has been broadened to include noncompliance with any of the provisions of this chapter, rather than just failure to apply for registration or certification, as a reason for placing a vendor on the prohibited vendor list. Additionally, a new paragraph (4) has been added which includes the failure of the vendor to provide required information to a slot machine applicant or licensee that the slot machine applicant or licensee needs to comply with provisions of this chapter as a basis for placing the vendor on the prohibited vendor list. Both of these changes are designed to improve vendor compliance.

Proposed § 437a.9(a)(4) has been deleted because it no longer reflects Board practice. Currently, the Bureau of Licensing may give a vendor permission to conduct business on an interim basis, based on its preliminary review before the Bureau of Investigations (BIE) has completed its investigation. This will enable vendor applicants to receive interim authorization to conduct business sooner.

Finally, § 437a.11(c) has been revised to add vendors who will not be required to be registered or certified under the new § 437a.1(g).

Affected Parties

Slot machine licensees will have clearer requirements concerning vendors from whom they may purchase goods and services. Vendors will benefit from the improved clarity of these amendments and the reduction or elimination of registration or certification requirements for many vendors.

Fiscal Impact

Commonwealth

While the Board will receive fewer applications from vendors for certification or registration, the final-form rulemaking will have no significant fiscal impact on the

Board or other agencies of this Commonwealth. This is because the Board recovers its licensing and investigation costs from applicants.

Political Subdivisions

This final-form rulemaking will have no fiscal impact on political subdivisions of this Commonwealth.

Private Sector

A vendor that provides goods or services to a slot machine licensee or applicant through a parent corporation or affiliate will now have to be registered or certified if the value of those goods or services exceeds the applicable monetary thresholds. Other vendors who meet the new exemption criteria will no longer be required to be registered or certified and a number of individuals who were previously required to be certified under § 437a.4, will no longer be required to obtain the individual certification. As a whole, the changes in this rulemaking are anticipated to result in a net decrease in costs to vendors.

General Public

This final-form rulemaking will have no fiscal impact on the general public.

Paperwork requirements

Vendors that provide goods or services to a slot machine licensee or applicant through a parent corporation or affiliate will now have to file applications for registration or certification if the value of those goods or services exceeds the applicable monetary thresholds. Other vendors who meet the new exemption criteria will no longer be required to file applications to be registered or certified and a number of individuals who were previously required to be certified under § 437a.4, will no longer be required to file a Pennsylvania Personal History Disclosure Form. As a whole, the changes in this rulemaking are anticipated to result in a net decrease in filings required by vendors.

Effective Date

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

Contact Person

The contact person for questions about this final-form rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 30, 2009, the Board submitted a copy of the proposed rulemaking, published at 39 Pa.B. 4894 (August 15, 2009), and a copy of the Regulatory Analysis Form to IRRC and the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committees).

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments received from IRRC, the Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the Committees on January 6, 2010.

Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 7, 2010, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) referenced to the Commonwealth Documents Law (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

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

(a) The regulations of the Board, 58 Pa. Code Chapters 435a and 437a, are amended by amending § 437a.6 to read as set forth at 39 Pa.B. 4894; and by amending §§ 437a.1—437a.4, 437a.7—437a.9 and 437a.11, and by adding § 435a.9a to read as set forth in Annex A.

(b) The Chairperson of the Board shall certify this order, 39 Pa.B. 4894 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

GREGORY C. FAJT,
Chairperson

(Editor's Note: The proposal to add § 435a.9b, included in the proposed rulemaking at 39 Pa.B. 4894, has been withdrawn by the Board.)

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 575 (January 23, 2010).)

Fiscal Note: Fiscal Note 125-100 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

CHAPTER 435a. EMPLOYEES

§ 435a.9a. Vendor employee temporary access credentials.

(a) The Board's casino compliance representatives at a licensed facility may issue a Vendor Employee Temporary Access Credential to an employee of a registered or certified vendor that is a construction company that is completing work on the gaming floor or in a restricted area under the registered or certified vendor's original contract, change orders or punch lists, or to complete periodic repairs or warranty work if:

(1) The employee's duties of employment or incidental activities related to employment do not require the employee to touch or have contact with a slot machine or associated equipment other than exterior cleaning.

(2) The employee will be under the supervision of an employee of the slot machine licensee's security department who is authorized to have access to the area where the work is being performed.

(b) To receive a Vendor Employee Temporary Access Credential, the employee of the registered or certified vendor that is a construction company shall surrender his driver's license or other photo identification.

(c) A Vendor Employee Temporary Access Credential will not be issued to an employee of a registered or certified vendor that is a construction company for more than 12 days in a 12-month period.

(d) Employees of a manufacturer, manufacturer designee or supplier may not be issued a Vendor Employee Temporary Access Credential.

CHAPTER 437a. VENDOR CERTIFICATION AND REGISTRATION

§ 437a.1. General vendor requirements.

(a) A vendor or person seeking to conduct business with a slot machine applicant or licensee, except as provided in § 437a.10 (relating to emergency vendor), shall apply to the Board for registration if:

(1) The total dollar amount of the goods or services to be provided to a single slot machine applicant or licensee or to multiple slot machine applicants or licensees will be or is anticipated to be equal to or greater than \$100,000 but less than or equal to \$500,000 within a consecutive 12-month period.

(2) The employees of the vendor or person seeking to conduct business with a slot machine applicant or licensee will be working on the gaming floor or in restricted areas unless all of the following conditions are met:

(i) The employees will be on the gaming floor for less than 24 hours within a 72-hour period no more than once in any consecutive 3-month period.

(ii) The employees sign-in with the security department at the licensed facility and the Board's casino compliance representatives prior to entering the gaming floor.

(iii) The vendor has received written approval from the Bureau of Licensing for the vendor's employees to be on the gaming floor.

(b) A vendor or person seeking to conduct business with a slot machine applicant or licensee, except as provided in § 437a.10, shall apply to the Board for certification if the total dollar amount of the goods or services to be provided to a single slot machine applicant or licensee or to multiple slot machine applicants or licensees will be or is anticipated to be greater than \$500,000 within a consecutive 12-month period.

(c) A person that provides goods or services indirectly to a slot machine applicant or licensee through an intermediary, holding company or affiliate of the slot machine applicant or licensee shall be required to be registered or certified if the cost of the goods or services provided to the slot machine applicant or licensee exceeds the monetary thresholds in subsections (a) and (b).

(d) The following persons are exempt from the vendor registration and the vendor certification requirements of this chapter:

(1) Public utilities which provide only one or more of the following services to a slot machine applicant or licensee:

- (i) Water.
- (ii) Sewerage.
- (iii) Electricity.
- (iv) Natural gas.

(2) Insurance companies providing insurance to a slot machine applicant or licensee and its employees.

(3) Employee benefit and retirement plans including incorporated 401K plans and employee stock purchase programs.

(4) National, state or local professional associations that receive funds from the slot machine applicant or licensee for the cost of enrollment, activities and membership.

(5) State, Federal and municipal operated agencies.

(6) Manufacturers and suppliers of liquor, wine and beer regulated by the Liquor Control Board.

(7) State and Federally chartered banks or savings and loan associations where funds are deposited by slot machine licensees, notwithstanding those sources or transactions provided to a slot machine licensee which require Board approval.

(8) Providers of professional services including accountants, attorneys, engineers and architects, when acting in their respective professional capacities.

(9) Telecommunication service providers.

(10) Shipping services.

(11) Persons that engage in efforts to influence legislative action or administrative action on behalf of a principal for economic consideration.

(12) Schools regulated by the Department of Education.

(13) Professional entertainers, sports figures and other celebrities engaged by a slot machine licensee to appear at a slot machine licensee-sponsored special entertainment or promotional event.

(14) Newspapers, television stations, radio stations and providers of simulcast services that contract with slot machine applicants or licensees.

(15) Any person not otherwise exempt under this subsection that is licensed by a Federal or state agency if the agency's licensing requirements are determined by the Bureau of Licensing to be substantially similar to those of the Board.

(e) The Board may request information or assurances from any person listed in subsection (d) to determine the validity of the person's exempt status.

(f) Subsection (d) does not relieve a slot machine applicant or licensee of reporting obligations required under §§ 441a.12 and 441a.14 (relating to maintaining agreements; filing of agreements; and master purchasing and disbursement report).

(g) A person, or subsidiary of a person, that has a class of equity securities listed on the New York Stock Exchange, the NASDAQ Stock Market, the American Stock Exchange or a foreign stock exchange determined by the Bureau of Licensing to have similar listing requirements may be authorized to provide goods or services to slot machine applicants and licensees without applying for registration or certification if the person or subsidiary of the person submits a completed Publicly Traded Vendor Form to the Board accompanied by the filing fee posted on the Board's web site (www.pgcb.state.pa.us). A person or subsidiary of a person that is authorized to provide goods and services under this subsection shall be required to:

(1) Comply with § 437a.7 (relating to registered and certified vendor responsibilities).

(2) Immediately notify the Board if the person or subsidiary of the person ceases to have a class of equity securities listed on the New York Stock Exchange, the NASDAQ Stock Market, the American Stock Exchange or a foreign stock exchange determined by the Bureau of Licensing to have similar listing requirements.

(h) A slot machine applicant or licensee shall complete and submit to the Bureau of Licensing a Notification of Material Vendor Form prior to compensating a vendor \$15,000 or more within a consecutive 12-month period. A slot machine applicant or licensee shall not be required to submit a Notification of Material Vendor Form to the Bureau of Licensing if either of the following apply to the vendor to be compensated:

(1) The vendor is exempt under subsection (d).

(2) The vendor is listed on the Board's authorized vendor list.

(i) A vendor of a slot machine applicant or licensee whose compensation does not exceed the monetary thresholds contained in this section or who is otherwise not required to be registered or certified under subsection (d) or (g) may be required to be registered or certified if the Board determines that registration or certification is necessary to protect the integrity of gaming.

§ 437a.2. Vendor registration applications.

(a) A vendor seeking registration shall do one of the following:

(1) Complete an original and four copies of a Vendor Registration Form—Sponsored. The original and copies and the fee toward the cost of the investigation of the applicant posted on the Board's web site (www.pgcb.state.pa.us) shall be submitted to the Bureau of Licensing by the slot machine applicant or licensee for whom the vendor will provide goods or services unless otherwise directed by the Board.

(2) Complete an original and four copies of a Vendor Registration Form—Unsponsored. The original and copies and the fee toward the cost of the investigation of the applicant posted on the Board's web site (www.pgcb.state.pa.us) shall be submitted to the Bureau of Licensing by the vendor unless otherwise directed by the Board.

(b) In addition to the materials required under subsection (a), an applicant for a vendor registration shall:

(1) Submit the nonrefundable application fee posted on the Board's web site (www.pgcb.state.pa.us).

(2) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings and enforcement and disciplinary actions.

(3) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(4) Submit fingerprints of the following individuals to the Board in a manner prescribed by BIE:

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

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

(iii) Each salesperson of a registered vendor applicant who solicits business from, or has regular contact with, any representatives of a slot machine applicant or licensee or any employee of a registered vendor applicant who will be engaging in that conduct.

(c) A person who holds any direct or indirect ownership or beneficial interest in a registered vendor or applicant for vendor registration, or has the right to any profits or distributions directly or indirectly, from the registered vendor or applicant for vendor registration may be required to submit fingerprints if the Board 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)(4) or (c) must be found qualified by the Board.

(e) An applicant for a vendor registration will be required to reimburse the Board for costs incurred by the Board in conducting the review of the application.

(f) A vendor registration will not be issued until all fees have been paid.

§ 437a.3. Vendor certification applications.

(a) A vendor seeking certification shall complete and the slot machine applicant or licensee for whom the vendor will provide goods or services shall submit:

(1) An original and four copies of a Vendor Certification Application and Disclosure Information Form unless otherwise directed by the Board.

(2) The nonrefundable application fee posted on the Board's web site (www.pgcb.state.pa.us).

(3) Applications and release authorizations for each individual required to be qualified under § 437a.4 (relating to qualification of individuals and entities).

(b) In addition to the materials required under subsection (a), an applicant for a vendor certification shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

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

(c) A vendor certification will not be issued until all fees have been paid.

(d) A person required to be a certified vendor under this chapter may request that the Board waive its obligation to be certified by filing a Single Transactional Waiver Form. To be eligible to receive this waiver from the requirements of certification, the person shall demonstrate that the person is proposing to engage in a single transaction with a slot machine applicant or licensee and satisfies the following requirements:

(1) The person's required performance under the contract with the slot machine applicant or licensee does not require the person's employees to be on the gaming floor or in a restricted area.

(2) The person has not filed a Single Transactional Waiver Form with the Board within 2 years of the current waiver request.

(3) The person will not have a continuing business relationship with the slot machine applicant or licensee or have a continuing onsite presence at the licensed facility.

(e) The Board may, in response to misrepresentations or a change in circumstances, revoke a waiver granted under this section and require the recipient of the waiver to comply with the vendor certification requirements of this chapter.

(f) A person who has requested a waiver under this section may not provide goods or services to a slot machine applicant or licensee prior to Board approval of the person's waiver request.

§ 437a.4. Qualification of individuals and entities.

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

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

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

(3) Each salesperson of a certified vendor or applicant for vendor certification who solicits business from, or has regular contact with, any representatives of a slot machine applicant or licensee or any employee of a certified vendor or applicant for vendor certification who will be engaging in that conduct.

(b) Each entity that directly owns 20% or more of the voting securities of a certified vendor or person applying for vendor certification shall be required to file a Vendor Certification Form—Private Holding Company with the Board and be found qualified by the Board.

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

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

(2) An officer or director of an intermediary or holding company of a certified vendor or applicant for vendor certification.

(3) An employee of a certified vendor or applicant for vendor certification.

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

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

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

(1) The individual's presence in the licensed facility is needed.

(2) The company with which the individual is associated is on the Authorized Vendor List.

(e) The Bureau of Licensing will issue a permanent credential to an individual who has been found to be qualified under this section if the vendor has been certified.

§ 437a.7. Registered and certified vendor responsibilities.

(a) A holder of a vendor certification or registration shall have a continuing duty to:

(1) Provide information requested by the Board relating to licensing or regulation; cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions; and comply with conditions, restrictions, requirements, orders and rulings of the Board in accordance with the act.

(2) Report a change in circumstances that may render the holder of a vendor certification or registration ineligible, unqualified or unsuitable to hold a certification or registration under the standards and requirements of the act and of this part.

(b) An employee of a registered or certified vendor shall be required to obtain an occupation permit under § 435a.3 (relating to occupation permit) if:

(1) The employee is the onsite supervisor of other employees of the vendor whose duties of employment or incidental activities related to employment require the employees to be on the gaming floor or in a restricted area.

(2) The employee's duties of employment or incidental activities related to employment require the employee to be on the gaming floor or in a restricted area and require the employee to touch or have contact with a slot machine or associated equipment.

(c) An employee of a registered or certified vendor that is not required to obtain an occupation permit under subsection (b) shall be required to obtain a nongaming employee registration under § 435a.5 (relating to nongaming employee registration) if:

(1) The employee is the onsite supervisor of other employees who are involved in the construction of a licensed facility.

(2) The employee's duties of employment or incidental activities related to employment require the employee to be on the gaming floor but do not require the employee to touch or have contact with a slot machine or associated equipment other than exterior cleaning.

(3) The employee's duties of employment or incidental activities related to employment require the employee to be in a restricted area, but do not require the employee to touch or have contact with a slot machine or associated equipment other than exterior cleaning and the employee is under the constant supervision of an employee of the slot machine licensee who is licensed or permitted and who is authorized to be in the restricted area.

(4) The employee is the offsite supervisor of employees of the registered or certified vendor working at the licensed facility.

(d) Employees of a registered or certified vendor who are not required to obtain an occupation permit or a nongaming employee registration under subsection (b) or (c) may be required to obtain an occupation permit or nongaming employee registration if the Board determines, after a review of the work being performed, that obtaining a permit or registration is necessary for the protection of the integrity of gaming.

(e) Workers employed by a registered or certified vendor that is a construction company who are completing work on the gaming floor or in a restricted area under their original contract, change orders, punch lists, periodic repairs or warranty work will not be required to comply with the requirements in subsection (b) or (c) if the following conditions are met:

(1) The employee's duties of employment or incidental activities related to employment do not require the employee to touch or have contact with a slot machine or associated equipment other than exterior cleaning.

(2) The employee is under the supervision of an employee of the slot machine licensee's security department who is authorized to have access to the area where the work is being performed.

(3) The employee has been issued a Vendor Employee Temporary Access Credential by one of the Board's casino compliance representatives at the licensed facility.

§ 437a.8. Authorized vendors list; prohibited vendors.

(a) The Board will maintain a list of authorized vendors and a list of prohibited vendors. The authorized list will contain the names of persons who:

- (1) Have been registered or certified.
- (2) Are eligible to file and have filed a completed publicly traded vendor form under § 437a.1(g) (relating to general vendor requirements).
- (3) Have been permitted to conduct business with a slot machine licensee or applicant 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 emergency vendor), a slot machine licensee or applicant may not purchase goods or services from a vendor, when the employees of the vendor will be working on the gaming floor or in a restricted area or compensate a vendor \$100,000 or more within a consecutive 12-month period, unless the person is on the authorized vendor list. A slot machine licensee or applicant may not enter into an agreement or continue to do business with a vendor on the prohibited vendors list.

(c) The Board may place a person on the prohibited vendors list if:

- (1) The vendor has failed to comply with this chapter.
- (2) The vendor has failed to cooperate with the Board in the Board's review of the vendor's application for certification or registration.

(3) The vendor's application for certification or registration has been denied or the vendor has had its vendor certification or registration suspended or revoked.

(4) The vendor has failed to provide information to a slot machine applicant or licensee that is necessary for the slot machine applicant or licensee to comply with this chapter.

(d) A person seeking to be removed from the list of prohibited vendors 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 vendors. The petition must state the specific grounds believed by the petitioner to constitute good cause for removal from the prohibited vendors list and how the vendor has cured any deficiencies that led to the vendor being placed on the prohibited vendors 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 vendors, or attach any reasonable condition to the removal of a person from the list of prohibited vendors.

§ 437a.9. Permission to conduct business prior to certification or registration.

(a) Notwithstanding § 437a.1 (relating to general vendor requirements), the Bureau of Licensing may authorize an applicant for a vendor certification or registration to conduct business with a slot machine applicant or licensee prior to the certification or registration of the vendor applicant if the following criteria are met:

(1) A completed Vendor Registration Form—Un-sponsored has been filed by the vendor, a completed Vendor Registration Form—Sponsored has been filed by the slot machine applicant or licensee or a completed Vendor Certification Application and Disclosure Information Form has been filed by the slot machine applicant or licensee in accordance with § 437a.2 or § 437a.3 (relating to vendor registration applications; and vendor certification applications).

(2) The slot machine applicant or licensee certifies that it has performed due diligence on the vendor.

(3) The applicant for vendor 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 determines that the suitability of the applicant is at issue or the applicant fails to cooperate in the application 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 applicant or licensee under subsection (a). If the permission is rescinded, the applicant for certification or registration shall cease conducting business with the slot machine 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 for certification or registration and the slot machine applicant or licensee by registered mail that permission for the applicant for certification or registration to conduct business with the slot machine applicant or licensee under subsection (a) has been rescinded and that the slot machine applicant or licensee shall cease conducting business with the applicant for certification or registration by the date specified in the notice.

§ 437a.11. Slot machine applicants' and licensees' duty to investigate.

(a) An applicant for or holder of a slot machine license shall investigate the background and qualifications of the applicants for vendor registration or certification with whom it intends to have a contractual relationship or enter into an agreement.

(b) An applicant for or holder of a slot machine license shall have an affirmative duty to avoid agreements or relationships with persons applying for vendor registration or certification whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth, or who threaten the integrity of gaming in this Commonwealth.

(c) An applicant for or holder of a slot machine license shall have a duty to inform the Board of an action by an applicant for or holder of a vendor registration or certification or a vendor that is eligible to file and has filed a completed publicly traded vendor form under § 437a.1(g) (relating to general vendor requirements), which the applicant for or holder of a slot machine license believes would constitute a violation of the act or this part.

[Pa.B. Doc. No. 10-322. Filed for public inspection February 19, 2010, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 521, 531, 533, 537 AND 549]

Temporary Table Game Surveillance Requirements; Temporary Table Game Rules for Roulette, Big Six Wheel, Craps and Blackjack

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1303A (relating to temporary table game regulations) enacted by the act of January 7, 2010 (Act 1) and the specific authority in 4 Pa.C.S. § 1302A(1)—(4) (relating to regulatory authority), adopts temporary regulations in Chapters 521, 531, 533, 537 and 549 to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of a new Subpart K entitled Table Games.

Purpose of the Temporary Rulemaking

This temporary rulemaking contains general provisions and the rules for conducting the games of Roulette, Big Six Wheel, Craps and Blackjack.

Explanation of Chapters 521, 531, 533, 537 and 549

Chapter 521 (relating to general provisions) covers a broad range of requirements. Section 521.1 (relating to definitions) contains definitions of terms that are used in multiple chapters in this subpart.

Section 521.2 (relating to table games Rules Submissions) requires certificate holders to submit and gain approval of a Rules Submission for every game they offer when the Board's regulations allow the certificate holders to select different procedures for the play of a game, optional wagers, alternate payout tables or the like. In drafting the regulations for specific table games, the Board has attempted to give certificate holders a great deal of flexibility so that they can tailor their games to meet their patrons' desires. However, to monitor and enforce the rules related to the play of table games effectively, the Board must know which features or op-

tions will be used for each game at each licensed facility. The use of the Rules Submission process, which is modeled on the process for the review of internal controls, will provide an effective mechanism to accomplish this.

Section 521.3 (relating to table games surveillance requirements) sets forth the minimum surveillance requirements that must be met before a Certificate Holder may offer table games. It contains minimum requirements for camera coverage of gaming activities, specifies the retention periods for surveillance recordings and restates the requirement that all surveillance recordings must be made available to the Board and the Pennsylvania State Police upon request. It is the Board's intent to integrate these requirements into the requirements contained in § 465a.9 (relating to surveillance system; surveillance department control; surveillance department restrictions). However, to give certificate holders as much lead time as is possible so that they can begin the redesign process of their gaming floors, these requirements are being promulgated as temporary regulations.

Chapter 531 (relating to Roulette) contains the rules governing the game of Roulette. Sections 531.1 and 531.2 (relating to Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel; and Roulette balls) contain the requirements that Roulette wheels tables and balls must meet. Section 531.3 (relating to inspection and security procedures) lists the procedures that shall be followed prior to the opening of a Roulette table to ensure that everything is in proper working condition. Sections 531.4 and 531.5 (relating to placement of wagers; and payout odds) list all of the permissible bets for the game of Roulette and specify how the bets are to be placed on the Roulette table, and the minimum payout odds that must be used. Sections 531.6 and 531.7 (relating to rotation of wheel and ball; and irregularities) address the proper techniques for spinning the Roulette wheel and the Roulette ball, marking the winning number and collection and payment of wagers, and how improper spins and other irregularities must be treated.

Chapter 533 (relating to Big Six Wheel) sets forth the procedures for the game of Big Six Wheel. In § 533.1 (relating to Big Six Wheel layout; physical characteristics) the physical characteristics of the wheel and the table layout are provided. The provisions in § 533.2 (relating to wagers and rotation of the wheel) address the placement of wagers, spin of the wheel and payment of wagers. The minimum payout odds are listed in § 533.3 (relating to payout odds).

Chapter 537 (relating to Craps and Mini-Craps) contains the regulatory requirements for the game of Craps. Section 537.1 (relating to definitions) contains definitions for terms used in this chapter. Section 537.2 (relating to Craps and Mini-Craps tables; physical characteristics) contains the requirements for tables that are used for Craps. In § 537.3 (relating to permissible wagers), all of the wagers that will be allowed have been listed. However, certificate holders are not required to offer all of the wagers listed. Instead, it will be up to the individual certificate holders to determine which wagers they wish to use. Sections 537.4 and 537.5 (relating to making and removal of wagers; and payout odds) establish the rules for the placement of wagers and minimum payout odds that must be used by the certificate holders. Section 537.6 (relating to supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds)) provides the rules for the placement and payout of supplemental

wagers that may be made in conjunction with a Pass Bet, a Don't Pass Bet, a Come Bet and a Don't Come Bet. Sections 537.7—537.9 (relating to dice retention and selection; throw of the dice; and invalid roll of the dice) establish the rules governing how the dice used for the play of the game are selected, how the dice must be thrown and detail when a throw of the dice will be voided and require that the dice be thrown again. Section 537.10 (relating to point throw; settlement of wagers) sets forth the procedures to be followed after the dice are thrown. Section 537.11 (relating to continuation of shooter; selection of new shooter) specifies the options available to the shooter, when the shooter must pass the dice and who the next shooter may be. Section 537.12 (relating to additional procedures and rules for the Fire Bet) governs the placement of Fire Bets, handling of the Fire Bets by the dealer, the minimum and maximum amounts that can be wagered as a Fire Bet and how number of unique point totals are to be determined.

Chapter 549 (relating to Blackjack) establishes the rules for the game of Blackjack. Section 549.1 (relating to definitions) contains definitions for terms used in the game of Blackjack. Section 549.2 (relating to Blackjack table; card reader device; physical characteristics; inspections) contains all of the requirements pertaining to Blackjack tables and other equipment used in the play of this game. Section 549.3 (relating to cards; number of decks; value of cards) addresses the number of decks of cards that are required and the value of each card. Section 549.4 (related to wagers) covers the placing of wagers, what constitutes a winning or losing wager and the collection and payment of wagers. Sections 549.5 and 549.6 (relating to opening of table for gaming; and shuffle and cut of the cards) set forth the procedures for the inspection of the cards and the procedures for shuffling and cutting of the cards before they are dealt. Section 549.7 (relating to procedure for dealing cards) specifies the procedures for dealing the initial two cards and subsequent cards and the collection of the cards at the end of a round of play. Section 549.8 (relating to payment of Blackjack) outlines when payments will be made to a player who has a Blackjack. Sections 549.9—549.12 (relating to surrender; Insurance Wager; Double Down Wager; and splitting pairs) detail the requirements associated with when a player may surrender a wager, place an Insurance Wager, elect to make a Double Down Wager and split pairs. Section 549.13 (relating to drawing of additional cards by players and the dealer) contains the rules that govern when a player may elect to draw additional cards and when the dealer is required to draw additional cards. Section 549.14 (relating to player wagering on more than one box) allows certificate holders to determine whether or not they will allow players to play at multiple adjacent positions at the Blackjack table. Section 549.15 (relating to continuous shuffling shoe or device) allows certificate holders to use devices that automatically reshuffle the cards if the device has been approved by the Bureau of Gaming Operations. Section 549.16 (relating to irregularities) provides the rules to address unusual circumstances that might arise during the play of the game.

Affected Parties

Slot machine licensees who elect to become certificate holders will be required to modify their surveillance systems to meet the requirements contained in Subpart K, to purchase equipment to conduct table games and to hire and train employees to operate table games. The Board will experience increased regulatory demands resulting from the implementation of table games.

Fiscal Impact

Commonwealth

The Board expects that it will experience increased costs related to adding additional staff at the licensed facilities and at its offices to handle the increased licensing and oversight requirements that will result from the introduction of table games. Because the Board has not yet received any petitions from slot machine licensees seeking permission to conduct table games, the extent of these additional costs are not known. However, the Board does not expect these increased costs to exceed the additional funding provide to the Board under Act 1.

Political Subdivisions

This rulemaking will have no direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

Private Sector

This rulemaking will result in additional costs for slot machine licensees who elect to become certificate holders. More specifically, certificate holders will be required to modify their surveillance systems to meet the requirements contained in this regulation, to purchase equipment to conduct table games and to hire and train employees to operate table games. While these costs are expected to be significant, they will be offset by the revenues generated from the table games.

General Public

This rulemaking will have no direct fiscal impact on the general public.

Paperwork requirements

This rulemaking will require certificate holders to file Rules Submissions for each table game they elect to offer. These filings may take the form of standardized checklists for each game and should be relatively simple to fill out.

Effective Date

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

Public Comments

While this rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how this temporary regulation 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 Richard Sandusky, Director of Regulatory Review, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-110.

Contact Person

The contact person for questions about this rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to the provisions of: sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), referred to as the Commonwealth Documents Law; the Regulatory Review Act (71 P. S. §§ 745.1—745.12); or

sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations shall expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and sections 204(b) and 301(10) of the Commonwealth Attorney 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 gaming).

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 regulations §§ 521.1—521.3, 531.1—531.7, 533.1—533.3, 537.1—537.12 and 549.1—549.16 to read as set forth in Annex A.

(2) The temporary regulations are effective February 20, 2010.

(3) The temporary regulations shall be posted on the Board’s web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations shall be subject to amendment as deemed necessary by the Board.

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

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-110. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 521. GENERAL PROVISIONS

Sec.	
521.1.	Definitions.
521.2.	Table games Rules Submissions.
521.3.	Table games surveillance requirements.

§ 521.1. Definitions.

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

Dealer—An employee of a Certificate Holder whose primary function is to directly operate and conduct table games.

Floorperson—An employee of a Certificate Holder whose primary function is to supervise the conduct of table games at multiple tables on the gaming floor.

Plaque—A rectangular, square or oval marker that can be used in lieu of gaming chips.

Suit—One of the four categories of cards: clubs, diamonds, hearts or spades.

Table inventory container—The area of a gaming table where a boxman or dealer keeps gaming chips, coins or plaques used for the operation of a table game.

Washing—Mixing of a deck or decks of cards or tiles by placing the cards or tiles face down on a table and mixing them around with both hands so that they are in no particular order.

Vigorish—A percentage commission that is taken by a Certificate Holder from a wager placed by a player or the winnings of a player.

§ 521.2. Table games Rules Submissions.

(a) Prior to offering any table game authorized by this subpart, which provides a Certificate Holder with options for the conduct of the table game, optional wagers, optional payout tables or establishes or requires minimum or maximum payouts or wagers, the Certificate Holder shall be required to submit and obtain approval of a Rules Submission which specifies which options or minimum or maximum payouts or wagers the Certificate Holder will use in the conduct of the table game.

(b) The initial Rules Submission for any table game and any amendment to the Rules Submission shall be submitted electronically to the Bureau of Gaming Operations using the Rules Submission Request Form posted on the Board’s web site (www.pgcb.state.pa.us).

(c) A Certificate Holder may implement the provisions in a Rules Submission upon receipt of written notice of approval from the Board’s Executive Director or on the 30th calendar day following the filing of the Rules Submission unless the Certificate Holder receives written notice under subsection (d) tolling the Rules Submission or written notice of disapproval from the Board’s Executive Director.

(d) If during the 30-day review period in subsection (c), the Bureau of Gaming Operations determines that a provision in the Rules Submission is inconsistent with the regulations for the conduct of that table game, the Bureau of Gaming Operations, by written notice to the Certificate Holder, will:

(1) Specify the nature of the inconsistency and, when possible, an acceptable alternative procedure.

(2) Direct that the 30 calendar day review period in subsection (c) be tolled and that the Rules Submission not be implemented until approved under subsection (e).

(e) When a Rules Submission has been tolled under subsection (d), the Certificate Holder may submit a revised Rules Submission within 30 days of receipt of the written notice from the Bureau of Gaming Operations. The Certificate Holder may implement the revised Rules Submission upon receipt of written notice of approval from the Board’s Executive Director or on the 30th calendar day following the filing of the revised Rules Submission unless it receives written notice under subsection (d) tolling the revised Rules Submission or written notice of disapproval from the Board’s Executive Director.

(f) The current version of each Rules Submission of a Certificate Holder shall be maintained and made available in electronic form through secure computer access to the internal audit and surveillance departments of the Certificate Holder and the Board’s casino compliance representatives and other Board employees. Each page of the Rules Submission must indicate the date on which it was approved by the Board’s Executive Director.

(g) A Certificate Holder shall maintain a copy, either in paper or electronic form, of any superseded Rules Submission for a minimum of 5 years.

§ 521.3. Table games surveillance requirements.

(a) In addition to the surveillance system requirements in § 465a.9 (relating to surveillance system; surveillance

department control; surveillance department restrictions), a Certificate Holder shall have a surveillance system that includes:

(1) Light sensitive cameras with lenses of sufficient magnification to allow the Certificate Holder to clandestinely monitor in detail the following:

(i) The gaming conducted at each gaming table in the licensed facility with sufficient clarity to identify patrons and dealers and sufficient coverage to simultaneously view the table and determine the configuration of wagers, card, dice and tile values and game outcomes.

(ii) The movement of cash, gaming chips and plaques, tip boxes and drop boxes within the licensed facility.

(iii) Any other activity or areas designated by the Bureau of Casino Compliance.

(2) The following number of stationary cameras dedicated to table games:

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

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

(iii) At least two stationary cameras for each Baccarat table, with one camera covering each end of the table.

(iv) At least two stationary cameras for each Roulette table, with one camera covering the Roulette wheel and one camera covering the Roulette table layout.

(v) At least two stationary cameras for each Big Six Wheel, with one camera covering the Big Six Wheel wheel and one camera covering the Big Six Wheel table layout.

(3) Additional cameras as required by the Bureau of Casino Compliance. The additional cameras may include cameras with 360° pan, tilt and zoom capabilities.

(b) A Certificate Holder's surveillance system must continuously record transmissions from cameras used to observe the following locations, persons, activities and transactions:

(1) The gaming conducted at all table games.

(2) The collection of drop boxes and tip boxes.

(3) The distribution of cards, dice and tiles to gaming pits.

(4) The inspection of cards, dice and tiles in the gaming pits and at the gaming tables.

(5) The retrieval of cards, dice and tiles from the gaming pits at the end of the gaming day and the delivery of the cards, dice and tiles to the location designated and approved by the Bureau of Gaming Operations for inspection, cancellation, destruction or, if applicable, packaging for reuse.

(c) The surveillance recordings required under subsection (b) shall be retained for a minimum of 7 days. Any surveillance recordings of suspicious activity, suspected or alleged regulatory violations or suspected or alleged criminal activity shall be retained for a minimum of 30 days. Surveillance recordings shall be made available for review upon request by the Board or the Pennsylvania State Police.

(d) Prior to the commencement of the operation of any table games, each Certificate Holder shall be required to submit, for Board approval in accordance with § 465a.2(a)(5) (relating to internal control systems and audit protocols), a revised minimum staffing submission

for the slot machine licensee's surveillance monitor rooms. The minimum staffing submission must consider the size and layout of the licensed facility as well as the number of table games and must at all times provide for surveillance of activities inside and outside the licensed facility. A Certificate Holder may not implement a change or amendment in its surveillance monitor room minimum staffing submission without prior Board approval of the change or amendment.

CHAPTER 531. ROULETTE

Sec.

531.1. Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel.

531.2. Roulette balls.

531.3. Inspection and security procedures.

531.4. Placement of wagers.

531.5. Payout odds.

531.6. Rotation of wheel and ball.

531.7. Irregularities.

§ 531.1. Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel.

(a) Roulette shall be played on a table having a Roulette wheel of at least 30 inches in diameter at one end of the table and a Roulette layout imprinted on the opposite end of the table.

(b) A single zero Roulette wheel must have 37 equally spaced compartments around the wheel where the Roulette ball may come to rest. The Roulette wheel must also have a ring of 37 equally spaced areas to correspond to the position of the compartments with one marked zero and colored green and the others marked 1 to 36 and colored alternately red and black. The numbers must be arranged clockwise around the wheel in the following order: 0, 32, 15, 19, 4, 21, 2, 25, 17, 34, 6, 27, 13, 36, 11, 30, 8, 23, 10, 5, 24, 16, 33, 1, 20, 14, 31, 9, 22, 18, 29, 7, 28, 12, 35, 3 and 26. The color of each compartment must either be a corresponding color to those depicted on the ring or a neutral color approved by the Bureau of Gaming Operations.

(c) A double zero Roulette wheel must have 38 equally spaced compartments around the wheel where the Roulette ball may come to rest. The Roulette wheel must also have a ring of 38 equally spaced areas to correspond to the position of the compartments with one marked zero and colored green, one marked double-zero (00) and colored green, and the others marked 1 to 36 and colored alternately red and black. The numbers must be arranged clockwise around the wheel in the following order: 0, 28, 9, 26, 30, 11, 7, 20, 32, 17, 5, 22, 34, 15, 3, 24, 36, 13, 1, 00, 27, 10, 25, 29, 12, 8, 19, 31, 18, 6, 21, 33, 16, 4, 23, 35, 14 and 2. The color of each compartment must either be a corresponding color to those depicted on the ring or a neutral color approved by the Bureau of Gaming Operations.

(d) A double zero Roulette wheel and double zero table layout may be used as a single zero Roulette wheel and single zero table layout if:

(1) The 00 wager area on the layout is obscured with a cover or other device approved by the Bureau of Gaming Operations which clearly indicates that the 00 wager is not available.

(2) Signage is posted at the Roulette table to notify players of the following:

(i) The double zero Roulette wheel is being used as a single zero Roulette wheel, and that double zero (00) is not an available wager.

(ii) If the Roulette ball comes to rest in the compartment marked double zero (00), the spin will be declared void and the wheel will be re-spun.

(iii) Wagers on red, black, odd, even, 1 to 18 and 19 to 36 shall be lost if the Roulette ball comes to rest in a compartment marked zero (0).

(e) The layout for a Roulette table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

(1) The name or logo of the Certificate Holder offering the game.

(2) Specific areas for the placement of the wagers authorized by § 531.4 (relating to placement of wagers).

(3) Signage indicating the minimum and maximum wagers permitted at that table.

(f) Each Roulette table shall have a drop box and tip box attached to it, in locations approved by the Bureau of Gaming Operations.

§ 531.2. Roulette balls.

Balls used in Roulette must be made completely of a nonmetallic substance and not be less than 12/16 of an inch nor more than 14/16 of an inch in diameter.

§ 531.3. Inspection and security procedures.

(a) Prior to opening a Roulette table for gaming activity, a floorperson or member of the Certificate Holder's security department shall:

(1) Inspect the Roulette table and Roulette wheel for any magnet or contrivance that would affect the fair operation of the Roulette wheel.

(2) Inspect the Roulette wheel to assure that the wheel is level and rotating freely and evenly.

(3) Inspect the Roulette wheel to assure that all parts are secure and free from movement.

(4) Inspect the Roulette ball by passing it over a magnet or compass to assure its nonmagnetic quality.

(5) Confirm that the layout and signage comply with § 531.1(e) (relating to Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel) if a double zero Roulette wheel is being used as a single zero Roulette wheel.

(b) If a Certificate Holder uses a Roulette wheel which has external movable parts, any adjustments to the movable parts shall be made by a floorperson or a member of the Certificate Holder's table game maintenance department, in the presence of a security department member.

(c) All adjustments shall be completed prior to the required inspections in subsection (a).

(d) The Certificate Holder may replace any of the movable parts at any time, provided that an inspection as required by subsection (a) must be completed prior to reopening the Roulette wheel and table for play.

(e) An inspection log shall be maintained by the Certificate Holder which must include, at a minimum, the date, the time, the Roulette table number, whether an adjustment or replacement was completed, a description of the adjustment or replacement, a certification that an inspection was completed, if required, and the signature and Board license or permit number of the person making the adjustment or replacement.

(f) When a Roulette table is not open for play, the Roulette wheel shall be secured by placing a cover over the entire wheel and securely locking the cover.

§ 531.4. Placement of wagers.

(a) All wagers at Roulette shall be made by placing gaming chips or plaques, on the appropriate areas of the Roulette layout, except that verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and that the cash is expeditiously converted into gaming chips or plaques.

(b) A person at a Roulette table may not play with nonvalue chips that are identical in color and design to value chips or to nonvalue chips being used by another person at that same table. Nonvalue chips must be cashed in for value chips before a player leaves a Roulette table.

(c) Each player shall be responsible for the correct positioning of his wager on the Roulette layout, regardless of whether he is assisted by the dealer. The player shall be responsible for ensuring that instructions he gives to the dealer regarding the placement of a wager are correctly carried out.

(d) A wager shall be settled in accordance with its position on the layout when the ball falls to rest in a compartment of the wheel.

(e) The wagers in the game of Roulette include:

(1) A Straight Wager that the Roulette ball will come to rest in the compartment of the Roulette wheel that corresponds to a single number selected by the player. The player shall make a Straight Wager by placing a gaming chip or plaque within the box on the Roulette layout that contains the selected number.

(2) A Split Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to either of two numbers selected by the player. The player shall select the numbers by placing a wager on the line between the two boxes on the Roulette layout that contain the two selected numbers. A Split Wager on 0 and 00 may also be placed on the line between the 0 and 00 or on the line between the 2nd 12 box and the 3rd 12 box.

(3) A Three Numbers Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of three numbers in a single row on the Roulette layout selected by the player. The player shall select a row of numbers by placing a wager on the outside line of the box on the Roulette layout that contains the first number in the selected row.

(i) A Three Numbers Wager may also include a wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of the three numbers contained in one of the following groups of numbers: 0, 1 and 2; 0, 2 and 00; or 00, 2 and 3.

(ii) The player shall select one of the Three Numbers Wagers identified in subparagraph (i) by placing a wager on the common corner of the three boxes containing the selected numbers.

(4) A Four Numbers Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of four numbers in contiguous boxes on the Roulette layout selected by the player. The player shall select the four numbers by placing a wager on the common corner of the four boxes containing the selected numbers.

(5) A First Five Numbers Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of the numbers 0, 00, 1, 2 or 3. The player shall make a First Five Numbers Wager by placing a wager on the common corner of the boxes on the Roulette layout that contain the label 1st 12 and the numbers 0 and 1.

(6) A Six Numbers Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to one of six consecutive numbers contained in two contiguous rows of numbers on the Roulette layout selected by the player. The player shall select the two rows of numbers by placing a wager on the outside common corner of the boxes on the Roulette layout that contain the first number in each of the rows being selected.

(7) A column wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of 12 numbers contained in a single column on the Roulette layout selected by the player. The player shall select a column of 12 numbers by placing a wager in the box on the Roulette layout that is at the bottom of the column being selected.

(8) A Dozen Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of 12 consecutive numbers from 1—12, 13—24 or 25—36, selected by the player. The player shall select the 12 numbers by placing a wager in the box on the Roulette layout labeled 1st 12, 2nd 12 or 3rd 12.

(9) A Red Wager that the Roulette ball will come to rest in any compartment of the Roulette wheel that corresponds to a number with a red background on the Roulette wheel. The player shall make a Red Wager by placing a wager within the red box on the Roulette layout.

(10) A Black Wager that the Roulette ball will come to rest in any compartment of the Roulette wheel that corresponds to a number with a black background on the Roulette wheel. The player shall make a Black Wager by placing a wager within the black box on the Roulette layout.

(11) An Odd Wager that the Roulette ball will come to rest in any compartment of the Roulette wheel that corresponds to an odd number. The player shall make an Odd Wager by placing a wager within the box on the Roulette layout that is labeled cap O on Odd.

(12) An Even Wager that the Roulette ball will come to rest in any compartment of the Roulette wheel that corresponds to an even number. The player shall make an Even Wager by placing a wager within the box on the Roulette layout that is labeled cap E on Even.

(13) A 1—18 Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of 18 consecutive numbers from 1—18. The player shall make a 1—18 Wager by placing a wager within the box on the Roulette layout that is labeled 1—18.

(14) A 19—36 Wager that the Roulette ball will come to rest in a compartment of the Roulette wheel that corresponds to any one of 18 consecutive numbers from 19—36. The player shall make a 19—36 Wager by placing a wager within the box on the Roulette layout that is labeled 19—36.

§ 531.5. Payout odds.

(a) A Certificate Holder shall pay off winning wagers at the game of Roulette at no less than the following odds:

<i>Wagers</i>	<i>Payout Odds</i>
Straight	35 to 1
Split	17 to 1
Three Numbers	11 to 1
Four Numbers	8 to 1
First Five Numbers	6 to 1
Six Numbers	5 to 1
Column	2 to 1
Dozen	2 to 1
Red	1 to 1
Black	1 to 1
Odd	1 to 1
Even	1 to 1
1 to 18	1 to 1
19 to 36	1 to 1

(b) When Roulette is played on a single zero wheel or double zero wheel and the Roulette ball comes to rest in a compartment marked zero (0) or double zero (00), wagers on red, black, odd, even, 1—18, and 19—36 shall be lost.

(c) When Roulette is played on a double zero wheel being used as a single zero wheel, as provided in § 531.1 (relating to Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel), the following apply:

(1) Notice shall be provided that the double zero wheel is being used as a single zero wheel.

(2) The dealer shall announce “no spin,” declare the spin void and respin the wheel if the Roulette ball comes to rest in a compartment marked double zero (00).

(3) Wagers on red, black, odd, even, 1—18 and 19—36 shall be lost if the Roulette ball comes to rest in a compartment marked zero (0).

§ 531.6. Rotation of wheel and ball.

(a) The Roulette ball shall be spun by the dealer in a direction opposite to the rotation of the wheel and complete at least four revolutions around the track of the wheel to constitute a valid spin.

(b) While the ball is still rotating in the track around the wheel, the dealer shall call “no more bets,” in a manner sufficient to be heard by all players at the table. Once “no more bets” has been called by the dealer, players may not touch any chips or plaques that have been placed on the Roulette layout until the dealer has collected all losing wagers and paid off all winning wagers under subsection (d).

(c) When the ball comes to rest in a compartment, the dealer shall announce the number of the compartment and shall place a point marker on that number on the Roulette layout.

(d) After placing the point marker on the layout, the dealer shall first collect all losing wagers and then pay off all winning wagers.

§ 531.7. Irregularities.

(a) If the ball is spun in the same direction as the wheel, the dealer shall announce “no spin” and attempt to remove the Roulette ball from the wheel prior to its coming to rest in one of the compartments.

(b) If the Roulette ball does not complete four revolutions around the track of the wheel, the dealer shall announce "no spin." The dealer shall inspect the ball for any signs of damage and if the ball is damaged, ask the floorperson in charge of the table to give the dealer a new Roulette ball with which to continue gaming at the table.

(c) If the Roulette ball leaves the wheel during the spin, the dealer shall announce "no spin." The dealer shall inspect the ball for any signs of damage and if the ball is damaged, ask the floorperson in charge of the table to give the dealer a new Roulette ball with which to continue gaming at the table.

(d) If a foreign object enters the wheel prior to the ball coming to rest, the dealer shall announce "no spin" and attempt to remove the ball from the wheel prior to its coming to rest in one of the compartments.

CHAPTER 533. BIG SIX WHEEL

- Sec. Big Six Wheel layout; physical characteristics.
- 533.1. Wagers and rotation of the wheel.
- 533.2. Payout odds.
- 533.3.

§ 533.1. Big Six Wheel layout; physical characteristics.

(a) Except as provided in subsection (c), Big Six Wheel gaming shall be conducted at a circular wheel at least 5 feet in diameter. The rim of the wheel must be divided into 54 equally spaced sections with 23 sections containing a \$1 symbol, 15 sections containing a \$2 symbol, eight sections containing a \$5 symbol, four sections containing a \$10 symbol, two sections containing a \$20 symbol, one section containing a picture of a flag, the name or logo of the Certificate Holder or other unique symbol, and one section containing a picture of a joker or other unique symbol. The sections must be covered with glass.

(b) Except as provided in subsection (c), the sections required under subsection (a) must be arranged clockwise around the rim of the wheel in the following order: joker, \$1, \$2, \$1, \$5, \$2, \$1, \$10, \$1, \$5, \$1, \$2, \$1, \$20, \$1, \$2, \$1, \$5, \$2, \$1, \$10, \$1, \$2, \$5, \$1, \$2, \$1, flag or logo, \$2, \$5, \$2, \$1, \$2, \$1, \$10, \$1, \$5, \$1, \$2, \$1, \$20, \$1, \$2, \$1, \$5, \$2, \$1, \$10, \$1, \$2, \$5, \$1, \$2 and \$1.

(c) A Certificate Holder may, with prior approval from the Bureau of Gaming Operations, use symbols that depict fruit or other themed symbols in lieu of the dollar symbols specified in subsections (a) and (b).

(d) Each section of the wheel must also display the payout odds contained in § 533.3 (relating to payout odds) for the wager.

(e) The wheel must contain a clapper capable of selecting a particular section of the wheel upon the conclusion of the spin.

(f) Each Big Six Wheel table must have a drop box and a tip box attached to it in locations approved by the Bureau of Gaming Operations.

(g) The layout for a Big Six Wheel table must be approved by the Bureau of Gaming Operations and have imprinted thereon, at a minimum, the following:

(1) The name or logo of the Certificate Holder offering the game.

(2) Spaces which may be used by patrons to place their wagers, which contain:

(i) Symbols for \$1, \$2, \$5, \$10 and \$20 or other symbols approved by the Bureau of Gaming Operations in accordance with subsection (c).

(ii) A flag, the name or logo of the Certificate Holder or other unique symbol, as it appears on the wheel.

(iii) A joker or other unique symbol as it appears on the wheel.

(3) The payout odds for each of the permitted wagers.

§ 533.2. Wagers and rotation of the wheel.

(a) Prior to the spin of the wheel, the dealer shall call "no more bets."

(b) The wheel shall be spun by the dealer in either direction and must complete at least three revolutions to constitute a valid spin.

(c) A wager shall be settled in accordance with the wager's position on the layout when the clapper comes to rest in a section of the wheel.

(c) If the clapper comes to rest between two numbers or symbols upon completion of the spin of the wheel, the spin shall be void and the dealer must respin the wheel.

(d) Upon completion of the spin, the dealer shall first collect all losing wagers and then pay off all winning wagers.

§ 533.3. Payout odds.

(a) The odds for the pay off of winning wagers made at Big Six must be no less than the following odds:

<i>Bet On</i>	<i>Payout Odds</i>
\$1 Symbol or other approved alternate symbol	1 to 1
\$2 Symbol or other approved alternate symbol	2 to 1
\$5 Symbol or other approved alternate symbol	5 to 1
\$10 Symbol or other approved alternate symbol	10 to 1
\$20 Symbol or other approved alternate symbol	20 to 1
Joker, Flag, Name or Logo or other unique symbol	45 to 1

(b) The payout odds for winning wagers printed on any Big Six Wheel or layout, or in any brochure or other publication distributed by a Certificate Holder must be stated through the use of the word "to." Odds may not be stated through the use of the word "for."

CHAPTER 537. CRAPS AND MINI-CRAPS

- Sec. Definitions.
- 537.1. Craps and Mini-Craps tables; physical characteristics.
- 537.2. Permissible wagers.
- 537.3. Making and removal of wagers.
- 537.4. Payout odds.
- 537.5. Supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds).
- 537.6. Dice retention and selection.
- 537.7. Throw of the dice.
- 537.8. Invalid roll of the dice.
- 537.9. Point throw; settlement of wagers.
- 537.10. Continuation of shooter; selection of new shooter.
- 537.11. Additional procedures and rules for the Fire Bet.
- 537.12.

§ 537.1. Definitions.

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

Boxperson—An employee of a Certificate Holder whose primary function is to participate in and supervise the conduct of gaming at a single Craps table.

Call Bet—A wager made without cash or chips for a known customer.

Come out point—A total of 4, 5, 6, 8, 9 or 10 thrown by the shooter on the come out roll.

Come out roll—The first roll of the dice at the opening of the game and the first roll of the dice after a decision with respect to a Pass Bet and Don't Pass Bet has been effected.

Come point—A total of 4, 5, 6, 8, 9 or 10 thrown by the shooter on the next roll following placement of a Come Bet or Don't Come Bet.

Stickperson—An employee of a Certificate Holder whose primary function is to control the selection and use of the dice at a Craps table.

§ 537.2. Craps and Mini-Craps tables; physical characteristics.

(a) Craps and Mini-Craps shall be played on an oblong table with rounded corners and high walled sides.

(b) A Craps table may not be larger than 14 feet in length.

(c) A Mini-Craps table may not be no longer than 9 1/2 feet in length, and have seating locations for a maximum of nine players.

(d) The layout for a Craps or Mini-Craps table shall be approved by the Bureau of Gaming Operations and contain, at a minimum the following:

(1) The name or logo of the Certificate Holder offering the game.

(2) Specific areas designated for the placement of wagers permitted under § 537.3 (relating to permissible wagers).

(3) The words "no call bets."

(e) Each Craps and Mini-Craps table must have a drop box and tip box attached to the table in locations approved by the Bureau of Gaming Operations.

(f) In addition to the requirements in subsection (d), if the Fire Bet in the game of Craps is offered by a Certificate Holder, the Craps table must, at a minimum, include:

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

(2) A designated area of the layout, in a location approved by the Bureau of Gaming Operations, for the relocation and identification of all Fire Bets placed by players prior to the come out roll of a shooter. The designated area must be located in front of the boxperson and contain numbered areas which correspond to the location of the numbered areas described in paragraph (1).

(3) The following information, visible to all player positions, on the inside wall of the table in a location approved by the Bureau of Gaming Operations:

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

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

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

§ 537.3. Permissible wagers.

(a) The following wagers may be used in the games of Craps and Mini-Craps:

(1) A Pass Bet placed on the Pass Line of the layout immediately prior to the come out roll. A winning or losing Pass Bet shall be determined as follows:

(i) A Pass Bet shall win if, on the come out roll, either:

(A) A total of 7 or 11 is thrown.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown and that total is thrown again before a 7 is thrown.

(ii) A Pass Bet shall lose if, on the come out roll, either:

(A) A total of 2, 3 or 12 is thrown.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown and a 7 is subsequently thrown before that total is thrown again.

(2) A Don't Pass Bet placed on the Don't Pass Line of the layout immediately prior to the come out roll. A winning or losing Don't Pass Bet shall be determined as follows:

(i) A Don't Pass Bet shall win if, on the come out roll, either:

(A) A total of 2 or 3 is thrown.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown and a 7 is subsequently thrown before that total is thrown again.

(ii) A Don't Pass Bet shall lose if, on the come out roll, either:

(A) A total of 7 or 11 is thrown.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown and that total is thrown again before a 7 is thrown.

(iii) If a total of 12 is thrown on the come out roll, a Don't Pass Bet shall be void and any Don't Pass Bets shall be returned to the players.

(3) A Come Bet placed on the Come Line of the layout at any time after the come out roll. If a 4, 5, 6, 8, 9 or 10 is thrown after the placement of a Come Bet, the dealer shall move the Come Bet into the numbered box corresponding to the number that was thrown. A winning or losing Come Bet shall be determined as follows:

(i) A Come Bet shall win if either:

(A) A total of 7 or 11 is thrown on the roll immediately following placement of the Come Bet.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Come Bet and that total is thrown again before a 7 is thrown.

(ii) A Come Bet shall lose if either:

(A) A total of 2, 3 or 12 is thrown on the roll immediately following placement of the Come Bet.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Come Bet and a 7 is subsequently thrown before that total is thrown again.

(4) A Don't Come Bet placed on the Don't Come Line of the layout at any time after the come out roll. If a 4, 5, 6, 8, 9 or 10 is thrown after the placement of a Don't Come Bet, the dealer shall move the Don't Come Bet into a box adjacent to the numbered box corresponding to the num-

ber that was thrown. A winning or losing Don't Come Bet shall be determined as follows:

(i) A Don't Come Bet shall win if either:

(A) A total of 2 or 3 is thrown on the roll immediately following placement of the Don't Come Bet.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Don't Come Bet and a 7 is subsequently thrown before that total is thrown again.

(ii) A Don't Come Bet shall lose if either:

(A) A total of 7 or 11 is thrown on the roll immediately following placement of the Don't Come Bet.

(B) A total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Don't Come Bet and that total is thrown again before a 7 is thrown.

(iii) If a total of 12 is thrown on the roll immediately following placement of a Don't Come Bet, the Don't Come Bet shall be void and any Don't Come Bets shall be returned to the players.

(5) A Place Bet to Win on any of the numbers 4, 5, 6, 8, 9 or 10 that may be made at any time. A Place Bet to Win shall be inactive on a come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager. A winning or losing Place Bet to Win shall be determined as follows:

(i) A Place Bet to Win shall win if the number on which the wager was placed is thrown before a 7 is thrown.

(ii) A Place Bet to Win shall lose if a 7 is thrown before the number on which the wager was placed is thrown.

(6) A Place Bet to Lose placed in a box adjacent to any of the numbers 4, 5, 6, 8, 9 or 10 that may be made at any time. A Place Bet to Lose shall be inactive on a come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager. A winning or losing Place Bet to Lose shall be determined as follows:

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

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

(7) A Four the Hardway Bet placed in a box which shows two dice, each of which displays a value of 2, that may be made at any time. A winning or losing Four the Hardway Bet shall be determined as follows:

(i) A Four the Hardway Bet shall win if a total of 4 is thrown with a 2 appearing on each die before a 4 is thrown in any other way or before a 7 is thrown.

(ii) A Four the Hardway Bet shall lose if a total of 4 is thrown without a 2 appearing on each die or a 7 is thrown before a total of 4 is thrown with a 2 appearing on each die.

(8) A Six the Hardway Bet placed in a box which shows two dice, each of which displays a value of 3, that may be made at any time. A winning or losing Six the Hardway Bet shall be determined as follows:

(i) A Six the Hardway Bet shall win if a total of 6 is thrown with a 3 appearing on each die before a 6 is thrown in any other way or before a 7 is thrown.

(ii) A Six the Hardway Bet shall lose if a total of 6 is thrown without a 3 appearing on each die or a 7 is thrown before a total of 6 is thrown with a 3 appearing on each die.

(9) An Eight the Hardway Bet placed in a box which shows two dice, each of which displays a value of 4, that may be made at any time. A winning or losing Eight the Hardway Bet shall be determined as follows:

(i) An Eight the Hardway Bet shall win if a total of 8 is thrown with a 4 appearing on each die before an 8 is thrown in any other way or before a 7 is thrown.

(ii) An Eight the Hardway Bet shall lose if a total of 8 is thrown without a 4 appearing on each die or a 7 is thrown before a total of 8 is thrown with a 4 appearing on each die.

(10) A Ten the Hardway Bet placed in a box which shows two dice, each of which displays a value of 5, that may be made at any time. A winning or losing Ten the Hardway Bet shall be determined as follows:

(i) A Ten the Hardway Bet shall win if a total of 10 is thrown with a 5 appearing on each die before a 10 is thrown in any other way or before a 7 is thrown.

(ii) A Ten the Hardway Bet shall lose if a total of 10 is thrown without a 5 appearing on each die or a 7 is thrown before a total of 10 is thrown with a 5 appearing on each die.

(11) A Field Bet placed in a box which shows the numbers 2, 3, 4, 9, 10, 11 and 12 that may be made at any time. A winning or losing Field Bet shall be determined as follows:

(i) A Field Bet shall win if a 2, 3, 4, 9, 10, 11 or 12 is thrown on the roll immediately following placement of the Field Bet.

(ii) A Field Bet shall lose if a 5, 6, 7 or 8 is thrown on the roll immediately following placement of the Field Bet.

(12) An Any Seven Bet placed in a box which contains the phrase "Any Seven" that may be made at any time. A winning or losing Any Seven Bet shall be determined as follows:

(i) An Any Seven Bet shall win if a 7 is thrown on the roll immediately following placement of the Any Seven Bet.

(ii) An Any Seven Bet shall lose if any total other than a 7 is thrown on the roll immediately following placement of the Any Seven Bet.

(13) An Any Craps Bet placed in a box which contains the phrase "Any Craps" that may be made at any time. A winning or losing Any Craps Bet shall be determined as follows:

(i) An Any Craps Bet shall win if a 2, 3 or 12 is thrown on the roll immediately following placement of the Any Craps Bet.

(ii) An Any Craps Bet shall lose if any total other than a 2, 3 or 12 is thrown on the roll immediately following placement of the Any Craps Bet.

(14) A Craps Two Bet placed in a box which shows two dice, each of which displays a value of 1, that may be made at any time. A winning or losing Craps Two Bet shall be determined as follows:

(i) A Craps Two Bet shall win if a 2 is thrown on the roll immediately following placement of the Craps Two Bet.

(ii) A Craps Two Bet shall lose if any total other than a 2 is thrown on the roll immediately following placement of the Craps Two Bet.

(15) A Craps Three Bet placed in a box which shows two dice, one of which displays a value of 1 and the other of which displays a value of 2, that may be made at any time. A winning or losing Craps Three Bet shall be determined as follows:

(i) A Craps Three Bet shall win if a 3 is thrown on the roll immediately following placement of the Craps Three Bet.

(ii) A Craps Three Bet shall lose if any total other than a 3 is thrown on the roll immediately following placement of the Craps Three Bet.

(16) A Craps Twelve Bet placed in a box which shows two dice, each of which displays a value of 6, that may be made at any time. A winning or losing Craps Twelve Bet shall be determined as follows:

(i) A Craps Twelve Bet shall win if a 12 is thrown on the roll immediately following placement of the Craps Twelve Bet.

(ii) A Craps Twelve Bet shall lose if any total other than a 12 is thrown on the roll immediately following placement of the Craps Twelve Bet.

(17) An 11 in One Roll Bet placed in a box which shows two dice, one of which displays a value of 5 and the other of which displays a value of 6, that may be made at any time. A winning or losing 11 in One Roll Bet shall be determined as follows:

(i) An 11 in One Roll Bet shall win if an 11 is thrown on the roll immediately following placement of the 11 in One Roll Bet.

(ii) An 11 in One Roll Bet shall lose if any total other than an 11 is thrown on the roll immediately following placement of the 11 in One Roll Bet.

(18) A Craps-Eleven or C and E Bet placed in an area on the table layout that contains the letters "C" and "E" that may be made at any time. A winning or losing Craps-Eleven or C and E Bet shall be determined as follows:

(i) A Craps-Eleven or C and E Bet shall win if a 2, 3, 11 or 12 is rolled immediately following placement of the Craps-Eleven or C and E Bet.

(ii) A Craps-Eleven or C and E Bet shall lose if any total other than a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Craps-Eleven or C and E Bet.

(19) A Horn Bet placed in a box which contains the words "Horn Bet" that may be made at any time. A Horn Bet shall be placed in units of four. A winning or losing Horn Bet shall be determined as follows:

(i) A Horn Bet shall win if a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Horn Bet.

(ii) A Horn Bet shall lose if any total other than a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Horn Bet.

(20) A Horn High Bet placed in a box which contains the words "Horn High Bet" and two dice with a total value of 2, 3, 11 or 12 that may be made at any time. A Horn High Bet shall be placed in units of five. A Certificate Holder that does not have a designated area on its layout for the acceptance of a Horn High Bet shall break down a Horn High Bet into two separate wagers of four units on the Horn Bet and one unit on one of the

boxes which contain two dice with a total value of 2, 3, 11 or 12. A winning or losing Horn High Bet shall be determined as follows:

(i) A Horn High Bet shall win if a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Horn High Bet.

(ii) A Horn High Bet shall lose if any total other than a 2, 3, 11 or 12 is thrown on the roll immediately following placement of the Horn High Bet.

(21) A Whirl Bet placed in a box which contains the words "Whirl Bet" that may be made at any time. A Whirl Bet shall be placed in units of five. A Certificate Holder that does not have a designated area on its layout for the acceptance of a Whirl Bet shall break down a Whirl Bet into two separate wagers of four units on the Horn Bet and one unit on the Any Seven Bet. A winning or losing Whirl Bet shall be determined as follows:

(i) A Whirl Bet shall win if a 2, 3, 7, 11 or 12 is thrown on the roll immediately following placement of the Whirl Bet.

(ii) A Whirl Bet shall lose if any total other than a 2, 3, 7, 11 or 12 is thrown on the roll immediately following placement of the Horn High Bet.

(22) A Four the Hardway on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Four the Hardway on the Hop Bet shall be determined as follows:

(i) A Four the Hardway on the Hop Bet shall win if a total of 4 is thrown with a 2 appearing on each die on the roll immediately following placement of the Four the Hardway on the Hop Bet.

(ii) A Four the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Four the Hardway on the Hop Bet.

(23) A Six the Hardway on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Six the Hardway on the Hop Bet shall be determined as follows:

(i) A Six the Hardway on the Hop Bet shall win if a total of 6 is thrown with a 3 appearing on each die on the roll immediately following placement of the Six the Hardway on the Hop Bet.

(ii) A Six the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Six the Hardway on the Hop Bet.

(24) An Eight the Hardway on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Eight the Hardway on the Hop Bet shall be determined as follows:

(i) An Eight the Hardway on the Hop Bet shall win if a total of 8 is thrown with a 4 appearing on each die on the roll immediately following placement of the Eight the Hardway on the Hop Bet.

(ii) An Eight the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Eight the Hardway on the Hop Bet.

(25) A Ten the Hardway on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Ten the Hardway on the Hop Bet shall be determined as follows:

(i) A Ten the Hardway on the Hop Bet shall win if a total of 10 is thrown with a 5 appearing on each die on the roll immediately following placement of the Ten the Hardway on the Hop Bet.

(ii) A Ten the Hardway on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Ten the Hardway on the Hop Bet.

(26) A One-Three or Ace-Trey on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing One-Three or Ace-Trey on the Hop Bet shall be determined as follows:

(i) A One-Three or Ace-Trey on the Hop Bet shall win if a total of 4 is thrown with a 1 appearing on one die and a 3 appearing on the other die on the roll immediately following placement of the One-Three or Ace-Trey on the Hop Bet.

(ii) A One-Three or Ace-Trey on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Three or Ace-Trey on the Hop Bet.

(27) A One-Four or Ace-Four on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing One-Four or Ace-Four on the Hop Bet shall be determined as follows:

(i) A One-Four or Ace-Four on the Hop Bet shall win if a total of 5 is thrown with a 1 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of the One-Four or Ace-Four on the Hop Bet.

(ii) A One-Four or Ace-Four on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Four or Ace-Four on the Hop Bet.

(28) A Two-Three or Deuce-Trey on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Two-Three or Deuce-Trey on the Hop Bet shall be determined as follows:

(i) A Two-Three or Deuce-Trey on the Hop Bet shall win if a total of 5 is thrown with a 2 appearing on one die and a 3 appearing on the other die on the roll immediately following placement of the Two-Three or Deuce-Trey on the Hop Bet.

(ii) A Two-Three or Deuce-Trey on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Two-Three or Deuce-Trey on the Hop Bet.

(29) A One-Five or Ace-Five on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing One-Five or Ace-Five on the Hop Bet shall be determined as follows:

(i) A One-Five or Ace-Five on the Hop Bet shall win if a total of 6 is thrown with a 1 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the One-Five or Ace-Five on the Hop Bet.

(ii) A One-Five or Ace-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Five or Ace-Five on the Hop Bet.

(30) A Two-Four or Deuce-Four on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Two-Four or Deuce-Four on the Hop Bet shall be determined as follows:

(i) A Two-Four or Deuce-Four on the Hop Bet shall win if a total of 6 is thrown with a 2 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of the Two-Four or Deuce-Four on the Hop Bet.

(ii) A Two-Four or Deuce-Four on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Five or Ace-Five on the Hop Bet.

(31) A One-Six or Ace-Six on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing One-Six or Ace-Six on the Hop Bet shall be determined as follows:

(i) A One-Six or Ace-Six on the Hop Bet shall win if a total of 7 is thrown with a 1 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the One-Six or Ace-Six on the Hop Bet.

(ii) A One-Six or Ace-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the One-Six or Ace-Six on the Hop Bet.

(32) A Two-Five or Deuce-Five on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Two-Five or Deuce-Five on the Hop Bet shall be determined as follows:

(i) A Two-Five or Deuce-Five on the Hop Bet shall win if a total of 7 is thrown with a 2 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the Two-Five or Deuce-Five on the Hop Bet.

(ii) A Two-Five or Deuce-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Two-Five or Deuce-Five on the Hop Bet.

(33) A Three-Four or Trey-Four on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Three-Four or Trey-Four on the Hop Bet shall be determined as follows:

(i) A Three-Four or Trey-Four on the Hop Bet shall win if a total of 7 is thrown with a 3 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of the Three-Four or Trey-Four on the Hop Bet.

(ii) A Three-Four or Trey-Four on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Three-Four or Trey-Four on the Hop Bet.

(34) A Two-Six or Deuce-Six on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Two-Six or Deuce-Six on the Hop Bet shall be determined as follows:

(i) A Two-Six or Deuce-Six on the Hop Bet shall win if a total of 8 is thrown with a 2 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the Two-Six or Deuce-Six on the Hop Bet.

(ii) A Two-Six or Deuce-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Two-Six or Deuce-Six on the Hop Bet.

(35) A Three-Five or Trey-Five on the Hop Bet placed in an area on the layout for this bet that may be made at

any time. A winning or losing Three-Five or Trey-Five on the Hop Bet shall be determined as follows:

(i) A Three-Five or Trey-Five on the Hop Bet shall win if a total of 8 is thrown with a 3 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the Three-Five or Trey-Five on the Hop Bet.

(ii) A Three-Five or Trey-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Three-Five or Trey-Five on the Hop Bet.

(36) A Three-Six or Trey-Six on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing bet shall be determined as follows:

(i) A Three-Six or Trey-Six on the Hop Bet shall win if a total of 9 is thrown with a 3 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the Three-Six or Trey-Six on the Hop Bet.

(ii) A Three-Six or Trey-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Three-Six or Trey-Six on the Hop Bet.

(37) A Four-Five on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Four-Five on the Hop Bet shall be determined as follows:

(i) A Four-Five on the Hop Bet shall win if a total of 9 is thrown with a 4 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of the Four-Five on the Hop Bet.

(ii) A Four-Five on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Four-Five on the Hop Bet.

(38) A Four-Six on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing bet shall be determined as follows:

(i) A Four-Six on the Hop Bet shall win if a total of 10 is thrown with a 4 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the Four-Six on the Hop Bet.

(ii) A Four-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Four-Six on the Hop Bet.

(39) A 6-7-8 Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing 6-7-8 Bet shall be determined as follows:

(i) A 6-7-8 Bet shall win if a total of 6, 7 or 8 is thrown on the roll immediately following placement of the 6-7-8 Bet.

(ii) A 6-7-8 Bet shall lose if a 2, 3, 4, 5, 9, 10, 11 or 12 is thrown on the roll immediately following placement of the 6-7-8 Bet.

(40) A Fire Bet that may only be made prior to the come out roll of a new shooter.

(i) A Fire Bet shall win if at least four different unique point totals of either 4, 5, 6, 8, 9 or 10 are made by the shooter before a 7 is thrown.

(ii) A Fire Bet shall lose if less than four different unique point totals of either 4, 5, 6, 8, 9 or 10 are made by the shooter before a 7 is thrown.

(b) Except as permitted under § 537.6(e) (relating to supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds)), the amount of a Craps or Mini-Craps wager:

(1) May not be less than the minimum wager.

(2) May not be more than the maximum wager.

(c) The amounts of the minimum and maximum Craps or Mini-Craps wagers shall be posted at each Craps or Mini-Craps table.

§ 537.4. Making and removal of wagers.

(a) Wagers shall be made before the dice are thrown.

(b) Wagers shall be made by placing gaming chips or plaques on the appropriate areas of the layout. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and that the cash is expeditiously converted into gaming chips or plaques.

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

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

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

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

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

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

§ 537.5. Payout odds.

(a) All odds stated on a table layout or in any brochure or other publication distributed by a Certificate Holder shall be stated through use of the word "to" and payout odds may not be stated through use of the word "for."

(b) The payout odds for winning wagers at the game of Craps or Mini-Craps may not be less than the following payout odds:

A Certificate Holder may use payout odds for winning wagers at higher odds than those in the following list. Payout odds shall be uniform within the licensed facility.

<i>Wager</i>	<i>Payout Odds</i>
Pass Bet	1 to 1
Don't Pass Bet	1 to 1
Come Bet	1 to 1
Don't Come Bet	1 to 1
Place Bet to Win on 4	9 to 5
Place Bet to Win on 5	7 to 5
Place Bet to Win on 6	7 to 6
Place Bet to Win on 8	7 to 6
Place Bet to Win on 9	7 to 5
Place Bet to Win on 10	9 to 5
Place Bet to Lose on 4	5 to 11

<i>Wager</i>	<i>Payout Odds</i>
Place Bet to Lose on 5	5 to 8
Place Bet to Lose on 6	4 to 5
Place Bet to Lose on 8	4 to 5
Place Bet to Lose on 9	5 to 8
Place Bet to Lose on 10	5 to 11
Four the Hardway Bet	7 to 1
Six the Hardway Bet	9 to 1
Eight the Hardway Bet	9 to 1
Ten the Hardway Bet	7 to 1
Field Bet:	
On a 3, 4, 9, 10 or 11	1 to 1
On a 2 or 12	2 to 1
Any Seven Bet	4 to 1
Any Craps Bet	7 to 1
Craps 2 Bet	30 to 1
Craps 3 Bet	15 to 1
Craps 12 Bet	30 to 1
11 in One Roll	15 to 1
Four the Hardway on the Hop Bet	30 to 1
Six the Hardway on the Hop Bet	30 to 1
Eight the Hardway on the Hop Bet	30 to 1
Ten the Hardway on the Hop Bet	30 to 1
One-Three or Ace-Trey on the Hop Bet	15 to 1
One-Four or Ace-Four on the Hop Bet	15 to 1
One-Five or Ace-Five on the Hop Bet	15 to 1
One-Six or Ace-Six on the Hop Bet	15 to 1
Two-Three or Deuce-Trey on the Hop Bet	15 to 1
Two-Four or Deuce-Four on the Hop Bet	15 to 1
Two-Five or Deuce-Five on the Hop Bet	15 to 1
Two-Six or Deuce-Six on the Hop Bet	15 to 1
Three-Four or Trey-Four on the Hop Bet	15 to 1
Three-Five or Trey-Five on the Hop Bet	15 to 1
Three-Six or Trey-Six on the Hop Bet	15 to 1
Four-Five on the Hop Bet	15 to 1
Four-Six on the Hop Bet	15 to 1
6-7-8 Bet:	
On a 6 that is a One-Five or Two-Four, on any 7 or an 8 that is a Two-Six or Three-Five	1 to 1
On a 6 that is a Three-Three or an 8 that is a Four-Four	2 to 1

(c) A Craps-Eleven or C and E Bet shall be paid as if one half of the Craps-Eleven or C and E Bet had been placed as an Any Craps Bet (7 to 1) and one half as an 11 in one roll (15 to 1), and shall be paid as if two separate wagers were made for the one roll.

(d) A Horn Bet shall be paid as if it were four separate wagers on the 2, 3, 11 and 12, each of which equaling 25% of the Horn Bet.

(e) A Horn High Bet shall be paid as if it was four separate wagers on the 2, 3, 11 and 12, each of which equaling 20% of the Horn High Bet and a fifth wager on the 2, 3, 11 or 12, equaling 20% of the Horn High Bet.

(f) A Whirl Bet shall be paid as if it was two separate wagers with four units wagered as a Horn Bet and one unit wagered as an Any Seven Bet.

(g) A winning Fire Bet shall be paid once for the highest number of different unique points made at no less than the odds set forth in Table A or Table B preselected by the Certificate Holder:

<i>Individual Unique Points Made</i>	<i>Table A</i>	<i>Table B</i>
Four Points	24 to 1	39 to 1
Five Points	249 to 1	199 to 1
Six or More Points	999 to 1	499 to 1

(h) Except as permitted under § 537.6(e) (relating to supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds)), a Certificate Holder may not accept any wager in excess of the maximum bet posted at the table.

§ 537.6. Supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds).

(a) Whenever a player makes a Pass Bet and a total of 4, 5, 6, 8, 9 or 10 is thrown on the come out roll, the player may make a supplemental wager in support of the Pass Bet which may be limited by the Certificate Holder to an amount that is equal to the amount of the original Pass Bet. If the Pass Bet wins after a supplemental wager is made:

- (1) The original Pass Bet shall be paid at odds of 1 to 1.
- (2) The supplemental wager shall be paid at odds of:
 - (i) 2 to 1 if the come out point was 4 or 10.
 - (ii) 3 to 2 if the come out point was 5 or 9.
 - (iii) 6 to 5 if the come out point was 6 or 8.

(b) Whenever a player makes a Don't Pass Bet and a total of 4, 5, 6, 8, 9 or 10 is thrown on the come out roll, the player may make a supplemental wager in support of the Don't Pass Bet which may be limited by the Certificate Holder to an amount so calculated as to provide winnings not in excess of the amount originally wagered on the Don't Pass Bet. If the Don't Pass Bet wins after a supplemental wager is made:

- (1) The original Don't Pass Bet shall be paid at odds of 1 to 1.
- (2) The supplemental wager shall be paid at odds of:
 - (i) 1 to 2 if the come out point was 4 or 10.
 - (ii) 2 to 3 if the come out point was 5 or 9.
 - (iii) 5 to 6 if the come out point was 6 or 8.

(c) Whenever a player makes a Come Bet and a total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Come Bet, the player may make a supplemental wager in support of the Come Bet which may be limited by the Certificate Holder to an amount that is equal to the amount of the original Come Bet. If the Come Bet wins after a supplemental wager is made:

(1) The original Come Bet shall be paid at odds of 1 to 1.

(2) The supplemental wager shall be paid at odds of:

(i) 2 to 1 if the come point was 4 or 10.

(ii) 3 to 2 if the come point was 5 or 9.

(iii) 6 to 5 if the come point was 6 or 8.

(d) Whenever a player makes a Don't Come Bet and a total of 4, 5, 6, 8, 9 or 10 is thrown on the roll immediately following placement of the Don't Come Bet, the player may make a supplemental wager in support of the Don't Come Bet which may be limited by the Certificate Holder to an amount so calculated as to provide winnings not in excess of the amount originally wagered on the Don't Come Bet. If the Don't Come Bet wins after a supplemental wager is made:

(1) The original Don't Come Bet shall be paid at odds of 1 to 1.

(2) The supplemental wager shall be paid at odds of:

(i) 1 to 2 if the come point was a 4 or 10.

(ii) 2 to 3 if the come point was 5 or 9.

(iii) 5 to 6 if the come point was 6 or 8.

(e) Except as permitted under subsection (f), a Certificate Holder may allow a supplemental wager in support of a Pass or Come Bet in an amount up to 10 times the amount of the original Pass or Come Bet. A Certificate Holder may allow a supplemental wager in support of a Don't Pass or Don't Come Bet in an amount so calculated as to provide a winning player with winnings not in excess of up to 10 times the amount originally wagered on the Don't Pass or Don't Come Bet. The original Pass, Don't Pass, Come or Don't Come Bet and any supplemental wager allowed in accordance with this subsection shall be paid at the same odds as the original and supplemental wagers are paid under subsections (a)—(d).

(f) A Certificate Holder may accept a supplemental wager that exceeds an amount that is otherwise authorized by this section or posted as the maximum wager permitted if the excess amount of the supplemental wager is necessary to facilitate the payouts permitted by this section.

§ 537.7. Dice retention and selection.

(a) A set of at least five dice shall be present at the Craps or Mini-Craps table during gaming. Control of the dice at a Craps table, or at a Mini-Craps table with an optional stickperson, shall be the responsibility of the stickperson at the table. Control of the dice at a Mini-Craps table without an optional stickperson shall be the responsibility of the dealer at the table. The stickperson or Mini-Craps dealer shall retain all dice, except those in active play, in a dice cup at the table.

(b) At the commencement of play:

(1) For Craps, the stickperson shall offer the set of dice to the player immediately to the left of the boxperson at the table. If that player rejects the dice, the stickperson shall offer the dice to each of the other players in turn clockwise around the table until one of the players accepts the dice.

(2) For Mini-Craps, the dealer or the optional Mini-Craps stickperson shall offer the set of dice to the player immediately to his or her left at the table. If that player rejects the dice, the dealer or stickperson shall offer the dice to each of the other players in turn clockwise around the table until one of the players accepts the dice.

(c) The first player to accept the dice when offered shall become the shooter who shall select and retain two of the dice offered. The remaining dice of the set shall be returned to the dice cup which shall:

(1) For Craps, be placed immediately in front of the Craps stickperson.

(2) For Mini-Craps, be placed immediately in front of the Mini-Craps dealer or stickperson.

§ 537.8. Throw of the dice.

After selection of the dice, the shooter shall make a Pass Bet or Don't Pass Bet after which the shooter shall throw the two selected dice so that they leave the shooter's hand simultaneously and in a manner which causes the dice to strike the end of the table farthest from the shooter.

§ 537.9. Invalid roll of the dice.

(a) A roll of the dice shall be invalid whenever either or both of the dice go off the table or whenever one die comes to rest on top of the other.

(b) The persons listed in subsection (d) shall have the authority to invalidate a roll of the dice by calling "no roll" for any of the following reasons:

(1) The dice do not leave the shooter's hand simultaneously.

(2) Either or both of the dice fail to strike the end of the table farthest from the shooter.

(3) Either or both of the dice come to rest on the chips constituting the Craps bank of chips located in front of the boxperson.

(4) Either or both of the dice come to rest in the dice cup in front of the Craps stickperson, or in front of the Mini-Craps dealer or stickperson, or on one of the rails surrounding the table.

(5) The use of a cheating, crooked or fixed device or technique in the roll of the dice.

(6) The Craps boxperson or stickperson, or the Mini-Craps dealer or stickperson considers the throw to be improper.

(c) A throw of the dice which results in the dice coming into contact with any chips or plaques on the table, other than the Craps bank of chips located in front of the boxman, will not be a cause for a call of "No Roll."

(d) "no roll" may be called:

(1) In Craps, by a boxperson or stickperson.

(2) In Mini-Craps, by the dealer, stickperson or floorperson.

§ 537.10. Point throw; settlement of wagers.

(a) When the dice come to rest from a valid throw, the Craps stickperson or the Mini-Craps dealer or stickperson shall at once call out the sum of the numbers on the uppermost or skyward sides of the two dice. Only one face on each die shall be considered uppermost or skyward.

(b) In the event either or both of the dice do not land flat on the table (for example, one edge of the die is resting cocked on a stack of chips), the side directly opposite the side that is resting on the chips or other object shall be considered uppermost or skyward. If more than one side of a die is resting on a stack of chips or other object, the roll shall be void and the dice shall be re-thrown.

(c) In the event of a dispute as to which face is uppermost:

(1) In Craps, the boxperson shall have discretion to determine which face is uppermost or to order the throw be void and the dice be re-thrown.

(2) In Mini-Craps, the floorperson shall have discretion to determine which face is uppermost or to order the throw be void and the dice be re-thrown.

(d) In Craps, after calling the throw, the stickperson shall collect the dice and bring them to the center of the table between himself and the boxperson. All wagers decided by that throw shall then be settled, following which the stickperson shall pass the dice to the shooter for the next throw. When collecting the dice and passing them to the shooter, the stickperson shall use a stick designed for that purpose.

(e) In Mini-Craps, after calling the throw, the dealer or stickperson shall collect the dice and bring them to the center of the table. All wagers decided by that throw shall then be settled, following which the dealer or stickperson shall pass the dice to the shooter for the next throw. When collecting the dice and passing them to the shooter, the dealer or stickperson shall use a stick designed for that purpose.

§ 537.11. Continuation of shooter; selection of new shooter.

(a) It shall be the option of the shooter, after any roll, either to pass the dice or remain the shooter except that:

(1) The shooter shall pass the dice upon throwing a loser 7.

(2) The Craps boxperson or the Mini-Craps dealer may order the shooter to pass the dice if the shooter unreasonably delays the game, repeatedly makes invalid rolls or violates either the act or this part.

(b) If a shooter, after making the come out point, elects not to place another Pass Bet or Don't Pass Bet, and other Come Bets or Don't Come Bets remain on the table, the Craps stickperson or the Mini-Craps dealer or stickperson shall offer the dice to the player immediately to the left of the previous shooter, as provided for in subsection (c). If there are no other players at the table, or if no other players at the table elect to make a Pass Bet or Don't Pass Bet in order to shoot the dice and continue the game, the previous shooter shall be allowed to shoot the dice without making a Pass Bet or Don't Pass Bet only for the purpose of effecting a decision on the remaining Come Bets or Don't Come Bets. The on/off marker shall be placed on the Don't Pass Line in the off position in front of the shooter in order to indicate that the shooter is rolling the dice only to effectuate a decision for the Come Bets or Don't Come Bets remaining on the layout. Once the remaining Come Bets or Don't Come Bets have been decided or a player wishes to place a Pass Bet or Don't Pass Bet, the game shall proceed in accordance with § 537.8 (relating to throw of the dice).

(c) Whenever a voluntary or compulsory relinquishment of the dice occurs by the shooter, the Craps stickperson or the Mini-Craps dealer or stickperson shall offer the complete set of five or more dice to the player immediately to the left of the previous shooter and, if he does not accept, to each of the other players in turn clockwise around the table.

(d) The first player to accept the dice when offered shall become the new shooter who shall select and retain two of the dice offered. The remaining dice of the set shall

be returned to the dice cup which shall be placed immediately in front of the Craps stickperson or the Mini-Craps dealer or stickperson.

§ 537.12. Additional procedures and rules for the Fire Bet.

(a) If a Certificate Holder elects to offer the Fire Bet in the game of Craps as permitted under § 537.3 (relating to permissible wagers), the following additional procedures must be observed:

(1) Each player shall, prior to a new shooter's initial come out roll, place his or her Fire Bet on the numbered designated area for the placement of Fire Bets that is closest to his or her position at the Craps table.

(2) Whenever there is a voluntary or compulsory surrender of the dice by a shooter under § 537.11 (relating to continuation of shooter; selection of new shooter) prior to the throwing of a loser 7, any pending Fire Bet shall be settled upon the successor shooter throwing a loser 7.

(3) Once all Fire Bets are placed, the dealer shall bring in each Fire Bet in numerical order and place it on the corresponding number of the designated area in front of the boxperson, where the Fire Bets shall remain until they are either lost or paid.

(4) With each individual point made by a shooter, the dealer shall place a Fire Bet point marker inscribed with the total number of different unique points made by the shooter in the area of the table layout containing the number of the point (4, 5, 6, 8, 9 or 10) which was just made. Each Fire Bet point marker shall be visually distinguishable from and have a diameter larger than any authorized gaming chip. Fire Bet point markers shall be maintained by the boxperson or dealers at the Craps table.

(5) Fire Bets shall be collected or paid, as applicable, upon a shooter throwing a loser 7.

(6) Once four different unique points are made, the surveillance department shall be notified for the purpose of confirming all Fire Bets and payouts.

(b) If a Certificate Holder elects to offer the Fire Bet in the game of Craps under § 537.3, the following additional rules shall apply:

(1) The minimum wager shall be \$1 and the maximum wager shall be \$5 and all wagers shall be made in increments of one dollar.

(2) When a shooter makes the same point total more than once, the total number of different unique points made for purposes of settling a Fire Bet shall not increment.

(3) The four or more different unique points required to win a Fire Bet are not required to be made in any specific order or combination.

CHAPTER 549. BLACKJACK

Sec.	Definitions.
549.1.	Blackjack table; card reader device; physical characteristics; inspections.
549.2.	Cards; number of decks; value of cards.
549.3.	Wagers.
549.4.	Opening of table for gaming.
549.5.	Shuffle and cut of the cards.
549.6.	Procedure for dealing cards.
549.7.	Payment of Blackjack.
549.8.	Surrender.
549.9.	Insurance Wager.
549.10.	Double Down Wager.
549.11.	Splitting pairs.
549.12.	Drawing of additional cards by players and the dealer.
549.13.	

- 549.14. Player wagering on more than one box.
 549.15. Continuous shuffling shoe or device.
 549.16. Irregularities.

§ 549.1. Definitions.

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

Blackjack—An ace and any card having a point value of 10 dealt as the initial two cards to a player or a dealer.

Card reader device—A device which permits the dealer to determine if the dealer has a Blackjack.

Cutting card—A card which is opaque and in a solid color readily distinguishable from the color of the backs and edges of the playing cards in use at a Blackjack table

Determinant card—The first card drawn for each round of play to determine from which side of a double shoe the cards for that hand shall be dealt.

Double shoe—A dealing shoe that has two adjacent compartments in which cards are stacked separately and from which cards may be dealt from only one compartment at any given time.

Hard total—The total point count of a hand which contains no aces or which contains aces that are each counted as 1 in value.

Soft total—The total point count of a hand containing an ace when the ace is counted as 11 in value.

§ 549.2. Blackjack table; card reader device; physical characteristics; inspections.

(a) Blackjack shall be played at a table having on one side places for the players and on the opposite side a place for the dealer.

(b) The layout for a Blackjack table shall be approved by the Bureau of Gaming Operations and shall contain, at a minimum:

(1) The name or logo of the Certificate Holder offering the game.

(2) No more than seven specific areas designated for the placement of wagers.

(c) The following must be inscribed on the Blackjack layout:

(1) Blackjack pays 3 to 2.

(2) Dealer shall draw to 16 and stand on all 17's.

(3) Insurance pays 2 to 1.

(d) Each Blackjack table shall have a drop box and a tip box attached to it with the location of the boxes on the same side of the gaming table, but on opposite sides of the dealer, as approved by the Bureau of Gaming Operations.

(e) A Blackjack table shall have attached to it a card reader device, approved by the Bureau of Gaming Operations, which permits the dealer to determine if the dealer has a Blackjack in accordance with § 549.7 (relating to procedure for dealing cards). The floorperson assigned to the Blackjack table shall inspect the card reader device at the beginning of each gaming day to insure that there has been no tampering with the device and that it is in proper working order.

(f) To collect the cards at the conclusion of a round of play as required under § 549.7(i), each Blackjack table shall have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack must either:

(1) Equal the height of the cards, stacked one on top of the other, contained in the total number of decks that are to be used in the dealing shoe at that table.

(2) Be taller than the height of the total number of decks being used if the discard rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards contained in the number of decks to be used in the dealing shoe at that table.

(g) Whenever a double shoe is used at a Blackjack table, the height and marking requirements as in subsection (f) for that table's discard rack shall be determined by the number of decks used in one side of the shoe.

§ 549.3. Cards; number of decks; value of cards.

(a) Blackjack shall be played with at least one deck of cards. Except as otherwise provided in subsections (c) and (d), all decks of cards used for the play of Blackjack shall be identical in appearance. Blackjack shall also be played with at least one cutting card, approved by the Bureau of Gaming Operations.

(b) The value of the cards contained in each deck shall be as follows:

(1) Any card from 2 to 10 shall have its face value.

(2) Any jack, queen or king shall have a value of ten.

(3) An ace shall have a value of 11, unless that value would give a player or the dealer a score in excess of 21, in which case, the ace shall have a value of 1.

(c) If a double shoe is utilized, Blackjack shall be played with at least two decks of cards that shall be dealt from separate sides of the dealing shoe with the same number of decks used in each side of the double shoe. The cards dealt from both sides of the shoe shall be identical in appearance; however, the backs of the cards being dealt from one side of the shoe, shall be of a different color than the backs of the cards being dealt from the other side of the shoe. In addition, a separate cutting card shall be used in each side of the shoe.

(d) If an automated card shuffling device is utilized, Blackjack shall be played with at least two decks of cards in accordance with the following requirements:

(1) The cards shall be separated into two batches, with an equal number of decks included in each batch.

(2) The cards in each batch must be of the same design, but the backs of the cards in one batch must be of a different color than the cards included in the other batch.

(3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being dealt or used to play the game.

(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(5) The cards from only one batch shall be placed in the discard rack at any given time.

§ 549.4. Wagers.

(a) Prior to the first card being dealt for each round of play, each player may make a wager against the dealer.

(b) A player shall win if:

(1) The total value of the player's hand is 21 or less and the total value of the dealer's hand is in excess of 21.

(2) The total value of the player's hand exceeds the total value of the dealer's hand without exceeding 21.

(3) The player has a blackjack and the dealer's hand has a total value of 21 in more than two cards.

(c) Except as otherwise provided in subsection (b)(3), a wager made in accordance with this section shall be void and returned to the player when the total value of the player's hand is the same as the dealer's provided, however, that a player's wager shall be lost when the dealer has a blackjack and the player's hand has a total value of 21 which is not a blackjack.

(d) Except as otherwise provided in this chapter, a wager may not be made, increased or withdrawn after the first card of the respective round has been dealt.

(e) Wagers at Blackjack shall be made by placing gaming chips or plaques on the appropriate areas of the Blackjack layout, except that verbal wagers accompanied by cash may be accepted if:

(1) The verbal wagers are confirmed by the dealer and a floorperson.

(2) The cash is expeditiously converted into gaming chips or plaques.

(f) After each round of play is complete, the dealer shall collect all losing wagers and then pay off all winning wagers. Winning wagers made in accordance with subsection (b) shall be paid at odds of 1 to 1 with the exception of blackjack, which shall be paid at odds of 3 to 2.

(g) Once the first card of any hand has been removed from the shoe by the dealer, a player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

(h) Once an Insurance Wager under § 549.10 (relating to Insurance Wager), a Double Down Wager under § 549.11 (relating to Double Down Wager) or a wager on split pairs has been made and confirmed by the dealer under § 549.12 (relating to splitting pairs), a player may not handle, remove or alter the wagers until a decision has been rendered and implemented with respect to that wager.

(i) After the cards have been shuffled as required by § 549.5 (relating to opening of table for gaming), a Certificate Holder may prohibit any person, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table until either:

(1) The Certificate Holder chooses to permit the player to begin wagering again.

(2) A reshuffle of the cards has occurred.

(j) If a double shoe is utilized, the term "first card" as used in subsections (a), (d) and (g) means the determinant card.

§ 549.5. Opening of table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects.

(b) After the cards are inspected, the cards shall be spread out face upwards on the table for visual inspection by the first player or players to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence. The cards shall be laid out according to suit and in sequence.

(c) After the first player or players are afforded an opportunity to visually inspect the cards, the cards shall

be turned face downward on the table, mixed thoroughly by a washing of the cards and stacked.

(d) If a double shoe is utilized, all the decks that comprise one side of the dealing shoe shall be spread for inspection on the table separate from the decks that comprise the other side of the dealing shoe. After the player or players are afforded an opportunity to visually inspect the cards, the cards that comprise one side of the dealing shoe and the cards that comprise the other side of the dealing shoe shall separately be turned face downward on the table, mixed thoroughly by a washing of the cards and stacked.

(e) If an automated shuffling device is utilized, all the decks in one batch of cards shall be spread for inspection on the table separate from the decks in the other batch of cards. After the player or players is afforded an opportunity to visually inspect the cards, each batch of cards shall separately be turned face downward on the table and stacked.

§ 549.6. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled, after any round of play as may be determined by a floorperson and after each shoe of cards is dealt, the dealer shall shuffle the cards so that they are randomly intermixed.

(b) After the cards have been shuffled, the dealer shall offer the stack of cards, with backs facing upward to the players to be cut. The player to cut the cards shall be:

(1) The first player to the table if the game is just beginning.

(2) The player on whose box the cutting card appeared during the last round of play.

(3) The player at the farthest point to the right of the dealer if the cutting card appeared on the dealer's hand during the last round of play.

(4) The player at the farthest point to the right of the dealer if the reshuffle was initiated at the discretion of a floorperson or above.

(c) If the player designated in subsection (b) refuses the cut, the cards shall be offered to each other player moving clockwise around the table until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards.

(d) The player shall cut the cards by placing the cutting card in the stack at least 10 cards in from the top or bottom of the stack.

(e) Once the cutting card has been inserted by the player, the dealer shall take all cards above the cutting card and place them on the bottom of the stack. The dealer shall then take the entire stack of cards that was just cut and align them along the side of the dealing shoe which has a mark that will allow the dealer to insert the cutting card in the stack at a position at least approximately one-quarter of the way in from the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be re-cut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a re-cut is required, the cards shall be re-cut, at the Certificate Holder's option, by the player who last cut the cards, or by the next person entitled to cut the cards, as determined by subsection (b)(4).

(g) A reshuffle of the cards in the shoe shall take place after the cutting card is reached in the shoe as provided for in § 549.7(k) (relating to procedure for dealing cards) except that a floorperson may determine after each round of play that the cards should be re-shuffled.

(h) If there is no gaming activity at a Blackjack table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack, and spread out on the table for inspection, either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards the cards shall be turned face downward on the table.

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing shuffle of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. Unless a player so requests, the batch of cards removed from the shuffler need not be spread for inspection and reshuffled prior to being dealt, if:

(i) The automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner approved by the Bureau of Gaming Operations.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Operations.

§ 549.7. Procedure for dealing cards.

(a) All cards used to play Blackjack shall be dealt from a dealing shoe specifically designed for that purpose.

(b) The dealer shall remove cards from the shoe with his left hand, and then place the cards on the appropriate area of the layout with his right hand, except that the dealer shall have the option to deal hit cards to the first two positions with his left hand.

(c) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack. Each new dealer who comes to the table shall also remove one card and place it in the discard rack before dealing any cards to the players.

(d) If a double shoe is utilized, the following procedures shall be used in lieu of the procedures in subsection (c).

(1) Prior to commencement of each round of play, the dealer shall draw a determinate card from either side of the double shoe. The suit of that card shall determine from which side of the shoe that round of play will be dealt. The Certificate Holder shall designate that the suits of hearts and diamonds shall correspond to the color of the backs of the cards being dealt from one side of the shoe, and that the suits of spades and clubs shall correspond to the color of the backs of the cards being dealt from the other side of the shoe.

(2) A determinant card corresponding to the side of the shoe from which it was drawn shall become the player's first card. A determinant card that does not correspond to the side of the shoe from which it was dealt shall be placed in a segregated area of the dealing shoe.

(e) At the commencement of each round of play, or immediately after the determinant card has been drawn and either removed or used as the player's first card, the

dealer shall, starting on his left and continuing around the table, deal the cards in the following order:

(1) One card face upwards to each box on the layout in which a wager is contained.

(2) One card face upwards to the dealer.

(3) A second card face upwards to each box in which a wager is contained.

(4) A second card face downwards to himself.

(f) If the dealer's first card is an ace, king, queen, jack or 10 of any suit, the dealer shall determine whether the hole card will give the dealer a Blackjack prior to dealing any additional cards to the players at the table. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone, including the dealer, at the table.

(g) After the cards have been dealt, and if necessary, the procedure in subsection (f) has been executed, the dealer shall, beginning from his left, announce the point total of each player. As each player's point total is announced, the player shall indicate whether he wishes to surrender as permitted under § 549.9 (relating to surrender), double down as permitted under § 549.11 (relating to Double Down Wager), split pairs as permitted under § 549.12 (relating to splitting pairs), stand or draw as permitted under § 549.13 (relating to drawing of additional cards by players and the dealer).

(h) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision consistent with this chapter and shall announce the new point total of the player after each additional card is dealt.

(i) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall announce "Dealer's card," which shall be stated by the dealer in a tone of voice calculated to be heard by each person at the table, and turn the second card that was dealt to the dealer face upwards. Any additional cards required to be dealt to the hand of the dealer by § 549.13(b) shall be dealt face upwards at this time. The dealer shall announce the dealer's total point count after each additional card is dealt.

(j) At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in order and in a way that the cards can be readily arranged to indicate each player's hand in case of question or dispute. The dealer shall pick up the cards beginning with those of the player to his far right and moving counterclockwise around the table. After all the players' cards have been collected the dealer shall pick up his cards against the bottom of the players' cards and place them in the discard rack or in a segregated area of the double shoe.

(k) Whenever the cutting card is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed after which the dealer shall:

(1) Collect the cards as provided in subsection (j).

(2) Prepare to shuffle the cards, as follows:

(i) Whenever a single dealing shoe is used, the dealer shall remove the cards remaining in the shoe and place them in the discard rack to ensure that no cards are missing.

(ii) Whenever a double shoe is used, the dealer shall remove the cards remaining in the side of the shoe from which the cutting card was drawn and the cards, if any, that were put in a separate segregated area for the discards from that side of the double shoe, after which the dealer shall place those cards face down in the discard rack in order to ensure that no cards are missing.

(3) Shuffle the cards so that they are randomly inter-mixed. If a double shoe is utilized, the shuffle of the cards shall be limited to the side of the shoe from which the cutting card was drawn.

(l) Player and spectators may not handle, remove or alter any cards used to play Blackjack.

(m) Each player at the table shall be responsible for correctly computing the point count of his hand and no player shall rely on the point counts announced by the dealer.

§ 549.8. Payment of Blackjack.

(a) If the first face up card dealt to the dealer is a 2, 3, 4, 5, 6, 7, 8 or 9 and a player has Blackjack, the dealer shall announce and pay the Blackjack at odds of 3 to 2 and remove the player's cards before any player receives a third card.

(b) If the first face up card dealt to the dealer is an ace, king, queen, jack or 10 and a player has a Blackjack, the dealer shall announce the player's Blackjack but shall make no payment nor remove any cards until all other cards are dealt to the players and the dealer reveals his second card. If the dealer's second card does not give the dealer Blackjack, the player having Blackjack shall be paid at odds of 3 to 2. If, however, the dealer's second card gives him Blackjack, the wager of the player having Blackjack shall be void and returned to the player.

§ 549.9. Surrender.

(a) After the first two cards are dealt to the player and the player's point total is announced, the player may elect to discontinue play on his hand for that round by surrendering one-half his wager. All decisions to surrender shall be made prior to the player indicating whether he wishes to double down as permitted under § 549.11 (relating to Double Down Wager), split pairs as permitted under § 549.12 (relating to splitting pairs), stand or draw permitted under § 549.13 (relating to drawing of additional cards by players and the dealer).

(1) If the first card dealt to the dealer is not an ace or ten-value card, the dealer shall immediately collect one-half of the wager and return one-half to the player.

(2) If the first card dealt to the dealer is an ace or ten-value card, the dealer will place the player's wager on top of the player's cards. When the dealer's second card is revealed, the hand will be settled by immediately collecting the entire wager if the dealer has Blackjack or collecting one-half of the wager and returning one-half of the wager to the player if the dealer does not have Blackjack.

(b) If the player has made an Insurance Wager and then elects to surrender, each wager will be settled separately in accordance with subsection (a) and in accordance with § 549.10 (relating to Insurance Wager).

§ 549.10. Insurance Wager.

(a) Whenever the first card dealt to the dealer is an ace, each player shall have the right to make an Insurance Wager which shall win if the dealer's second card is a king, queen, jack or 10 and shall lose if the dealer's second card is an ace, 2, 3, 4, 5, 6, 7, 8 or 9.

(b) An Insurance Wager may be made by placing on the insurance line of the layout an amount not more than half the amount staked on the player's initial wager. A player may wager an amount in excess of half of the initial wager to the next unit that can be wagered in chips, when because of the limitation of the value of chip denominations, half the initial wager cannot be bet. Insurance Wagers shall be placed prior to the dealer inserting his hole card into the card reader device.

(c) Winning Insurance Wagers shall be paid at odds of 2 to 1.

(d) Losing Insurance Wagers shall be collected by the dealer immediately after the dealer inserts his hole card into the card reader device and determines that he does not have a Blackjack and before he draws any additional cards.

§ 549.11. Double Down Wager.

(a) Except for when a player has a Blackjack, a player may elect to make a Double Down Wager, which may not exceed the amount of his original wager on the first two cards dealt to him or the first two cards of any split pair, on the condition that one and only one additional card shall be dealt to the hand on which the player has elected to double down.

(b) If a dealer obtains Blackjack after a player makes a Double Down Wager, the dealer shall only collect the amount of the original wager of the player and shall not collect the additional Double Down Wager.

(c) Upon a player's election to make a Double Down Wager, the dealer shall deal the one additional card face upwards, and placed sideways on the layout.

§ 549.12. Splitting pairs.

(a) Whenever the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands provided that he makes a wager on the second hand so formed in an amount equal to his original wager.

(b) When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to the second hand.

(c) After a second card is dealt to each split pair hand, the dealer shall announce the point total of the hand and the player shall indicate his decision to stand, draw or double down with respect that hand except that:

(1) A player may split one more pair if the second card dealt is identical in value to a card of the split pair, for a total of three hands. A player may not split another identical value pair.

(2) A player splitting aces may only have one card dealt to each ace and may not elect to receive additional cards.

(d) If the dealer obtains Blackjack after a player splits pairs, the dealer shall only collect the amount of the original wager of the player and may not collect the additional amount wagered in splitting pairs.

§ 549.13. Drawing of additional cards by players and the dealer.

(a) A player may elect to draw additional cards whenever his point count total is less than 21, except that:

(1) A player having Blackjack or a hard or soft total of 21 may not draw additional cards.

(2) A player electing to make a Double Down Wager may draw only one additional card.

(3) A player splitting aces may only have one card dealt to each ace.

(b) Except as provided in subsection (c), the dealer shall draw additional cards until he has a hard or soft total of 17, 18, 19, 20 or 21.

(c) A dealer shall draw no additional cards to his hand, regardless of the point count, if decisions have been made on all player's hands and the point count of the dealer's hand will have no effect on the outcome of the round of play.

§ 549.14. Player wagering on more than one box.

Certificate holders shall specify in the Certificate Holder's Rules Submission required under § 521.2 (relating to table games Rules Submissions) the number of adjacent boxes on which a player may place a wager in one round of play.

§ 549.15. Continuous shuffling shoe or device.

In lieu of the dealing and shuffling requirements set forth in §§ 549.6 and 549.7 (relating to shuffle and cut of the cards; and procedure for dealing cards), a Certificate Holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the shoe or device and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Operations.

§ 549.16. Irregularities.

(a) A card found turned face upwards in the shoe may not be used in the game and shall be placed in the discard rack or in a segregated area of the double shoe.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(c) After the initial two cards have been dealt to each player and a card is drawn in error and exposed to the players, the card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept the card may not have any additional cards dealt to him during the round. If the card is refused by the players and the dealer cannot use the card, the card shall be placed in the discard rack.

(d) If the dealer has 17 and accidentally draws a card for himself, the card shall be placed in the discard rack.

(e) If the dealer misses dealing his first or second card to himself, the dealer shall continue dealing the first two cards to each player, and then deal the appropriate number of cards to himself.

(f) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack or in a segregated area of the double shoe shall be shuffled and cut according to the procedures outlined in § 549.6 (relating to shuffle and cut of the cards), the first card shall be drawn face down and placed in the discard rack, and the dealer shall complete the round of play.

(g) If no cards are dealt to a player's hand, the hand is dead and the player shall be included in the next deal. If only one card is dealt to a player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.

(h) Any round of play drawn from the inappropriate side of a double shoe shall be treated as if it were drawn from the appropriate side of the shoe and concluded.

(i) If after receiving the first two cards, the dealer fails to deal an additional card to a player who has requested a card, then, at the player's option, the dealer shall either deal the additional card after all other players have received their additional cards but prior to the dealer revealing his hole card, or call the player's hand dead and return the player's original wager.

(j) If the dealer inserts his hole card into a card reader device when the value of his first card is not an ace, king, queen, jack or 10, the dealer, after notification to a floorperson or higher, shall:

(1) If the particular card reader device in use provides any player with the opportunity to determine the value of the hole card, call all hands dead, collect the cards and return each player's wager.

(2) If the particular card reader device in use does not provide any player with the opportunity to determine the value of the hole card, continue play.

(k) If a card reader device malfunctions, the dealer may not continue dealing the game of Blackjack at that table until the card reader device is repaired or replaced.

[Pa.B. Doc. No. 10-323. Filed for public inspection February 19, 2010, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, March 3, 2010. The hearing will be part of the Commission's regular business meeting. The conference session and business meeting both are open to the public and will be held at the Commission's office building, located at 25 State Police Drive, West Trenton, NJ.

The conference among the commissioners and staff will begin at 10:30 a.m. and will consist of a presentation by representatives of the Schuylkill Action Network and the United States Environmental Protection Agency on the United States EPA Targeted Watershed Initiative Grant Final Report; and a presentation by the Commissioner from this Commonwealth on Pennsylvania's Total Dissolved Solids (TDS) Strategy.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed as follows:

1. *Gulph Mills Country Club, D-1966-217-2*. An application for the renewal of a ground and surface water withdrawal project to continue withdrawal of 11.886 million gallons per 30 days (mg/30 days) to supply the applicant's golf course irrigation from two pond intakes and existing Well No. 1, completed in the Conestoga Formation. The project is located in the Matsunk Creek Watershed in Upper Merion Township, Montgomery County, PA, within the Southeastern Pennsylvania Ground Water Protected Area.

2. *Cabot Corporation, D-1970-072-4*. An application for renewal of an existing 0.222 million gallons per day (mgd) discharge from Outfalls Nos. 001 (process wastewater and noncontact cooling water (NCCW)), 002 (stormwater, condensate and NCCW), and 003 (process water treatment system wastewater). The project is located on Swamp Creek at River Mile 92.47—32.3—12.9—12.6 (Delaware River—Schuylkill River—Perkiomen Creek—Swamp Creek), on the border of Douglass Township, Montgomery County, PA and Colebrookdale Township, Berks County, PA.

3. *Palmerton Borough, D-1981-024 CP-8*. An application for the renewal of a groundwater withdrawal project to continue to withdraw a maximum of 25 mg/30 days to supply the applicant's public water supply system from existing Wells Nos. 4, 6, 7, A and the Foundry Well, all completed in the Bloomsburg Formation Aquifer. The applicant also requests that an existing surface water withdrawal approved by Docket No. D-90-17 be included in the renewal of Docket No. D-81-24 CP-8. The existing surface water withdrawal allocation provides for a maximum of 71 mg/30 days to supply the applicant's industrial water supply demand. The surface water withdrawal is made through two intakes located on the Aquashicola and Pohopoco Creeks, respectively. Wells Nos. 4, 6, 7 and A are located in the Aquashicola Watershed. The Foundry Well alone is located in the Lehigh River Watershed. The wells and intakes are located in Palmerton Borough, Carbon County, PA. The site is located within the drain-

age area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

4. *Antietam Valley Municipal Authority, D-1987-045 CP-3*. An application for approval of the renewal of the Antietam Valley Wastewater Treatment Plant (WWTP). The WWTP will continue to discharge an average annual flow of 1.225 mgd of treated sewage effluent to Antietam Creek, a tributary to the Schuylkill River. The WWTP has a hydraulic design capacity of 2.45 mgd (maximum monthly flow). The facility is located in St. Lawrence Borough, Berks County, PA.

5. *Joint Municipal Authority of Wyomissing Valley, D-1991-009 CP-3*. An application for renewal of the Joint Municipal Authority of Wyomissing Valley WWTP. The existing WWTP will continue to discharge 4.0 mgd of treated effluent to the Wyomissing Creek, a tributary of the Schuylkill River. The facility is located in the City of Reading, Berks County, PA.

6. *Aqua Pennsylvania—Honesdale System, D-1995-057 CP-2*. An application for renewal of a groundwater withdrawal project with an expired Commission docket, to continue a withdrawal of 46.20 mg/30 days of groundwater to supply the applicant's public water supply system from existing Wells Nos. Horseshoe 1 and 2, Weidner 3, Goyette 4, Perano 5 and Quarry 6, all completed in the Catskill Geologic Formation. Ownership of the project was recently transferred. The project is located in the West Branch Lackawaxen River Watershed in the Borough of Honesdale and Texas Township, Wayne County, PA. The site is located within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters.

7. *Borough of Strausstown, D-2005-006 CP-2*. A renewal application for approval to continue discharging 0.065 mgd of treated effluent from the Borough of Strausstown WWTP. The WWTP is located at River Mile 92.47—76.8—15.4—0.8—6.5—0.4 (Delaware River—Schuylkill River—Tulpehocken Creek—Northkill Creek—Little Northkill Creek—Jackson Creek) in Pocono Township, Monroe County, PA.

8. *NuStar Asphalt Refining, LLC, D-2009-037-1*. An application for approval of an existing 5.48 mgd discharge of untreated industrial wastewater and stormwater through discharge Outfalls Nos. DSN002A, DSN003A, DSN004A, DSN005A, DSN006A and DSN007A. Stormwater is commingled with condensate from steam heating, sand filter backflush water and/or tank drain discharges. The asphalt refinery is located in Paulsboro Borough, Gloucester County, NJ and the six outfalls are located in Water Quality Zone 4 at or near River Mile 89.66 (Delaware River).

9. *Borough of Brookhaven, D-1966-096 CP-3*. An application for approval of the upgrade of the existing Brookhaven Borough WWTP. The existing trickling filter treatment system is proposed to be replaced with an extended aeration system incorporating the Modified Ludzak-Ettinger (MLE) process. Notice of the project was previously published in the Commission's January 12, 2010, Notice of Applications Received (NAR), as No. D-1998-032 CP-2. This second notice is being provided because of the change in the Commission's assigned docket/application number. The project WWTP will continue to treat an average annual flow of 0.192 mgd and

discharge to Chester Creek. The facility is located in the Borough of Brookhaven, Delaware County, PA.

10. *Lynn Township, D-1977-041 CP-2*. An application for approval of an expansion of the existing Lynn Township WWTP. The 0.08 mgd WWTP will be expanded to treat an average annual daily flow rate of 0.16 mgd. The WWTP will continue to discharge to Ontelaunee Creek, which is a tributary of the Schuylkill River. The facility is located in Lynn Township, Lehigh County, PA.

11. *Borough of Ambler, D-1985-026 CP-5*. An application for approval of a groundwater withdrawal project to continue a withdrawal of up to 90 mg/30 days to supply the applicant's Public Water Supply system from 10 existing wells and one spring (Whitemarsh Spring). The Whitemarsh Spring withdrawal is not included in the current version of the docket, approved in September 2008. The project wells are drilled in the Lower Member of the Stockton Formation and Whitemarsh Spring is located in the Ledger Dolomite. The spring outlet and the project wells are located in the Wissahickon Creek Watershed in Lower Gwynedd and Upper Dublin Townships, Montgomery County, PA within the Southeastern Pennsylvania Ground Water Protected Area.

12. *East Vincent Township Municipal Authority, D-1993-032 CP-2*. An application for approval to renew a discharge of up to 2.0 mgd from the existing Veterans Center WWTP. The WWTP will continue to discharge an average of 0.5 mgd of treated domestic waste to the Schuylkill River by means of Outfall No. 001 at River Mile 92.47—43.5 (Delaware River—Schuylkill River). In addition, modifications to the existing WWTP are proposed, to include a new screen facility, a new filter building, repairs to existing treatment tanks and other miscellaneous improvements. The Veterans Center is located in East Vincent Township, Chester County, PA.

13. *Valley Forge Sewer Authority, D-1995-006 CP-2*. An application for approval of the modification of the Valley Forge Sewer Authority WWTP. The docket holder proposes to replace the current disinfection system (chlorine contact tank) with an ultraviolet light (UV) disinfection system. The modification also includes the rerate of the WWTP from 8.99 mgd to 9.2 mgd. Although the plant rerate was completed in 1999, it occurred without the Commission's review. The WWTP will continue to discharge to the Schuylkill River. The facility is located in Schuylkill Township, Chester County, PA.

14. *Lehigh County Authority, D-2001-020 CP-5*. An application for approval of an interconnection between Lehigh County Authority's (LCA) Central Lehigh Division service area and Allentown's Schantz Spring source. Included in LCA's application was a request for emergency approval of a temporary interconnection and the immediate ability for LCA to use up to 1.0 mgd. Two subsequent phases of construction to permanently interconnect LCA's and Allentown's systems—an "Interim" Phase for 2 mgd and a "Long-Term" Phase for an average of 7 mgd—make up the remainder of the applicant's request. The LCA's groundwater withdrawal project will continue to supply up to 256.24 mg/30 days of water to the applicant's public water supply system. No increase in the existing groundwater allocation is requested. The project is located in the Beekmantown Formation in the Cedar Creek Watershed in Upper Macungie Township, Lehigh County, PA, within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

15. *Muhlenburg Township Authority, D-2001-030 CP-2*. An application for approval of a ground water withdrawal project to supply a peak monthly withdrawal of up to 153.09 mg/30 days and a total yearly withdrawal of 730 mg of water to the applicant's public water supply system from new Wells Nos. PH-1 and PH-2 and to increase the existing withdrawal of all wells from 168.50 mg/30 days to 228.50 mg/30 days. The increased allocation is requested to meet projected increases in service area demand. The project wells are completed in the Allentown Formation in the Laurel Run Watershed in Muhlenburg Township, Berks County, PA. The site is located within the drainage area of the Schuylkill River.

16. *Village of Delhi, D-2001-033 CP-2*. An application for approval of a rerate of an existing 0.815 mgd WWTP to 1.015 mgd. The project WWTP is located at River Mile 330.70—57.4 (Delaware River—West Branch Delaware River), approximately 22 miles upstream of the Cannonsville Reservoir, within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters. The facility is located in the Town of Delhi, Delaware County, NY.

17. *Nazareth Borough Municipal Authority, D-2002-038 CP-2*. An application for the approval of the modification of the existing Nazareth Borough Municipal Authority WWTP. The existing 1.6 mgd WWTP includes two Intermittent Cycle Extended Aeration System (ICEAS) basins. The applicant proposes to modify the WWTP by adding two new additional ICEAS basins. The WWTP will continue to discharge to Shoeneck Creek. Shoeneck Creek is a tributary to the Bushkill Creek, and the project WWTP is located within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters. The facility is located in Lower Nazareth Township, Northampton County, PA.

18. *Tidewater Utilities, Inc., D-2005-027 CP-2*. An application for the renewal of an existing groundwater withdrawal project and to increase the current withdrawal from 3.51 mg/30 days to 4.967 mg/30 days to supply the applicant's public water supply system from existing Wells Nos. VWQ-1, VWQ-2, WQ-2, and WQ-4, completed in the Piney Point and Frederica aquifers. Wells Nos. WQ-2 and WQ-4 were included in previously approved Docket No. D-2005-027 CP-1. Wells Nos. VWQ-01 and VWQ-02 are existing wells that were not included in Docket No. D-2005-027 CP-1. The increased allocation is requested to meet projected increases in service area demand. The project is located in the Isaac Branch Watershed of the Saint Jones River in the City of Dover, West Township, Kent County, DE.

19. *Ingersoll-Rand Company, D-2006-014-2*. An application for renewal of a 0.09 mgd discharge from the applicant's existing groundwater remediation plant and a related outfall reconfiguration. The WWTP will discharge to Lopatcong Creek, an FW2-NT(C2) stream, which is a tributary of the Delaware River at River Mile 182.0—1.87 (Delaware River—Lopatcong Creek). The WWTP is located in the Town of Phillipsburg, Warren County, NJ, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

20. *Beaver Lake Estates, D-2009-038 CP-1*. An application for approval of the expansion of the Beaver Lake Estates Wastewater Treatment Plant (WWTP) from 0.035 mgd to 0.14 mgd. Outfall No. 001 will continue to discharge to an unnamed tributary of Barnum Brook, a

tributary of the Neversink River at River Mile 253.64—25.15—2.0—1.12 (Delaware River—Neversink River—Barnum Brook—Unnamed Tributary) in the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is designated as Special Protection Waters. The Beaver Lake Estates WWTP is located in the Town of Thompson, Sullivan County, NY.

21. *Bucks County Water and Sewer Authority, D-1999-013 CP-2*. An application for the approval of the expansion of the existing Bucks County Water and Sewer Authority Harvey Avenue WWTP. The existing 0.9 mgd WWTP currently utilizes an extended aeration activated sludge process in the form of a Carousel Oxidation Ditch. The existing WWTP treatment train will remain and a second 0.7 mgd treatment train will be constructed, consisting of a Vertical Loop Reactor, clarifiers and aerobic digester. The proposed addition will increase the hydraulic design capacity of the WWTP to 1.6 mgd. The WWTP will continue to discharge to Cook's Run, a tributary to the Neshaminy Creek. The facility is located in the Borough of Doylestown, Bucks County, PA.

22. *Maxatawny Township Municipal Authority, D-2007-001 CP-1*. An application for approval to construct a new Maxatawny Township Municipal Authority WWTP with a discharge of 0.14 mgd. The WWTP will discharge to the Saucony Creek, which is a tributary to the Maiden Creek. The facility will be located in Maxatawny Township, Berks County, PA.

23. *Wyeth Pharmaceuticals, D-2009-015-1*. An application for approval of an existing 0.068 mgd discharge of contact cooling water (CCW). CCW will continue to be discharged from the applicant's pharmaceutical facility by means of Outfalls Nos. 001 and 002. The project outfalls are located at River Mile 92.47—32.36—4.68 (Delaware River—Schuylkill River—Perkiomen Creek). At this location, the Perkiomen Creek is classified by the Department of Environmental Protection as a warm water/migrating fishery (WWF/MF). The facility is located in Upper Providence Township, Montgomery County, PA.

24. *Geerling's Florist, Inc., D-2009-031-1*. An application for approval of a groundwater withdrawal project to continue to supply up to 4.4 mg/30 days of irrigation water to the applicant's greenhouse and nursery operations from existing Wells Nos. 1—6. The project is located in the Brunswick Formation in the Mill Creek and Pidcock Creek Watersheds in Buckingham Township, Bucks County, PA within the Southeastern Pennsylvania Ground Water Protected Area.

25. *Chester Valley Golf Club, D-2009-035-1*. An application for approval of a groundwater and surface water withdrawal project to supply up to 5.6 mg/30 days of water from existing sources, including a storage pond, Well No. 11904, and one gravity-fed surface water intake to irrigate the applicant's golf course. The project is located in East Whiteland Township, Chester County, PA in the Southeastern Pennsylvania Ground Water Protected Area. The surface water will be withdrawn from an unnamed tributary of Valley Creek. The well is located in the Elbrook Formation within the Valley Creek Sub-basin.

26. *Deb-El Food Products, D-2009-036-1*. An application for approval to construct a 0.05 mgd industrial waste treatment plant (IWTP) that will discharge to the Neversink River at River Mile 253.64—28.7 (Delaware River—Neversink River) in the drainage area of the section of the Nontidal Delaware River known as the

Middle Delaware, which is designated as Special Protection Waters. The IWTP is located in the Town of Thompson, Sullivan County, NY.

27. *Tuscan/Lehigh Dairies, Inc., D-2009-043-1*. A new groundwater withdrawal project to supply up to 8.7 mg/30 days of water to the applicant's industrial cooling and process system from existing Wells Nos. 3—5. The project wells are located in the Brunswick Group in the Towamencin Creek Watershed in Upper Gwynedd Township, Montgomery County, PA, within the Southeastern Pennsylvania Ground Water Protected Area.

28. *Bucks County Water and Sewer Authority, D-2009-047 CP-1*. An application to construct a 2 million gallon underground storage tank in the Bensalem Collection System, which is a tributary to the Poquessing Interceptor. The storage tank is proposed to help alleviate wet weather overflows from the Poquessing Interceptor near Holy Family University in the City of Philadelphia during heavy rain events. The Poquessing Interceptor is interconnected with the Delaware Interceptor, which is the pipeline that conveys untreated sanitary waste and stormwater to the Philadelphia Water Department's Northeast Wastewater Treatment Plant. The Bensalem Collection System will continue to transfer untreated sanitary waste and stormwater from Bensalem Township, Bucks County, PA to the Poquessing Interceptor, which is interconnected with the Delaware Interceptor in the City of Philadelphia, PA.

29. *Sullivan Farms, IV, LLC (Kaufman Farms), D-2009-048 CP-1*. An application to approve the construction of the new 17,282 gpd Kaufman Farms WWTP. The WWTP will land discharge to four on-site infiltration beds. The project is located near River Mile 253.64—9.5—11.5 (Delaware River—Neversink River—Basher Kill) in the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters. The project is located in the Village of Wurtsboro, Sullivan County, NY.

In addition to the standard business meeting items, including adoption of the Minutes of the Commission's previous (December 9, 2009) business meeting; announcements of upcoming advisory committee meetings and events of interest; a report on hydrologic conditions; a report by the Executive Director; and a report by the Commission's General Counsel, the business meeting will include public hearings and consideration by the Commission of resolutions: (a) approving the Commission's Fiscal Years (FY) 2010-2015 Water Resources Program; (b) authorizing the Executive Director to select a new auditor for the Commission; and (c) in connection with repair of the HVAC System, authorizing the Executive Director to contract for a study of options for expanding capacity of the Goddard Room. In addition the Commissioners will consider adoption of the Commission FY 2011 operating and capital budgets, on which a hearing was conducted during the December 9, 2009, business meeting. An opportunity for public dialogue will be provided at the end of the meeting.

Draft dockets scheduled for public hearing on March 3, 2010, can be accessed through the Notice of Commission Meeting and Public Hearing on the Commission's web site, drbc.net, 10 days prior to the meeting date. Additional public records relating to the dockets may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

Note that conference items are subject to change and items scheduled for hearing are occasionally postponed to

allow more time for the Commission to consider them. Check the Commission's web site, drbc.net, closer to the meeting date for changes that may be made after the deadline for filing this notice.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 who wish to attend the informational meeting, conference session or hearings, should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services at 711, to discuss how the Commission can accommodate their needs.

PAMELA M. BUSH, Esq.,
Commission Secretary

[Pa.B. Doc. No. 10-324. Filed for public inspection February 19, 2010, 9:00 a.m.]

Public Hearing on Stone Energy Corporation Proposed Surface Water Withdrawal and Natural Gas Well Site

Summary

Because of the high level of public interest in projects within the Delaware Basin that are associated with natural gas drilling activities, the Delaware River Basin Commission (Commission) will hold a special public hearing on two projects sponsored by the Stone Energy Corporation (Stone Energy) to support natural gas exploration and development activities within the basin. One of the two projects entails a surface water withdrawal from the West Branch Lackawaxen River in Mount Pleasant Township, PA (Docket No. D-2009-13-1). The other concerns an existing natural gas well drilling pad site in Clinton Township, PA (Docket No. D-2009-18-1). Both projects are located in Wayne County, PA, within the drainage area of a portion of the main stem Delaware River that the Commission has classified as Special Protection Waters.

Dates

The hearing will take place on Wednesday, February 24, 2010, from 3 p.m. until 7 p.m. Written comments will be accepted until 5 p.m. on March 12, 2010.

Addresses

The hearing will take place at the Best Western Inn at Hunt's Landing, 126 Routes 6 and 209, Matamoras, PA 18336, from 3 p.m. until 7 p.m. Written comments may be submitted at the hearing and may also be sent to Paula.Schmitt@drbc.state.nj.us and otherwise to the attention of the Commission Secretary, either by fax (609) 883-9522, P. O. Box 7360, West Trenton, NJ 08628-0360, or delivery service to 25 State Police Drive, West Trenton, NJ 08628-0360. Regardless of the method of submission, comments should include the name, affiliation (if any) and address of the commentator and the subject line "Public Comment—Stone Energy Dockets."

For Further Information Contact

For questions about the upcoming hearing that are not answered in the section of this notice entitled "Supplementary Information," contact Paula Schmitt at (609) 477-7224 or Katharine O'Hara at (609) 477-7205.

Supplementary Information

Draft dockets. Docket Nos. D-2009-13-1 (water withdrawal) and D-2009-18-1 (natural gas well drilling pad

site) can be viewed on the Commission's web site, drbc.net, as a link from this notice.

Hearing Procedure. To give everyone who wishes to testify a fair and equal opportunity to do so at the public hearing, which is expected to be heavily attended, the following procedures will be in effect:

- *Registration to testify.* Individuals who wish to speak at the hearing will be requested to print their names on a numbered list and complete a separate Commission commentator card. Registrations to present oral testimony will begin at approximately 2:30 p.m. (30 minutes prior to the beginning of the hearing) and will continue until the hearing is closed. There will be no advance registration prior to February 24. For the convenience of those who wish to speak, more than one registration list may be used. Accordingly, speakers will be called in roughly, but not exactly, the order in which they registered.

- *Time allowances.* To allow everyone who wishes to speak an opportunity to do so, individuals will be allotted no more than 3 minutes to present their oral testimony. Speakers will not be permitted to cede their time to others; however, after everyone who wishes to speak has had a chance to do so, the hearing officer will accept requests from those who wish to supplement their earlier remarks. Individuals who have prepared written testimony are asked to summarize their comments during the 3-minute period for oral testimony and to submit their complete written comments either at the public hearing or by e-mail, fax, U.S. mail, delivery service or hand delivery in accordance with the "Addresses" in the previous section, before 5 p.m. on March 12.

- *Stenographic record.* A court stenographer will be present to capture all verbal comments for the public record.

- *Other.* The sole purpose of the hearing on February 24, is to provide members of the public with an opportunity for oral testimony on the proposed Stone Energy dockets. The Commissioners and staff will not respond to comments at the hearing, nor will they conduct any other business that day. Because a separate hearing on the Stone Energy dockets is being held on February 24, oral testimony on these dockets will not be accepted during the Commission's regularly scheduled business meeting and public hearing on March 3, 2010. A separate notice will be published listing the hearing items and other matters to be considered during the meeting on March 3.

Project Descriptions. Detailed descriptions of the two projects are included in the draft dockets posted on the Commission's web site (drbc.net) as links from this notice. Brief descriptions of the two projects follow:

Stone Energy Corporation D-2009-13-1. An application for approval of a surface water withdrawal project to supply up to 21.0 mg/30 days (0.70 mgd) of water from a withdrawal point located on the West Branch Lackawaxen River in Mount Pleasant Township, Wayne County, PA within the drainage area of the section of the Delaware River classified as Special Protection Waters (SPW). The water will be used to support natural gas well stimulation activities in an existing well located in Clinton Township, Wayne County, PA (the Matoushek No. 1 well), also within the drainage area of SPW, and in proposed natural gas wells targeting the Marcellus Shale geologic formation within the SPW drainage area in this Commonwealth. Flow-back water from well stimulation activities is proposed to be exported to approved treatment facilities located outside of the Delaware River Basin.

Stone Energy Corporation D-2009-18-1. An application for approval of an existing natural gas well drilling pad site, including an existing vertically orientated natural gas well known as Matoushek No. 1, located in Clinton Township, Wayne County, PA. The well is proposed to be stimulated through hydraulic fracturing from a proposed surface water source. An application for the proposed surface water withdrawal is being reviewed by the Commission under Docket No. D-2009-13-1. The proposed surface water withdrawal is located on the West Branch Lackawaxen River in Mount Pleasant Township, Wayne County, PA. The target gas bearing geologic formation of Matoushek No. 1 is the Devonian-age Marcellus Shale. Flow-back water resulting from stimulation activities at the well is proposed to be exported to approved treatment facilities outside of the Delaware River Basin. The proposed drilling site is located within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

Additional public records relating to the draft Stone Energy docket may be available for review consistent with Article 8 of the Commission's Rules of Practice and Procedure (RPP) governing public access to records and information. The RPP are also available on the Commission's web site, <http://www.drbc.net>.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 who wish to attend the hearing should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services at 711, to discuss how the Commission can accommodate their needs.

PAMELA M. BUSH, Esq.,
Commission Secretary

[Pa.B. Doc. No. 10-325. Filed for public inspection February 19, 2010, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Public Hearing

The Department of Community and Economic Development (Department) publishes notice of a public hearing to be held from 10 a.m. to 12 p.m. on Thursday, March 4, 2010, in Conference Room 4-West at the Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120. The purpose of this hearing is to receive comments on the Weatherization Assistance Program's draft revisions to the energy audit protocols for single family and mobile homes before finalizing the new tools and priority standards.

A copy of this protocol may be obtained by contacting the Department of Community and Economic Development, Office of Energy Conservation & Weatherization, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120. It can also be downloaded from the Department's web site at www.newpa.com.

Written comments may be submitted to E. Craig Heim, Executive Director, Office of Energy Conservation &

Weatherization, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 until 5 p.m. on March 4, 2010.

Persons with a disability who wish to attend this hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, contact Liz Hoch at (717) 214-6547 to discuss how the Department may accommodate their needs.

E. CRAIG HEIM,
Executive Director

[Pa.B. Doc. No. 10-326. Filed for public inspection February 19, 2010, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Washington and Jefferson College for Approval of Merger

Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the request from Washington and Jefferson College for a Certificate of Authority approving the merger of the Washington and Jefferson Development Corporation into the college, with the college being the surviving entity. The college wishes to acquire ownership of the corporation's student residences in conjunction with the college's retiring of the corporation's outstanding debt and refinancing through the issuance of new tax-exempt bonds.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon this application without hearing, unless within 15 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, contact Carol M. D. Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D.Ed.,
Secretary

[Pa.B. Doc. No. 10-327. Filed for public inspection February 19, 2010, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to 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 (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<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 a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the 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 an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional 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. Comments 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 a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0080683 (Sew)	Miller's Skyview Sales, Inc. 200 Ridge Road Etters, PA 17319-9110	York County Newberry Township	UNT Bennetts Run 7F	Y
PA0080918 (Sew)	Rick Long 101 Speedwell Forge Road Lititz, PA 17543-9541	Lancaster County Elizabeth Township	Kettle Run 7J	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0087106 (Sew)	Freedom Valley Worship Center AOG, Inc. 3185 York Road Gettysburg, PA 17325	Adams County Straban Township	Swift Run 7F	Y
PA0070319 (IW)	Brian A. Gottschall County of Berks Department of Emergency Services DirectLink Technology Center 2561 Bernville Road Reading, PA 19605	Berks County Reading City	Angelica Creek 3C	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0043419	Coudersport Area Municipal Authority P. O. Box 820 Coudersport, PA 16915-0820	Potter County Coudersport Borough	Allegheny River 16C	Y
PA0233862 (Sewage) Non-Municipal	Beavertown Properties, LLC 14849 Route 522 Middleburg, PA 17845	Snyder County Beaver Township	UNT to Middle Creek SWP 6A	Y
PA0009318 IW	Alcan Cable 409 Reighard Avenue Williamsport, PA 17701-4195	Lycoming County City of Williamsport	Fox Hollow Run 10A	Y
PA0029068 (Sewage)	Valley Township Municipal Authority P. O. Box 307 Danville, PA 17821	Montour County Valley Township	Mausers Creek 5-E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0032751	Department of Transportation Rest Area 18 P. O. Box 3060 Harrisburg, PA 17105	Deer Creek Township Mercer County	Unnamed tributary to Black Run 16-G	Y
PA0032760	Department of Transportation Rest Area 17 P. O. Box 3060 Harrisburg, PA 17105	Deer Creek Township Mercer County	Unnamed tributary to Lake Wilhelm (Sandy Creek) 18-G	Y
PA0102385	IBI/RR, LLC, d/b/a Iron Bridge Inn 1438 Perry Highway Mercer, PA 16137	Springfield Township Mercer County	Neshannock Creek 20-A	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

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

PA0056294, Sewage, SIC 7997, **Bart Golf Club, Inc., t/a Hickory Valley Golf Course**, 1921 Ludwig Road, Gilbertsville, PA 19525-9438. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Proposed Activity: The application is for a renewal of an NPDES permit to discharge 1,500 gallons per day of treated sewage from the Bart Golf Club WWTP into Swamp Creek.

The receiving stream, Swamp Creek, is in the State Water Plan watershed 3-E and is classified for: trout stocking and migratory fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1,500 gallons per day:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Instantaneous Minimum (mg/l)</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (Standard Units)	6.0		9.0
Dissolved Oxygen	5.0		
Total Residual Chlorine		0.5	1.2
CBOD ₅			
(5/1 to 10/31)		10	20
(11/1 to 4/30)		20	40
Total Suspended Solids		10	20
Fecal Coliform (CFU/100 ml)		200 Geometric Mean	
Ammonia-Nitrogen			
(5/1 to 10/31)		3.0	6.0
(11/1 to 4/30)		9.0	18.0

In addition to the effluent limits, the permit contains the following major special conditions:

The EPA waiver is in effect.

PA0011541, IW SIC 4226, **Sunoco Partners Marketing and Terminals, LP**, 4041 Market Street, Aston, PA 19014. This proposed facility is located in Darby Township, **Delaware County**.

Description of Proposed Activity: renewal of an NPDES permit to discharge stormwater from Darby Creek Tank Farm.

The receiving stream, Darby Creek, is in the State Water Plan watershed 3G and is classified for: trout stocking fishery, aquatic life, water supply and recreation. There is no public water supply intake below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an average stormwater runoff.

<i>Parameters</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Total Recoverable Petroleum		
Hydrocarbons	15	30
Oil and Grease	15	30

In addition to the effluent limits, the permit contains the following major special conditions:

1. Remedial Measures.
2. Change in Ownership.
3. Product Contaminated Stormwater Runoff.
4. PPC Plan.
5. Other Wastewater Discharges.
6. Definitions.
7. Laboratory Certification.
8. Hydrostatic Test Water Discharge.

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

Application No. PA 0027316, Sewage, **City of Lebanon Authority**, 2311 Ridgeview Road, Lebanon, PA 17042. This facility is located in North Cornwall Township, **Lebanon County**.

Description of activity: The application is for an amendment of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Quittapahilla Creek, is in Watershed 7-D, and classified for trout stocking fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Swatara Creek, approximately 17 miles downstream. The discharge is not expected to affect the water supply.

This amendment revises the Chesapeake Bay Strategy Implementation interim milestone dates. The final compliance date is not affected.

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

Application No. PA 0026654, Sewage, **Borough of New Cumberland**, 1120 Market Street, New Cumberland, PA 17070. This facility is located in New Cumberland Borough, **Cumberland County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Susquehanna River, is in Watershed 7-E, and classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Steelton Borough is located on the Susquehanna River, approximately 1.27 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.25 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Phosphorus	2.0		4.0
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform (5/1 to 9/30)		200/100 ml as a Geometric Average	
(10/1 to 4/30)		2,000/100 ml as a Geometric Average	

Chesapeake Bay Requirements

	<i>Concentration (mg/L)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	22,831*
Net Total Phosphorus	XXX	Report	3,044*

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DMR) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2012. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2012.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2010.

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

The EPA waiver is not in effect.

Application No. PA 0088641, Sewage, **Carol Rose**, 238 South Richards Street, Bedford, PA 15522. This facility is located in Juniata Township, **Bedford County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, unnamed tributary to Kegg Run, is in Watershed 11-C, and classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Department of Conservation and Natural Resources—Shawnee State Park is located on the Shawnee Lake, approximately 3.4 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	Report	XXX
pH		from 6.0 to 9.0 inclusive
Fecal Coliform (5/1 to 9/30)		200/100 ml as a Geometric Average
(10/1 to 4/30)		2,000/100 ml as a Geometric Average

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is in effect.

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000.

PA0254151, Industrial Waste, SIC 5171, **Zappi Oil and Gas Company, Inc.**, 44 Bridge Street, Washington, PA 15301. This application is for issuance of an NPDES permit to discharge storm water and treated groundwater from the Washington Distribution Facility in Washington City, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Catfish Creek, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the West View Borough Municipal Authority, located at Neville Island, over 40 miles below the discharge point.

Outfall 001: new discharge of stormwater.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Oil and Grease	Monitor and Report				
Total Suspended Solids	10 20				
Nitrate + Nitrite Nitrogen	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: new discharge of stormwater.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Oil and Grease	Monitor and Report				
Total Suspended Solids	10 20				
Nitrate + Nitrite Nitrogen	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, design flow of 0.0144 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Benzene			0.001		0.0025
Naphthalene			0.01		0.025
Fluorene			1.0		2.5
Toluene			Monitor and Report		Monitor and Report
Ethylbenzene			Monitor and Report		Monitor and Report
Cumene			Monitor and Report		Monitor and Report
Phenanthrene			Monitor and Report		Monitor and Report
Oil and Grease			15.0		30.0
Iron, Dissolved					7.0
Total Suspended Solids			30		75.0
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Residual waste disposal, floating materials, storm water control, oil-bearing wastewater control, chemical additives and discharge sampling.

The EPA waiver is in effect.

PA0025755, Sewage, **Freeport Borough**, 414 Market Street, Freeport, PA 16229. This application is for renewal of an NPDES permit to discharge treated sewage from Freeport Borough STP in Freeport Borough, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Buffalo Creek, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Harrison Township Water Authority on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.35 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5/1 to 10/31)	12.0	18.0		24.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5/1 to 9/30) (10/1 to 4/30)	200/100 ml as a Geometric Mean			
Total Residual Chlorine	2,000/100 ml as a Geometric Mean			
pH	1.0			3.3
	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 002, 004 and 005, which discharge to the receiving waters known as Allegheny River, and Outfalls 003 and 006, which discharge to the receiving waters known as Buffalo Creek, serve as combined sewer overflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. These combined sewer overflows are permitted to discharge only for such reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

The EPA waiver is in effect.

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

PA0001791, Industrial Waste, **Osram Sylvania Products, Inc., Osram Sylvania Products Warren Plant**, P. O. Box 129, Warren, PA 16365. This proposed facility is located in City of Warren, **Warren County**.

Description of Proposed Activity: discharge consisting of NCCW, miscellaneous wastewater and stormwater.

The receiving water is the Allegheny River. The receiving stream is in State Water Plan 16-B and is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. The nearest downstream potable water supply, Emlenton Water Company, is located on the Allegheny River and is approximately 97 miles below the point of discharge.

The proposed effluent limits for Outfall 002 based on a design flow of 0.003 MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (MGD)	XX		
Oil and Grease	15		30
pH	6.0 to 9.0 Standard Units at all times		

XX—Monitor and report

A no exposure exclusion has been granted for stormwater outfalls 001, 003—006 and 009.

This facility is being down-rated from a “major” to a “minor” discharger.

The EPA Waiver is not in effect.

PA0221686, Industrial Waste, SIC Code 2421, **PW Hardwood, LLC**, 11424 Route 36, Brookville, PA 15825. Facility Name: PW Hardwood Dry Kiln. This existing facility is located in Oliver and Rose Townships, **Jefferson County**.

Description of Existing Activity: The application is for a new NPDES permit for an existing discharge of stormwater.

The receiving stream(s), Beaver Run, is located in State Water Plan watershed 17-C and is classified for High Quality Waters-Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of n/a MGD.

The proposed effluent limits for Outfall 004 are based on a design flow of n/a MGD.

The proposed effluent limits for Outfall 006 are based on a design flow of n/a MGD.

The proposed effluent limits for Outfall 007 are based on a design flow of n/a MGD.

The proposed effluent limits for Outfall 008 are based on a design flow of n/a MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Flow (MGD)	Report					
pH				Report		
Chemical Oxygen Demand				Report		
Total Suspended Solids				Report		
Oil and Grease				Report		
Total Iron				Report		

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

- Requirements Applicable to Stormwater Discharges

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 4101401, Sewerage, SIC 4952, **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701-6113. This proposed facility is located in the City of Williamsport, **Lycoming County**.

Description of Proposed Action/Activity: The current Wundies Pump Station has deteriorated due to age and has design deficiencies. It is proposed to install a new pump station just east of the existing unit.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 3209201-A1, Industrial Waste, **RRI Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317. This existing facility is located in West Wheatfield Township, **Indiana County**.

Description of Proposed Action/Activity: Application for permit amendment.

WQM Permit No. 1110402, Sewerage, **Glendale Valley Municipal Authority**, 1800 Beaver Valley Road, Flinton, PA 16640. This proposed facility is located in White and Reade Townships, **Cambria County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant.

WQM Permit No. 5609002, Concentrated Animal Feeding Operation, CAFO, **Hillcrest Saylor Dairy Farms, LLC**, 3684 Kingwood Road, Rockwood, PA 15557. This proposed facility is located in Middle Creek Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a manure storage facility. A new 3,986,000 gallon manure storage facility and related manure collection and transfer structures will supplement existing manure storage.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Lackawanna County Conservation District: 1300 Old Plank Road, Mayfield, PA 18433, 570-281-9495.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023510002	Baptist Bible College & Seminary Attn: Hal Cross 538 Venard Road Clarks Summit, PA 18411	Lackawanna	South Abington Township	Tributary to Leggetts Creek CWF, MF

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S075(2)	Paradise Township R. R. 1 Box 1226 Cresco, PA 18326	Monroe	Paradise Township	Tributary to Cranberry Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033610001	Lancaster County Transportation Authority 129 East Orange Street 3rd Floor Lancaster, PA 17604	Lancaster	Martic Township	UNT to Pequea Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032110002	Samuel Cressler and Michael Proffitt P. O. Box 249 Shippensburg, PA 17257	Cumberland	Shippensburg Borough	Middle Spring Creek HQ
PAI032110001	Schreiber Foods, Inc. Cy Hill 502 North Madison Street Green Bay, WI 54301	Cumberland	Shippensburg Borough	Middle Spring Creek HQ

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456 (724-438-4497).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052609001	Jim Kalp Department of National Resources 400 Market Street Harrisburg, PA 17105	Fayette	Borough of Ohiopyle	Youghiogheny River HQ-CWF

Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301 (724-228-6774).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056310001	Department of General Services 515 North Office Building Harrisburg, PA 17125	Washington	North Bethlehem Township	Little Chartiers Creek HQ-WWF
PAI056310002	Bureau of Engineering and Architecture Room 201 18th and Herr Streets Harrisburg, PA 17125	Washington	North Bethlehem Township	Little Chartiers Creek HQ-WWF

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Erie County Conservation District: 1927 Wager Road, Erie, PA 16509, telephone 814-825-6403.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062510001	Rosanne Palermo, Trinity Equestrian Center, LLC 3437 West Lake Road Erie, PA 16505	Erie	Fairview Township	Bear Creek CWF, MF

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

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at www.pacd.org/districts/directory.htm or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Green Valley Farm Barley James 2266 Junction Road Seven Valleys, PA 17360	York	16.21	1,892.79	Swine	NA	Renewal
Hillandale—Bailey Farms 2820 Daron Road Spring Grove, PA 17362	York	305	4,095.89	Layer	NA	Renewal
Meadow Run Farm 4270 Harvest Road Manheim, PA 17545	Lebanon	107	967.5	Swine	NA	Renewal
Jeffery Werner 897 North Lancaster Street Jonestown, PA 17038	Lebanon	454.8	489.61	Turkey	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (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 any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who 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 should 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 (35 P. S. §§ 721.1—721.17)

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

Application No. 3909507, Public Water Supply.

Applicant	Lehigh County Authority
Township or Borough	Upper Macungie Township Lehigh County
Responsible Official	Aurel M. Arndt General Manager Lehigh County Authority 1053 Spruce Street P. O. Box 3348 Allentown, PA 18106
Type of Facility	Community Water System
Consulting Engineer	Charles E. Volk, P. E. ARRO Consulting, Inc. 1150 Glenlivet Drive Allentown, PA 18106 484-664-7310
Application Received Date	June 1, 2009
Description of Action	Application for construction of a primary booster pump station, a 24-inch transmission main and interconnection to allow for transfer of water from the City of Allentown's distribution system to the LCA distribution system. Also, application for construction of a secondary booster pump station to transfer water from Allentown's Schantz Spring Reservoir to the LCA distribution system.

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

Application No. 2010501, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
Township or Borough Sadsbury Township
Crawford County
Responsible Official Marc A. Luca, P. E.
Consulting Engineer Peter J. Kusky, P. E.
Assistant Division/Production
Manager
665 South Dock Street
Sharon, PA 16146
Application Received 01/19/2010
Date
Description of Action Upgrade to Lakeside Well
Station, including reconstruction
of well house, in-kind
replacement of Well No. 2 and
disinfection contact time
improvements.

Application No. 4310501, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
Township or Borough Borough of Farrell
Mercer County
Responsible Official Peter J. Kusky, P. E.
Consulting Engineer Brian T. Bisson, P. E.
VP of Engineering
Aqua Ohio, Inc.
6650 South Avenue
Boardman, OH 44512
Application Received 01/19/2010
Date
Description of Action Carnegie View Booster Station
replacement; construction of new
booster station to replace aging
booster station on same property.

Application No. 4310502, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
Township or Borough Shenango Township
Mercer County
Responsible Official Peter J. Kusky, P. E.
Consulting Engineer
Brian T. Bisson, P. E.
VP of Engineering
Aqua Ohio, Inc.
6650 South Avenue
Boardman, OH 44512
Application Received 01/19/2010
Date
Description of Action Mitchell Road Booster Station
replacement; construction of new
booster station to replace aging
booster station on same property.

MINOR AMENDMENT

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

Application No. 3910501.

Applicant **Lehigh County Authority**
Township or Borough Upper Milford Township
Lehigh County
Responsible Official Aurel M. Arndt
General Manager
Lehigh County Authority
1053 Spruce Street
P. O. Box 3348
Allentown, PA 18106
Type of Facility Community Water System
Consulting Engineer Charles E. Volk, P. E.
ARRO Consulting, Inc.
1150 Glenlivet Drive
Allentown, PA 18106
484-664-7310
Application Received January 29, 2010
Date
Description of Action Application for upgrades at the
Far View Farms Pump Station to
include the addition of a 20,000
gallon storage tank and change
of pH adjustment chemical from
soda ash to caustic soda.

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

Application No. 7223-T1-MA4, Minor Amendment.

Applicant **Erie City Water Works**
Township or Borough City of Erie
Erie County
Responsible Official Craig H. Palmer, P. E.
Engineering Services Manager
Type of Facility Public Water System
Application Received 01/26/2010
Date
Description of Action Chestnut Street WTP Building
Repair Improvements including
concrete tank repair; sludge
collection replacement, valve
replacement and filter cleaning.

Application No. 363W3-T1-MA4, Minor Amendment.

Applicant **Erie City Water Works**
Township or Borough Erie City
Erie County
Responsible Official Craig H. Palmer, Engineering
Services Manager
Type of Facility Public Water System
Application Received 01/26/2010
Date
Description of Action Installation of 16" D.I. Water
Main and construction of 3.7 MG
concrete water storage tank.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (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. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must 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, a combination of the cleanup standards or who 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 any 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 sites identified, 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. 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 before which the notice appears. 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.

QVC, 1200 Wilson Drive, West Goshen Township, **Chester County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, Michael Young, MY Aviation, P. O. Box 27219, Philadelphia, PA 19118 on behalf of Kelly Redington, QVC Realty, Inc., Studio Park, MC 121, West Chester, PA 19380 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of jet fuel. The QVC property is currently operated as a multimedia retailer facility.

Specialty Produce & Services Inc., Bedminster Township, **Bucks County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Fred Prozzillo, Specialty Products & Services, Inc., 6626 Eaton Road, Pipersville, PA 18947 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will remain the same.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

F. L. Smithe Machine Company, Inc., Allegheny Township and Duncansville Borough, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Barry-Wehmiller Companies, Inc., 8020 Forsyth Boulevard, Saint Louis, MO 63105, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents from historical operations. The site will be remediated to a combination of Statewide Health and Site-Specific Standards. Future use is unknown.

F. L. Smithe Machine Company, Inc., Blair Township and Duncansville Borough, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Barry-Wehmiller Companies, Inc., 8020 Forsyth Boulevard, Saint Louis, MO 63105, submitted a Notice of Intent to Remediate groundwater contaminated with chlorinated solvents from historical operations. The site will be remediated to a Background Standard, and future use is unknown.

Ronald L. Meck Rental Property, West Cocalico Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Ronald L. Meck, 275 Creamery Road, Denver, PA 17517, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The site will be remediated to the Residential Statewide Health Standard and will remain as residential/agricultural.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Avery Dennison Corp., (Former Paxar Facility) Sayre Borough, **Bradford County**. Avery Dennison, 7 Bishop Street, Framingham, MA has submitted a Notice of Intent to Remediate soil and groundwater contaminated with volatile organic compounds, semi-volatile organic compounds, and metals. The intended future use of the property is nonresidential with commercial and/or industrial uses.

RESIDUAL WASTE GENERAL PERMITS

Application(s) Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904);

and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, Floor 14, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR123. Hydro Recovery, LP, 7 Riverside Plaza, Blossburg, PA 16912.

General Permit Numbered WMGR123 is for the processing of wastewater (for example, flow back gas well water—frac water) from various Marcellus Shale gas drilling operations at the Hydro Recovery Hydraulic Stimulation Fluid (HSF) Manufacturing facility, to be located in the Blossburg Borough, Tioga County. The processing treats High Total Dissolved Solids Fluids (HTDSF) flow back wastewater in the production of HSF, without a discharge, that will be sold for reuse in the extraction of natural gas from various Marcellus Shale oil drilling operations. Central Office received the application on January 8, 2010 and determined it administratively complete on February 3, 2010.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department of Environmental Protection 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.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit Application No. 300717. Pine Hill Inc., P. O. Box 62, Blossburg, PA 16912, Ward Township, Tioga County. A minor permit modification for soil amendment for attenuating soil in the existing residual waste landfill. The application was received by Northcentral Regional Office on January 22, 2010.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department of Environmental Protection 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.

Permit Application No. 301626. White Pines Corporation, 515 SR 442, Millville, PA 17846. Pine Township, Columbia County. A minor permit modification to truck leachate for up to 1 year and changes to the

existing leachate pretreatment facility for pH and nitrification. The application was received by Northcentral Regional Office on January 28, 2010.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department of Environmental Protection 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

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.

46-0200C: John Middleton Co. (418 West Church Road, King of Prussia, PA 19406) for modification of existing sources for a tobacco conditioning and flavoring process, and the additions of a new specialty process and a 700 hp (29.0 MMBtu/hr) natural gas-fired boiler, at their facility in Upper Merion Township, **Montgomery County**. As a result of potential emissions of VOCs, the facility is a State-only facility, with restrictions or controls. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

39-332-001: B. Braun Medical, Inc. (901 Marcon Boulevard, Allentown, PA 18109) for reactivation and operation of an ethylene oxide (ETO) sterilization unit at their facility in Hanover Township, **Lehigh County**. Presently the company operates ethylene oxide (ETO) sterilization process consisting of nine (9) ETO sterilization chambers (Units 101—109); eight (8) of which are currently operational at the facility. By this Plan Approval Application the company has requested reactivation of Unit 109. The company will continue to use the wet scrubber and catalytic oxidizer to control the ethylene oxide emissions from the operations. Oxidizer and scrubbers are designed to control at least 99% of ETO emission or to maintain an outlet ETO concentration of less than or equal to 1 ppmv in accordance with 40 CFR Part 63 Subpart O. Use of wet scrubber and oxidizer to control ETO emissions would constitute the BAT for this type of source. The company is subject to 40 CFR Part 63 Subpart O—Ethylene Oxide Emissions Standards for Sterilization Facilities, and has been complying with the regulation since its effective date. Unit 109 will also be subject to the requirements of 40 CFR Part 63 Subpart O. The company will operate the facility and maintain the sources in accordance with the good engineering practices to assure proper operation of sources. 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.

48-329-008: PPL Renewable Energy, LLC (Two North Ninth Street, Allentown, PA 18101) for a plan approval to construct and operate three (3) 1,600 kW Caterpillar model G3520C landfill gas fired engines at

their facility in Glendon Borough, **Northampton County**. The Department of Environmental Protection's review of the information submitted by PPL Renewable Energy indicates that the proposed engines will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements. The company shall comply with 123.31 for malodorous emissions. The company shall comply with 123.41 for visible emissions. The engines are subject to 40 CFR Part 63 Subpart ZZZZ. The engines are subject to 40 CFR Part 60 Subpart JJJJ requirements. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO_x emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The CO emissions from the facility will not equal or exceed 250 TPY, based on a 12-month rolling sum. The SO₂ emissions from the facility will not equal or exceed 250 TPY, based on a 12-month rolling sum. Total PM emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

67-05020A: Exelon Generation Co., LLC (1848 Lay Road, Delta, PA 17314) for modification of an auxiliary #2 fuel oil-fired boiler at their Peach Bottom Atomic Power Station in Peach Bottom Township, **York County**. Emissions from the boiler will not be affected by the proposed modifications. The plan approval will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.

41-00079A: Eureka Resources, LLC (301 Charles Street, South Williamsport, PA 17702) for modification of a gas well water treatment operation in Williamsport, **Lycoming County**.

The Department of Environmental Protection's (Department) review of the information submitted by Truck-Lite Co., Inc. indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the particulate matter emission limitation of 25 Pa. Code § 123.13, the sulfur oxides limitation of 25 Pa. Code § 121.21, the visible emission limitation of 25 Pa. Code § 123.41 and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emissions from the surface coating operation and burn off oven will not exceed 3.88 tons of PM10, 6.86 tons of volatile organic compounds and 1.88 tons of acetone per year. The total combined emission from all sources at this facility will not exceed the following limits in any 12 consecutive month period: NOx-0.63 tons; CO-0.27 tons; VOCs-6.86 tons; PM10-3.88 ton.

In addition to the emission limitations, the following is a summary of the types of conditions the Department intends place in the plan approval to ensure compliance with all applicable regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Emission and material usage restrictions to limit the emission of PM10, volatile organic compounds and acetone.

Work practice requirements to install and operate the source and control device with good air pollution control practices.

Recordkeeping conditions to verify compliance with the emission limitations and all applicable requirements.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-0512.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

37-121A: Flowline—Division of Markovitz Enterprises, Inc. (P. O. Box 7027, New Castle, PA 16107-7027) for a plan approval approval to replace existing vapor degreaser unit at their facility on 1400 New Butler Road in Shenango Township, **Lawrence County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection intends to issue a plan approval approval to replace an existing vapor degreaser unit at their facility on 1400 New Butler Road in Shenango Township, Lawrence County.

Flowline is proposing to operate the sources using n-propyl bromide as the solvent. The use of this non-HAP solvent will make the source subject to the regulations of 25 Pa. Code § 129.63. The emission limit for the batch vapor solvent cleaning machine with a solvent/air interface shall be 30.7 pounds of VOC per square foot per month determined as a 3-month rolling average. The maximum VOC emissions from the degreaser shall not exceed 5.38 tons per year, on a 12 month rolling sum.

This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

15-00037: Oberthur Technologies (523 James Hance Court, Exton, PA 19341) for operation of credit and security card manufacturing in West Whiteland Township, **Chester County**. This action is a renewal of the Title V Operating Permit. The initial permit was issued on December 10, 1999. No new sources are being added under this permit renewal. The facility shall continue to be subject to a Plantwide Applicability Limit (PAL) of 47.895 tons per 12-month rolling period for VOC. The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. The operating permit will contain requirements to keep the facility operating within all applicable air quality requirements for this source.

46-00025: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) for amendment of the Title V Operating Permit in Upper Merion Township, **Montgomery County**. The amendment is to incorporate the requirements of Plan Approval No. PA-46-0025C and 40 CFR 63 Subpart EEE—National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors. The Operating Permit will contain requirements to keep the facility operating within all applicable air quality requirements for this source.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: Muhammad Zaman, Facilities Permitting Chief—Telephone: 570-327-0512.

19-00007: Transcontinental Gas Pipeline Co. (P. O. Box 1396, Houston, TX 77251-1396) for renewal of the Title V Operating Permit (TVOP) for Station 517 in Hebron Township, **Potter County**. The facility is currently operating under TVOP 19-00007 which was issued February 10, 2005. The facility's main sources include four (4) compressor turbine-engines, one (1) auxiliary engine-generator, three (3) storage tanks with capacities greater than 2,000 gallons and various heaters. All combustion sources are fired on natural gas. The facility is a Title V facility for nitrogen oxides emissions. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, record-keeping and reporting conditions.

60-00002: NGC Industries, Inc. (P. O. Box 210, West Milton, PA 17886) for renewal of the Title V operating permit for their Milton Plant facility located in White Deer Township, **Union County**. The facility's sources include one 162.5 million btu per hour boiler and one 68.9 million Btu per hour boiler both fired on natural gas and No. 6 fuel oil, one 0.90 million Btu per hour liquid propane-fired boiler, one 0.065 million Btu per hour liquid propane-fired heater, one 150-brake horsepower diesel-fired firewater pump, one 30-brake horsepower liquid propane-fired emergency power generator, one 300,000 gallon No. 6 fuel oil storage tank, one 19,000 gallon aluminum sulfate storage tank, one 7,500 gallon Buckman 157 paper sizing agent storage tank, one 4,000 gallon phosphoric acid storage tank, one 7,500 gallon Nalco 61708 retention aid storage tank, two 30-gallon each recirculatory parts washers, and miscellaneous sources determined to be of minor significance. The facility has the potential to emit nitrogen oxides (NOx), particulate matter (PM/PM10), and sulfur oxides (SOx) above their respective major emission thresholds. The potential emissions for volatile organic compounds

(VOCs), volatile hazardous air pollutants (VHAPs), and carbon monoxide (CO) are below their respective major emission thresholds. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00003: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for renewal of the Title V Operating Permit for their Luther facility in Brady Township, **Clearfield County**. The facility's sources include two (2) reciprocating internal combustion engines, nine (9) storage tanks, three (3) water heaters, three (3) parts washers, eleven (11) space heaters, one (1) boiler, one (1) emergency generator, one (1) glycol dehydration system, one (1) dehydration water tank and associated pipeline flanges and valves, which have the potential to emit major quantities of nitrogen oxides (NOx) and carbon monoxide (CO). The facility has the potential to emit, volatile organic compounds (VOCs), volatile hazardous air pollutants (VHAPs), particulate matter (PM/PM10), and sulfur oxides (SOx) below the major emission thresholds. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

46-00221: Upper Moreland—Hatboro Joint Sewer Authority (2875 Terwood Road, Willow Grove, PA 19090) is a non-Title V, Natural Minor facility in Upper Moreland Township, **Montgomery County**. The facility owns and operates a sewage treatment plant, a sewage sludge incinerator with a venturi scrubber, an impingement scrubber, and an afterburner, and a 2,000 KW emergency generator. The facility's potential to emit criteria pollutants is less than major thresholds. The sewage sludge incinerator is subject to the requirements of 40 CFR Part 503 Subpart E. The emergency generator is subject to the requirements of 40 CFR Part 60 Subpart III. Monitoring and recordkeeping requirements have been added to the permit to address applicable limitations.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

48-00088: Greenstar, LLC (799 Smith Lane, Northampton, PA 18067) for operation of a glass recycling and processing facility in Northampton Borough, **Northampton County**. This is a new State-only operating permit.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.

19-00028: White Pines Corp. (2650 Audubon Road, Audubon, PA 19403-2406) for the White Pines Landfill in Pine Township, **Columbia County**. The facility's main sources include one (1) diesel-fired engine-generator, one (1) double-deck screening operation, landfill cells, collection and perimeter wells. The facility has the potential to emit particulate matter (PM10), nitrogen oxides (NOx),

carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and sulfur oxides (SOx) below the major emission thresholds. The proposed operating permit contains requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulations.

53-00016: Tennessee Gas Pipeline Co. (1001 Louisiana Street, P. O. Box 2511, Houston, TX 77252-2511) for their Ellisburg booster station (Station 313A) in Genesee Township, **Potter County**. The facility's main sources include two (2) natural gas-fired compressor engines, one (1) emergency engine, pipeline valves and flanges. The facility has the potential to emit particulate matter (PM10), nitrogen oxides (NOx), carbon monoxide (CO), sulfur oxides (SOx), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains applicable requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulations.

41-00037: MET-FAB, Inc. (P. O. Box 5055, Jersey Shore, PA 17740) for their plant in Loyalsock Township, **Lycoming County**. The facility's main sources include one (1) natural gas fired burn-off oven, one (1) natural gas fired bake oven, one (1) cold cleaning solvent parts washer, one (1) powder coating booth and welding operations. The facility has the potential to emit SOx, NOx, CO, PM (PM10), VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

47-00012: HRI, Inc. (1750 West College Avenue, Suite No. 1, State College, PA 16801) for operation of their Milton hot mix asphalt plant in Liberty Township, **Montour County**. The facility's main source is a batch hot mix asphalt plant equipped with a 125 MMBTU/hr fuel natural gas/oil fired aggregate dryer with the air contaminants controlled by a cyclone collector and a fabric collector operating in series. By taking a limit on the amount of asphalt concrete produced in any 12 consecutive month period to 540,000 tons, this facility has the potential to emit sulfur oxides, (SOx), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and particulate matter less than 10 microns (PM10) below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00040: Williamsport Foundry Co., Inc. (164 Maynard Street, Williamsport, PA 17701) for issuance of a State-only operating permit for operation of their facility in the City of Williamsport, **Lycoming County**. The facility incorporates two natural gas- and No. 2 fuel oil-fired heaters with a combined maximum heat input rating of 2.0 MMBtu/hr; one No. 2 fuel oil-fired core oven with a maximum heat input rating of 0.77 MMBtu/hr; one grey iron cupola with afterburner, cyclone, and fabric collector; various casting cleanup equipment and mold reclamation equipment with cyclone and fabric collector; a pouring/casting operation; a casting cooling operation; a casting shakeout operation; one sand storage tank with fabric collector; a brass, bronze, and aluminum casting operation; one 275-gallon oil storage tank; and various woodworking equipment. The facility has the potential to emit up to 36.66 of PM/PM10, 6.47 tons of any multiple HAPs, less than 6.47 tons of any single HAP, 1.44 tons of SOx, 1.44 tons of NOx, 6.47 tons of VOCs and 73.39 tons

of CO per year. The facility is not a major (Title V) facility for any air contaminant. The Department of Environmental Protection (Department) proposes to issue State-only operating permit 41-00040. The Department intends to incorporate into the operating permit all conditions currently contained in Operating Permits 41-304-002 and 41-304-005B.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940.

10-00340: Eagle Printing Co. (P. O. Box 271, Butler, PA 16003-0271) for issuance of a Synthetic Minor Operating Permit to operate a printing press on West Wayne Street, in the City of Butler, **Butler County**. The facility's primary emission sources include a heat set printing process and a cold set printing process.

25-00395: Eriez Magnetics (2200 Asbury Road, Erie, PA 16506-1440) to issue a renewal State-only operating permit for their facility in Millcreek Township, **Erie County**. The primary sources at the facility include a natural gas boiler and two furnaces for comfort heat, two spray booths, two paint spray gun cleaners, a parts washer and an emergency generator. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). 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 of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit 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 above 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 related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of suffi-

cient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests 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 a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application 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 § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall 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. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The 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) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

56100101 and NPDES Permit No. PA0262951. Berwind Coal Sales Company, 509 15th Street, Windber, PA 15963, commencement, operation and restoration of a bituminous surface mine in Paint Township, **Somerset County**, affecting 263.6 acres. Receiving stream(s): unnamed tributaries to/and Stonycreek River classified for the following use(s): cold water fishery and warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 20, 2010.

56060108 and NPDES Permit No. PA0249921. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 98.3 acres. Receiving stream(s): unnamed tributaries to/and Millers Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 27, 2010.

11990101 and NPDES Permit No. PA0235041. Twin Brook Coal, Inc., P. O. Box 225, Clymer, PA 15728, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Barr Township, **Cambria County**, affecting 80.0 acres. Receiving stream(s): unnamed tributaries to/and Hoppel Run and West Branch Susquehanna River classified for the following use(s): cold water fishery, warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 29, 2010.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

26100101 and NPDES Permit No. PA0251879. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Application for commencement, operation and reclamation of a bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 36.4 acres. Receiving streams: unnamed tributaries to Georges Creek, classified for the following use: WWF. The potable water supplies with intake within 10 miles downstream from the point of discharge: Masontown Borough and Carmichaels Municipal Water Authority. Application received: January 12, 2010.

03101001. McVile Mining Company (301 Market Street, Kittanning, PA 16201). BMR-GP-103 application General Permit for short-term construction project to the Logansport Coal Load-out, located in Bethel Township, **Armstrong County**, affecting acres 4.9. Receiving stream: unnamed tributary to Allegheny River, classified for the following use: WWF. Application received: January 19, 2010.

02030301 and NPDES Permit No. PA0004278. LaFarge North America, Inc. (5160 Main Street, Whitehall, PA 18052). Revision application to add 6.5 acres of an existing large noncoal surface mine, located in West Mifflin Township, **Allegheny County**, affecting 112.5 acres. Receiving stream: Thompson Run, 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 1, 2010.

02743004 and NPDES Permit No. PA126756. Deep Valley Coal & Disposal, Inc. (7111 Steubenville Pike, Oakdale, PA 15071). Renewal application for continued of a bituminous surface mine, located in North Fayette Township, **Allegheny County**, affecting 35 acres. Receiving stream: Pinkerton Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 1, 2010.

03830116 and NPDES Permit No. PA0599727. Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215). Renewal application for continued mining of an existing bituminous surface mine, located in Kittanning Township, **Armstrong County**, affecting 830 acres. Receiving streams: unnamed tributaries of Mill Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 4, 2010.

02823014 and NPDES Permit No. PA0617661. Set- tler's Ridge, LP (c/o CBL & Associates Properties, Inc., 800 South Street, Suite 395, Waltham, MA 02453). Re- newal application for continued treatment of an existing bituminous surface mine, located in Robinson Township, **Allegheny County**, affecting .321 acre. Receiving stream: Campbells Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 5, 2010.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

33030108 and NPDES Permit No. PA0242420. Falls Creek Energy Co., Inc. (568 Silvis Hollow Road, Kittan- ning, PA 16201) Revision to an existing bituminous strip and auger operation to change the post-mining land use from forestland to pastureland on the property of A. Anson and Marie Brosious in Beaver Township, **Jef- ferson County**. Receiving streams: Unnamed tributary to Sandy Lick Creek classified for the following Statewide uses: CWF. The first downstream potable water supply intake from the point of discharge is Hawthorne Area Water Authority. Application received: February 2, 2010.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

17900143 and NPDES No. PA0206458. TDK Coal Sales, Inc. (279 Shannon Road, Monongahela, PA 15063), renewal of an existing bituminous surface mine located in Penn and Brady Townships, **Clearfield County** affecting 342.5 acres. Receiving streams: Irish Run (Cold Water Fishery), and an unnamed tributary to Irish Run (Cold

Water Fishy). There are no potable water supply intakes within 10 miles downstream. Application received: Janu- ary 15, 2010.

17100102 and NPDES No. PA0257273. King Coal Sales, Inc. (P. O. Box 712, Philipsburg, PA 16866). Appli- cation for the commencement, operation and restoration of a bituminous surface mine located in Cooper Township, **Clearfield County** affecting 61.0 acres. Receiving stream(s): Sulphur Run (Cold Water Fishery) and Moshannon Creek (Cold Water Fishery). There are no potable water supply intakes within 10 miles down- stream. Application received: January 26, 2010.

Pottsville District Mining Office: 5 West Laurel Boule- vard, Pottsville, PA 17901, 570-621-3118.

40030202T. Pioneer Equipment Rentals, Inc., (645 Laurel Run Road, Bear Creek Township, PA 18702), transfer of an existing anthracite coal refuse reprocessing operation from McClure Enterprises, Inc. in Hughestown and Duryea Boroughs, **Luzerne County**, affecting 159.0 acres, receiving stream: none. Application received: Janu- ary 26, 2010.

54040202R. Frederick Consulting, (P. O. Box 524, Minersville, PA 17954), renewal of an existing anthracite coal refuse reprocessing operation in Cass Township, **Schuylkill County**, affecting 30.0 acres, receiving stream: none. Application received: January 27, 2010.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	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 precipita- tion 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.

Greensburg District Mining Office: Armbrust Profes- sional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

26102801. Fayette Coal & Coke, Inc. (195 Enterprise Lane, Connellsville, PA 15425). Application for commence- ment, operation and reclamation of a small noncoal surface mine, located in Luzerne Township, **Fayette County**, affecting 3.9 acres. Receiving stream: Monongahela River, classified for the following use: WWF. Application received: January 25, 2010.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

59950301 and NPDES No. PA0220086. Jill D. Cross (P. O. Box 240, Mainesburg, PA 16932), renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Sullivan Township, **Tioga**

County. Receiving stream: Corey Creek classified for Cold Water Fishery. Application received: January 25, 2010.

59880301 and NPDES No. PA0116327. Jill D. Cross, (P. O. Box 240, Mainesburg, PA 16932), renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Clymer Township, **Tioga County**. Receiving streams: Mill Creek to Cowanesque River classified for Trout Stocked Fisheries. Application received: January 19, 2010.

59020301 and NPDES No. PA0243213. Jill D. Cross, (P. O. Box 240, Mainesburg, PA 16932), renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Lawrence Township, **Tioga County**. Receiving streams: Harts Creek to Tioga River classified for Warm Water Fisheries. Application received: January 25, 2010.

08990301 and NPDES No. PA0242721. Calvin C. Cole, Inc. (27321 Route 220, Milan, PA 18831), renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Athens Township, **Bradford County**. Receiving stream: Susquehanna River classified for Warm Water Fishery. Application received: January 25, 2010.

59980302 and NPDES No. PA0238066. Dunbar Farm & Gravel, (6222 Route 249, Westfield, PA 16950), renewal of the surface mine permit and NPDES Permit for discharges of treated mine drainage from a quarry operation in Westfield and Chatham Townships, **Tioga County**. Receiving stream: Jemison Creek classified for Warm Water Fishery. Application received: January 25, 2010.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

6176SM6C9 and NPDES Permit No. PA0223484. Bear Gap Stone, Inc., (432 Quarry Road, Elysburg, PA 17824), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Ralpho Township, **Northumberland County**, receiving stream: unnamed tributary to South Branch of Roaring Creek, classified for the following use: High Quality—cold water fishery and migratory fishery. Application received: February 1, 2010.

8274SM5C4 and NPDES Permit No. PA0123480. ICM of Pennsylvania, Inc., (638 Lancaster Avenue, Malvern, PA 19355), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Fulton Township, **Lancaster County**, receiving stream: Octoraro Creek, classified for the following use: High Quality—trout stocking. Application received: February 4, 2010.

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 of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of 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 or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the 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. Individuals 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 each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should 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 Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E51-238. Philadelphia City/Fairmount Park Commission, 1515 Arch Street, 10th Floor, One Parkway Building, Philadelphia, PA 19102, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

Fairmount Water Works Amenities and Island Enhancements Project

To: construct the following water obstruction and encroachments associated with an isolated island within the Schuylkill River (WWF, MF) and its Floodway. Specific Water Obstruction and Encroachment activities associated with this project are:

1) construct and maintain a 12-foot wide bituminous bicycle path and pedestrian walkway in the floodway, approximately 550 linear feet.

2) construct and maintain 6 feet wide, approximately 600 linear feet long boardwalk, 110 feet spans wetland, 50 feet spans the channel, within the wetlands on the site approximately 0.30 acre with a proposed mitigation plan.

3) conduct dredging activities of approximately 0.63 acre and 1,300 cubic yards of removal materials within the stream to accommodate the construction of a proposed Aquatic bench for habitats.

4) construct and maintain a 25-foot span steel bridge with associated abutment with approximately 6 feet underclearance which will connect Philadelphia mainland with the island situated within the Schuylkill River.

5) construct and maintain a bioretention stormwater management basin approximately 4,000 square feet within the floodway of the stream to meet up with NPDES regulations and the project educational goals.

The project is centered on a mixed patch of land and wetlands between the island in the Schuylkill River and the Aquarium Drive (formerly Waterworks Drive) on the mainland in the City of Philadelphia, Philadelphia County (Philadelphia, PA Quadrangle N: 16.99 inches; W: 8.22 inches).

Revised

To: perform the following water obstruction and encroachment activities associated with the Fairmount Waterworks Amenities and Island Enhancement project within the floodplain of the Schuylkill River (WWF, MF):

6) construct and maintain an approximately 550-foot long, 12-foot wide segment of a bituminous pathway.

7) construct and maintain an approximately 600-foot long, 6-foot wide boardwalk impacting approximately 0.11 acre of wetlands (PFO/SS).

8) dredge approximately 1,300 cubic yards within the stream associated with the installation of the proposed aquatic bench for habitats.

9) construct and maintain a 25-foot span, 8 feet wide, and 6-foot underclearance steel bridge connecting Philadelphia mainland to the island situated within the Schuylkill River.

10) construct and maintain a stormwater management facility/basin.

The proposal will temporarily impact .30 acre and the applicant proposed to mitigate approximately 0.11 acre of wetland impacts. The project connects the island in the middle of the Schuylkill River to the Aquarium Drive (formerly Waterworks Drive) on the mainland in the City of Philadelphia, Philadelphia County (Philadelphia, PA USGS Quadrangle N: 16.99 inches; W: 8.22 inches).

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.

E48-400. City of Bethlehem, 10 East Church Street, Bethlehem, PA 18018, in City of Bethlehem, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To: construct and maintain a stream restoration project in a 1,100-foot reach of Monocacy Creek (HQ-CWF) with work consisting of removing existing in-stream structures; grading and minor realignment of the channel and floodplain; placement of boulder grade control structures, boulder vanes, random boulders, boulder stepping stones, and buried logs; and the construction of approximately 130 feet of stepped-back boulder retaining wall along the left bank and 90 feet of stepped-back boulder retaining wall along the right bank of the channel. The project will also include the placement of rock aprons and pre-formed rock scour holes at the outlets of existing stormwater outfalls.

The project is located in Illicks Mill Park and begins near the intersection of Monocacy Creek and Illicks Mill Roads (Catasaqua, PA Quadrangle Latitude: 40° 38' 29"; Longitude: 75° 22' 46").

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

E67-876: York College of Pennsylvania, 439 Country Club Road, York, PA 17403-3651, Smurfit-Stone Paper Plant, City of York, **York County**, ACOE Baltimore District.

To: construct and maintain a single span pedestrian bridge having a normal span of 50.0 feet, an underclearance of 10.3 feet and a width of 8.0 feet, across Tyler Run (WWF) for the purpose of providing pedestrian access to a planned expansion of the college campus. The project is located on a tract of land immediately south of Kings Mill Road, west of the intersection of Kings Mill Road and South Penn Street on the former Smurfit-Stone Paper Plant (York, PA Quadrangle N: 13.9 inches; W: 15.3 inches, Latitude: 39° 57' 05"; Longitude: 76° 44' 01") in the City of York, York County.

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E04-334. County of Beaver, 810 3rd Street, Beaver, PA 15009. To: remove existing structure and construct new box culvert in Raccoon Township, **Beaver County**, Pittsburgh ACOE District (Aliquippa, PA Quadrangle N: 19.3 inches; W: 17.0 inches, Latitude: 40° 36' 23"; Longitude: 80° 22' 21"). The applicant proposes to remove the existing structure (Pohl's Road Bridge—T379) and to construct and maintain a new box culvert having a span of 17.5 feet with an underclearance of 4.0 feet in and across the channel of an Unnamed Tributary to Service Run (HQ-CWF) and to relocate and maintain approximately 25.0 linear feet of a second Unnamed Tributary to Service Run for the purpose of improving highway safety. The project is located on Pohl's Road (T-379), approximately 1,800.0 feet southwest from the intersection of Pohl's Road (T-379) and Green Garden Road (SR 3016) and will impact a total of approximately 85.0 linear feet of stream channel.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E33-240. Department of Transportation, District 10-0. SR 2023, Across Sandy Lick Creek, in Pine Creek Township, **Jefferson County**, ACOE Pittsburgh District (Brookville, PA Quadrangle N: 41° 09' 10"; W: 79° 03' 10").

To: remove the existing bridge and to construct and maintain a steel multi-girder bridge having two clear, normal spans of 61 feet and a minimum underclearance of 13.35 feet on an alignment shifted approximately 30 feet downstream across Sandy Lick Creek on SR 2023, Section 551, Segment 0270, Offset 2862 approximately 200 feet south of SR 322. Project will include the temporary use of construction access and cofferdams within Sandy Lick Creek.

ENVIRONMENTAL ASSESSMENTS

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

EA 32-010. Stream Restoration Incorporated, 3016 Unionville Road, Cranberry Township, PA 16066. To: treat acid mine drainage in Armstrong Township, **Indiana County**, Pittsburgh ACOE District (McIntyre, PA Quadrangle N: 13.8 inches; W: 3.7 inches, Latitude: 40° 34' 33.99"; Longitude: 79° 16' 34.98"). The applicant proposes to lower the dam breast height of an existing pond and construct a 0.5 acre treatment wetland involving: (1) the excavating of a 0.13 acre of PEM wetland; (2) the excavation; and (3) placement of fill within the floodway of Reeds Run (TSF), and the placement of fill in the channel of an unnamed tributary to Reeds Run. The purpose of the project is to treat acid mine drainage.

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 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.

<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 related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth 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 set forth in the respective permit. 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, 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 the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209481 (Sewage)	MGR Properties Management 342 Voyzey Road Philipsburg, PA 16866	Decatur Township Clearfield County	Shimel Run CWF	Y
PA0228281 (Sewage)	Tabernacle of the Living God Tracydale Road Milesburg, PA 16853	Centre County Boggs Township	Unnamed Tributary to Bald Eagle Creek 9-C	Y
PA0208914 (Sewage) Non-Public	Great Dane Limited Partnership 70 Strick Road Danville, PA 17821	Montour County Limestone Township	UNT to County Line Branch SWP 10D	Y
PA0228044 (Sewage)	WJM Services, Inc. 52 Zerbe Street Cressona, PA 17929	Bradford Township Clearfield County	UNT to Abes Run CWF	Y

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0216984 Sewage	Shannock Valley General Services Authority 111 South Center Street P. O. Box 168 NuMine, PA 16244	Armstrong County Cowanshannock Township	NuMine Waste Water Treatment Plant	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221244	Salem Tube, Inc. 951 Fourth Street Greenville, PA 16125	Pymatuning Township Mercer County	Dry/intermittent tributary to Big Run 20-A	Y
PA0221759	Robert L. Shuttleworth 923 Fern Road Saint Marys, PA 15857-3022	Jones Township Elk County	Unnamed tributary to East Branch Clarion River 17-A	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

NPDES Permit No. PA0051756, Sewage, **State Farm Mutual Automobile Insurance Company**, One State Farm Drive, Concordville, PA 19331. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 25,000 gpd of treated sewage into an Unnamed Tributary to West Branch of Chester in Watershed 3G.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

PA0233871, SIC 4952, **Scott Davies**, 112 Whites Church Road, Bloomsburg, PA 17815. This proposed facility is located in Mount Pleasant Township, **Columbia County**.

Description of Proposed Activity: The existing on-lot system is malfunctioning and in need of replacement. A new SFTF with a proposed flow of 500 GPD will be constructed so the existing facility can be decommissioned. The receiving stream, Unnamed Tributary to Fishing Creek, is in the State Water Plan watershed 5C and is classified for: Cold Water Fishes (CWF). The nearest downstream public water supply intake for United Water Pennsylvania Bloomsburg is located on Fishing Creek and is 4.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum mg/l</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Flow (GPD)			Monitor Only		Monitor Only
BOD ₅			25		50
Total Suspended Solids			30		60
Total Residual Chlorine			Monitor and Report		
pH (Standard Units)			Not < 6.0 nor > than 9.0		
Fecal Coliform			200/100 mL		

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

NPDES Permit No. PA0254053, Sewage, **St. Paul's Highfield Lutheran Church**, R. D. 1, Box 134A, Vandergrift, PA 15990. This proposed facility is located in Parks Township, **Armstrong County**.

Description of Proposed Action/Activity: Permit issuance for sewage discharge.

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

NPDES Permit No. PA0104370, Industrial Waste, **CMSJLP, LLC**, 103 Bridge Street, Ridgway, PA 15853. This proposed facility is located in Ridgway Township, **Elk County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit replacing an expired permit for a minor discharge of treated groundwater and untreated industrial waste.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 1909403, Sewerage (4952), **Scott Davies**, 112 Whites Church Road, Bloomsburg, PA 17815. This proposed facility is located in Mount Pleasant Township, **Columbia County**.

Description of Proposed Action/Activity: The existing SFTF is malfunctioning and in need of replacement. A new SFTF with a proposed flow of 500 GPD will be constructed so the existing facility can be decommissioned.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 0279202-A1, Industrial Waste, **Neville Chemical Company**, 2800 Neville Road, Pittsburgh, PA 15225. This existing facility is located in Neville Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit amendment issuance.

WQM Permit No. 0209406, Sewerage, **Bell Acres Municipal Authority**, 1151 Camp Meeting Road, Sewickley, PA 15143. This proposed facility is located in Bell Acres, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a pressure sewer system to replace a malfunctioning on-lot system.

WQM Permit No. 0209408, Sewerage, **Monroeville Municipal Authority**, 219 Speelman Lane, Monroeville, PA 15146. This proposed facility is located in Monroeville Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a relocated sanitary sewer line.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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 (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-2

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Scranton Taylor Borough Lackawanna County	PAG2003510002	Lackawanna Heritage Valley Authority Attn: Natalie Gelb 538 Spruce Street Suite 516 Scranton, PA 18503	Lackawanna River CWF, MF	Lackawanna County Conservation District 570-281-9495
Newville Borough North Newton Township Cumberland County	PAG2002109019	Richard E. Kerr, Jr. Big Spring School District 45 Mount Rock Road Newville, PA 17241	UNT to Rock Spring Creek CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9131 717-240-7812
North Middleton Township Middlesex Township Cumberland County	PAG2002104054-R	Harry Claypool, III Pamay Development Co., Inc. 332 Gregor Way State College, PA 16603	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9131 717-240-7812

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Carlisle Borough Cumberland County	PAG2002109016	Brian Soyka Sheetz Incorporated 5700 Sixth Avenue Altoona, PA 16602	UNT to Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9131 717-240-7812
Silver Spring Township Cumberland County	PAG2002109013	Jim Hall New Kingstown Fire Company P. O. Box 247 New Kingstown, PA 17072	Hogestown Run CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9131 717-240-7812
Washington Township Berks County	PAG2000609060	Mark D. Stinley 391 Weinstein Road Bechtelsville, PA 19505	Middle Creek—Swamp Creek—Perkiomen Creek TSF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Jefferson Township Berks County	PAG2000609043	Rick Triest Tulpehocken Area School District 27 Rehersburg Road Bethel, PA 19507	UNT to Little Northkill Creek CWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Butler County Adams and Middlesex Townships Allegheny County Richland Township	PAG2001009012	Hutchman Road Area Sewer Line Extension Michael P. Davidson Manager Breakneck Creek Regional Authority P. O. Box 1180 Mars, PA 16046	UNT Breakneck Creek WWF and Glade Run WWF	Butler County Conservation District 724-284-5270
Erie County Harborcreek Township	PAG2002509013	Harbor Ridge Phases 6—9 Retrofitting Previously Approved Plan, W.S. Investments/Charles Will 8955 Wattsburg Road Erie, PA 16509	UNT to Six and Seven Mile Creeks CWF, MF	Erie County Conservation District 814-825-6403
Erie County Millcreek Township	PAG02002509014	Verizon Erie Work Center—south plant Verizon Pennsylvania 15 East Montgomery Street Pittsburgh, PA 15212	Unnamed Tributary to West Branch Cascade Creek CWF, WWF	Erie County Conservation District 814-825-6403
Erie County Millcreek Township	PAG02002509016	Whispering Woods Phase 5—7 Whispering Woods Limited Partnership 4132 Stone Creek Road Erie, PA 16506	Walnut Creek CWF, MF	Erie County Conservation District 814-825-6403

*General Permit Type—PAG-3**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Clearfield Borough Clearfield County	PAR804856	R. J. Corman Railroad Company P. O. Box 751 Clearfield, PA 16830-0751	Storm Drain to West Branch Susquehanna River WWF, CF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Limestone Township Lycoming County	PAR704811	Charles Construction Company, Inc. 838 East Central Avenue Jersey Shore, PA 17740	Storm Drain to Rauchtown Creek CWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Bradford Township Clearfield County	PAR804842	Con-way Freight 1192 Shawville Highway Woodland, PA 16881	Storm Drain to Valley Fork Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Perry Township Jefferson County	PAR118341	Stockdale Mine Supply, LLC 12655 Route 536 Punxsutawney, PA 15767	Unnamed tributary to Rose Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

STATE CONSERVATION COMMISSION**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Furnace Hill Farm Chris Wine 258 Albright Road Newmanstown, PA 17073	Lebanon	0	310.65	Swine	NA	Approved

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection 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, 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 the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 3390073, Public Water Supply.

Applicant	Lehigh County Authority
Township or Borough	Lower Macungie Township Lehigh County
Responsible Official	Aurel M. Arndt General Manager Lehigh County Authority 1053 Spruce Street P. O. Box 3348 Allentown, PA 18106
Type of Facility	Community Water System

Consulting Engineer	Charles E. Volk, P. E. ARRO Consulting, Inc. 1150 Glenlivet Drive Allentown, PA 18106 484-664-7310
Application Received Date	June 1, 2009
Description of Action	PWS operation permit issued for well WL-8R and associated booster pump station as approved under construction permit No. 3908503, issued February 17, 2009.

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

Permit No. 5409503MA, Public Water Supply.

Applicant	Mary-D Community Association
Township or Borough	Schuylkill Township Schuylkill County
Responsible Official	Laverne T. Wabier, VP Mary-D Community Association 130 Main Street Mary-D, PA 17952
Type of Facility	Community Water System
Permit Issuance Date	January 29, 2009
Description of Action	PWS construction permit issued for modifications to accommodate a chemical change for pH adjustment.

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

Operations Permit issued to **City of Lancaster**, 7360058, Manor Township, Lancaster County on 2/4/2010 for the operation of facilities approved under Construction Permit No. 3608516 E.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. M.A. (5569501-T1)—Construction, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc.
Township or Borough	Monroe Township
County	Snyder

Responsible Official Patrick R. Burke
Regional Manager
Northeast and Central
Pennsylvania
Aqua Pennsylvania, Inc.
50 East Woodhaven Drive
White Haven, PA 18661

Type of Facility Public Water
Supply—Construction

Consulting Engineer William A. La Dieu, P. E.
CET Engineering Services
1240 North Mountain Road
Harrisburg, PA 17112

Permit Issued Date February 5, 2010

Description of Action Authorizes repainting and minor
repairs to the Kingswood water
storage tank.

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

Emergency Operations Permit issued to **Redbank Valley Municipal Authority**, PWSID No. 6160010, New Bethlehem Borough, **Clarion County**, January 26, 2010, for construction and operation of a temporary intake system in Redbank Creek, to supply the required amount of water to operate the Water Treatment Plant during the current flood event. It is proposed to install one 6" sump pump with discharge hose to the raw water pump station. The pump will be vertically installed on the stream bed, and it is anticipated this system will remain until the intake can be placed back in operation, or 90 days, which ever is first.

Operations Permit issued to **Youngsville Borough**, PWSID No. 6620039, Youngsville Borough, **Warren County**, January 28, 2010, for the operation of two (2) existing, permitted 200,000 gallon concrete reservoirs that were recently renovated, as approved under construction permit 6200501-MA3, issued November 10, 2009.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lafayette Township	7534 Route 59 Lewis Run, PA 16738	McKean

Plan Description: The approved plan provides for extension of sewers along Henderson Road and Highway 59, provides for 28 EDU's along Droney Road to be connected to the proposed Keating Township Sewer System and identifies the Village of Westline and other areas to remain unsewered to be included in an on-lot sewage management program. A program to remove I and I from the sewers is also proposed. The plan also outlines the number of connections to be added to the Bradford Sanitary Authority's WWTP and provides for the completion of all projects and elimination of all overflows by December 31, 2013. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts

resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bradford Township	136 Hemlock Street Bradford, PA 16701	McKean

Plan Description: The approved plan provides for extension of sanitary sewers into the Minard Run, Rutherford Run, Browntown and Hedgehog Lane areas. It also provides for I and I abatement projects, outlines the number of connections to be added to the Bradford Sanitary Authority's WWTP and provides for the completion of all projects and elimination of all overflows by December 31, 2013. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
City of Bradford	24 Kennedy Street Bradford, PA 16701	McKean

Plan Description: The approved plan provides for the upgrade and expansion of Bradford Sanitary Authority's WWTP to address overload conditions and eliminate overflows within the sewer system, proposes a program to identify and eliminate I and I within the collection system and provides for the completion of all projects and elimination of all overflows by December 31, 2013. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lewis Run Borough	Post Office Box 265 Lewis Run, PA 16738	McKean

Plan Description: The approved plan provides for the rehabilitation of sewer manholes to reduce I and I, outlines the number of future connections to be added to the Bradford Sanitary Authority's WWTP and provides for the completion of all projects and elimination of all overflows by December 31, 2013.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Depart-

ment) 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, shall 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 refuse 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 after 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.

SC Loveland Piers 66 69 N, City of Philadelphia, **Philadelphia County**. Craig Herr, RR Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of James Anderson, Berks Street Corporation, 6958 Torresdale Avenue, Philadelphia, PA 19135 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with inorganic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

City Line Shopping Center Avenue, City of Philadelphia, **Philadelphia County**. George Keil, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Eric Silvers, Regency Centers, LP, One Independent Drive, Suite 114, Jacksonville, FL 32202 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site-Specific Standard.

Hudson Residence, City of Philadelphia, **Philadelphia County**. Thomas P. Schultz, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468 on behalf of David Slabeck, Slabeck Fuel Company, 3541 Cedar Street, Philadelphia, PA 19134 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Frazer Shopping Center, East Whiteland Township, **Chester County**. Phil Gray, Phoenix GeoEnvironmental, LLC, 445 Bethlehem Pike, Suite 108, Colmar, PA 18915 on behalf of Michael Stapler, Metropol Properties, LP, P. O. Box 1189, Frazer, PA 19355 has submitted a Remedial Investigation/Final Report concerning remediation of site groundwater and soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Sloan Residence, Solebury Township, **Bucks County**. John Van Wagenen, Coventry Environmental Associates, Inc., 991 Ridge Road, Bucktown, PA 19465 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Hoffman Residence, 9 North Hand Street, Tower City Borough, **Schuylkill County**. Jeffrey Wynn, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 has submitted a Final Report (on behalf of his client, Carl Hoffman, 9 North Hand Street, Tower City, PA 17980), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a ruptured storage tank that was accidentally overfilled during a home heating oil delivery. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Citizen Standard* on December 24, 2009.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

UGI, Muncy Manufactured Gas Holder/Regulator Station, Muncy Borough, **Lycoming County**. EPSY, 1414 North Cameron Street, Harrisburg, PA 17103 on behalf of UGI Utilities Inc., 2525 North 12th Street, Suite 360, Reading, PA 19612 has submitted a Final Report concerning remediation of site soils contaminated with lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

ROE Transportation, White Deer Township, **Union County**. ERTS, 8401 Chagrin Road, Suite 15B, Chagrin Falls, OH 44112 on behalf of ROE Transportation, 3680 West Michigan Avenue, Sidney, OH 45365 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of 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 provisions of 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 refuse 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 provisions of 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 before 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.

Evelyn Sanders Townhomes Phase II, City of Philadelphia, **Philadelphia County**. Scott McGoldrick, Penn Environmental & Remediation, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Christine Paul, Evelyn Sanders 2, LP, 407 Fairmount Avenue, Philadelphia, PA 19123 has submitted a Remedial Investigation/Cleanup Plan concerning the remediation of site soil contaminated with lead, inorganic. The Remedial Investigation /Cleanup Plan were approved by the Department of Environmental Protection on January 28, 2010

Morancik Residence, Middletown Township, **Bucks County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Martha Mornacik, 178 South Hawthorne Avenue, Langhorne, PA 19047 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Stan-

dard and was approved by the Department of Environmental Protection on January 28, 2010.

Lukas Property, Radnor Township **Delaware County**. Jeffrey S. Fitch, Epcorp, Ltd., Fitch Environmental, P. O. Box 493, Southeastern, PA 19399, Brian Fitzpatrick, P. G., Synergy Environmental, Inc., 155 Railroad Avenue, First Floor, Royersford, PA 19448 on behalf of Joseph T. Lukas, 714 Moonraker Court, Smithville, NJ 08205 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation Report was approved by the Department of Environmental Protection on January 27, 2010

Blosinenski Farm, East Brandywine Township, **Chester County**. Michael Welsh, Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA 19355, Charles Davis, Gambone Brothers Development Company, 1030 West Germantown Pike, Norristown, PA 19403 on behalf of David Dratch, Heatherwynd East Community Association, Inc., 1030 West Germantown Pike, P. O. Box 287, Norristown, PA 19403 has submitted a Final Report concerning the remediation of site soil contaminated with glass, metal and ash. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on January 28, 2010.

Forman Mills Site, City of Philadelphia, **Philadelphia County**. Bruce Middleman, P.G., Stantec, 450 South Gravers Road, Suite 105, Plymouth Meeting, PA 19462 on behalf of David O'Sullivan, The Great Atlantic and Pacific Tea Company, Inc., 2 Paragon Drive, Montvale, NJ 07645 has submitted a Remedial Investigation/Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Remedial Investigation/Final Report was approved by the Department of Environmental Protection on January 29, 2010.

318 West Lancaster Avenue Property, Lower Merion Township, **Montgomery County**. Charlene Drake, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, P. O. Box 5377, Philadelphia, PA 19142 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on January 26, 2010.

Suburban West Chester Facility, West Chester Borough, **Chester County**. J. Neil Ketchum, P. G., Groundwater Science Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110 on behalf of Richard D. Williams, Suburban Heating Oil Partners, LLC, P. O. Box 4833, Syracuse, NY 13221 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on January 29, 2010.

Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Burbidge Residence, 102 South Longford Lake Road, Silver Lake Township, **Susquehanna County**. Dawn L. Washo, Resource Environmental Management, Inc., 8 Ridge Street, Montrose, PA 18801 submitted a Final Report (on behalf of her client, Georgia Burbidge, 102 South Longford Lake Road, Brackney, PA 18812), concern-

ing the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from an underground storage tank having two holes in it. The report documented attainment of the Residential Statewide Health Standard for soils and was approved on February 1, 2010. The report was originally submitted within 90 days of the release.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

H. J. Tanner, Inc., Chambersburg Borough, **Franklin County**. B. L. Companies, Inc., 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of H. J. Tanner, Inc., 1120 Mount Rock Road, Shippensburg, PA 17257, submitted a combined Remedial Investigation/Final Report concerning remediation of site soils and groundwater contaminated with petroleum hydrocarbons from their bulk fuel oil and gasoline facility. The Remedial Investigation/Final Report demonstrated attainment of the Nonresidential Statewide Health and Site-Specific Standards and was approved by the Department of Environmental Protection on February 2, 2010.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Tom's Citgo, Valley Township, **Montour County**. Ralph G. Schaar, 300 Claremont Drive, Lansdale, PA 19446 on behalf of Thomas Lyons, 25 Spring Lane, Drums, PA 18222 has submitted a Final Report concerning the remediation of site soil contaminated with hydrocarbon concentrations. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on January 20, 2010.

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

U. S. Bronze Foundry & Machine (Fuel Tank Area), Woodcock Township, **Crawford County**. Geosyntec Consultants, 10220 Old Columbia Road, Suite A, Columbia, MD 21046 on behalf of U. S. Bronze Foundry & Machine, Inc., 18649 Brake Shoe Road, Meadville, PA 16335 has submitted a Final Report concerning the remediation of site soil contaminated with Ethylbenzene, Fluorene, Cumene, Naphthalene, Phenanthrene and Toluene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 5, 2010.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.

GP1-46-0239: John Middleton Co. (418 West Church Road, King of Prussia, PA 19406) on January 27, 2010, authorized to install a 700 Hp (29.0 MMBtu/hr) natural gas-fired boiler under GP-1 for their facility in Upper Merion Township, **Montgomery County**.

GP3-09-0091: Allied Recycling Co. (1725 Limekiln Pike, Suite 3A, Dresher, PA 19025) on January 29, 2010, to operate a portable nonmetallic mineral processing plant in Falls Township, **Bucks County**.

GP11-09-0020: Allied Recycling Co. (1725 Limekiln Pike, Suite 3A, Dresher, PA 19025) on January 29, 2010, to operate a non-road engines in Falls Township, **Bucks County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

54-329-008GP9: R. E. Pierson Construction Co. (P. O. Box 430, Woodstown, NJ 08098-0430) on January 28, 2010, to install and operate a portable I/C engine at their site at Middleport Materials in Walker Township, **Schuylkill County**.

54-329-009GP9: R. E. Pierson Construction Co. (P. O. Box 430, Woodstown, NJ 08098-0430) on January 28, 2010, to install and operate three (3) portable I/C engines at their site at Middleport Materials in Walker Township, **Schuylkill County**.

54-310-050GP3: R. E. Pierson Construction Co. (P. O. Box 430, Woodstown, NJ 08098-0430) on January 28, 2010, to install and operate a portable crushing operation at their site at Middleport Materials in Walker Township, **Schuylkill County**.

54-310-051GP3: R. E. Pierson Construction Co. (P. O. Box 430, Woodstown, NJ 08098-0430) on January 28, 2010, to install and operate a portable crushing operation at their site at Middleport Materials in Walker Township, **Schuylkill County**.

58-399-008GP5: Cabot Oil & Gas Corp. (5 Penn Center, Suite 401, Pittsburgh, PA 15276) on January 26, 2010, to construct and operate a Natural Gas Compressor engine at their Lewis No. 1 well site Compressor Station site in Dimock Township, **Susquehanna County**.

58-399-009GP5: Cabot Oil & Gas Corp. (5 Penn Center, Suite 401, Pittsburgh, PA 15276) on January 26, 2010, to construct and operate a Natural Gas Compressor engine at their Lathrop Compressor Station site in Springville Township, **Susquehanna County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

GP3-36-05096: Pennsy Supply, Inc. (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105) on January 26, 2010, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Paradise Township, **Lancaster County**.

GP9-36-05096: Pennsy Supply, Inc. (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105) on January 26, 2010, for a Diesel or No. 2 fuel-fired Internal Combustion Engine under GP9 in Paradise Township, **Lancaster County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

GP5-26-00549A: Phillips Production Co. (502 Keystone Drive, Warrendale, PA 15086) on January 29, 2010, to operate one natural gas compressor engine and one natural gas dehydrator at the Adams Compressor Station on Leisenring-Vanderbilt Road, Dunbar Township, **Fayette County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

GP5-27-038C: Catalyst Energy, Inc., Watson Farm Stripping Plant (800 Cranberry Woods Drive, Cranberry Township, PA 16066) on January 26, 2010, to operate a natural gas fired compressor engines (BAQ-GPA/GP-5) in Howe Township, **Forest County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.

GP3-08-285: E.A. Ward Excavating, Inc. (R. R. 3, Box 244, Troy, PA 16947-9430) on December 30, 2009, to construct and operate a portable non-metallic mineral crusher with associated water spray dust suppression system and portable non-metallic mineral screen pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their facility in West Burlington Township, **Bradford County**.

GP9-08-285: E.A. Ward Excavating, Inc. (R. R. 3, Box 244, Troy, PA 16947-9430) on December 30, 2009, to construct and operate one Caterpillar Model C-10 diesel-fired engine with a rating of 365 brake horsepower (bhp) and one Deutz Model 2013L4 diesel-fired engine with a rating of 167 bhp pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-9: Diesel or No. 2 fuel-fired Internal Combustion Engines, at their facility in West Burlington Township, **Bradford County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.

46-0048E: Wyeth Pharmaceuticals (500 Arcola Road, Collegeville, PA 19426) on February 4, 2010, to modify the formaldehyde emissions rate for one (1) 2000-kW No. 2 fuel oil/diesel fired electric generator authorized to operate under Plan Approval 46-0048D at an existing facility in Upper Providence Township, **Montgomery County**. The facility is a major facility. The increase in permitted formaldehyde emissions is equivalent to 0.00187 ton per year. No modification to the engine nor change in any condition other than the formaldehyde emissions rate is authorized under this Plan Approval modification.

15-0136: Thomas Medical Products, Inc. (65 Great Valley Parkway, Malvern, PA 19355) on February 4, 2010, to operate a medical devices manufacturing facility in Malvern Borough, **Chester County**. The primary source of air emissions are volatile organic compounds (VOC) associated with solvent use for preparation, cleaning and sterilization of medical devices. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.

59-00002B: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301-2843) on December 8, 2009, issued plan approval for installation of oxidation catalysts (Control Devices C101 and C102) to control the carbon monoxide, volatile organic compound and formaldehyde emissions from the two (2) existing natural gas-

fired compressor engines (Source ID P101 and P012) at their Tioga Compressor Station located in Farmington Township, **Tioga County**.

59-00005I: Dominion Transmission, Inc. (445 West main Street, Clarksburg, WV 26301-2843) on December 30, 2009, issued plan approval to construct a natural gas-fired salt bath heater, rated heat input of 12.0 MMBtu/hr and a natural gas-fired boiler, rated heat input of 3.0 MMBtu/hr. The construction of the proposed sources will be as part of the original USA project, which was permitted under Plan Approval #59-00005G at their Sabinsville Compressor Station located in Clymer Township, **Tioga County**. The respective facility is a major facility for which a Title V operating permit 59-00005 has been issued.

59-00006A: Dominion Transmission, Inc. (445 West main Street, Clarksburg, WV 26301-2843) on December 30, 2009, issued plan approval for construction and operation of a natural gas-fired salt bath heater; an increase in hours of operation for an existing heater and dehydration engine. In addition, Dominion Transmission, Inc. is proposing to decrease the operational hour limitation of Engine No. 9 to offset the increase in air contaminant emissions due to the proposed construction and operation of the salt bath heater at their Boom Compressor Station located in Lawrence Township, **Tioga County**.

41-00033A: Susquehanna Health System (777 Rural Avenue, Williamsport, PA 17740) on January 11, 2010, issued plan approval for construction and operation of a natural gas-fired reciprocating internal combustion engine equipped with low NOx electronic control system to control nitrogen oxide NOx emissions from the engine, rated at 2,671 brake-horsepower (Source ID P104) and the installation of an oxidation catalyst (ID C104) to control the carbon monoxide, volatile organic compound and formaldehyde emissions from the engine at their Williamsport Hospital campus in Williamsport, **Lycoming County**.

59-00017A: Hitachi Metals Automotive Components, LLC (P. O. Box 68, Blossburg, PA 16912-0068) on February 3, 2010, for construction of a phenolic urethane cold box core making machine at their Lawrence Township, **Tioga County** facility.

18-00028A: Truck-Lite, Inc. (P. O. Box 329, 786 McElhattan Drive, McElhattan, PA 17748-0329) on February 3, 2010, for construction of a surface coating operation at the Wayne Township, **Clinton County** facility.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Mark Grog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

30-00055A: Shannopin Materials, LLC (308 Dents Run Road, Morgantown, WV 26501) on January 28, 2010, to allow construction of a coal slurry reclamation project and the construction of a coal/limestone barge loading/unloading facility at their Shannopin Dock Site in Monongahela Township, **Greene County**. Sources at this facility will include excavators, stockpiles, conveyors, transfer points, and end-loaders. Facility shall be limited to 625 tons/hour and a total throughput of 400,000 tons per 12 month rolling total. Annual emissions from the facility are estimated to be 46 tons of total particulate matter and 14 tons of PM10. BAT for this operation consists of dust suppression activities such as the use of water sprays, enclosures, roadway paving, tarping, truck wash and best operating practices.

65-00661C: Derry Construction Co., Inc. (527 Route 217, Latrobe, PA 15626) on January 28, 2010, to issue a Plan Approval to allow construction of a replacement hot mix asphalt plant at their Salem Delmont Plant, in Delmont, **Westmoreland County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

62-032F: Ellwood National Forge Co. (One Front Street, Irvine, PA 16329) on January 26, 2010, for a minor modification to Plan Approval 62-032E to reallocate gas throughput limits associated with the Oxyfuel Preheater, Vertical Dryer, and Horizontal Preheater (Source ID 101A) at their facility in Brokenstraw Township, **Warren County**. This is a Title V facility.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.

09-0198: ABC Crushed Materials, LLC (714 Dunksferry Road, Bensalem, PA 19020) on January 21, 2010, to operate a portable nonmetallic mineral processing plant and diesel fired internal combustion engine in Falls Township, **Bucks County**.

09-0122B: Arkema, Inc. (100 PA Route 413, Bristol, PA 19007) on February 2, 2010, to operate a spray dryer processor in Bristol Township, **Bucks County**.

09-0024F: Waste Management Disposal Services of PA, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) on February 3, 2010, to operate an increase design capacity in Tullytown Borough, **Bucks County**.

09-0110E: Riverside Construction Materials, Inc. (355 Newbold Road, Fairless Hills, PA 19030) on February 3, 2010, to operate a new baghouse on Dome No. 2 in Bristol Township, **Bucks County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.

08-313-038H: Global Tungsten & Powders, Corp. (Hawes Street, North Towanda, PA 18848) on November 23, 2009, to extend the authorization to temporarily operate an International Furnace Company, Inc. multiple hearth furnace (MHF) and associated material handling equipment and cartridge collector and final filter to control the emissions from the MHF at their Towanda facility in the North Towanda Township, **Bradford County** until June 1, 2010. The plan approval has been extended.

14-00014C: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on December 15, 2009, to extend the authorization for the construction of a two 10' by 14' aggregate storage bins and two 30" conveyors to be incorporated in Source ID P101, the modification of Source ID P102 to increase the allowable annual throughput from 2,780,000 tons to 3,200,000 tons of aggregate per year, the construction of a 6,400 cubic foot dust storage silo with an associated SOV-24-10 DCL telescopic loadout spout, the particulate matter emission from which shall be controlled by Control Device ID C103A and Control Device ID C103B, and a 36" diameter Eagle Iron Works pug mill to be incorporated in Source ID P103, the

construction of a railcar aggregate unloading operation (Source ID P107), the particulate matter emissions from which shall be controlled by Control Device ID C01, the construction of an oil/liquid asphalt storage operation (Source ID P108), the construction of a 400 ton per hour Kolberg FT4250 portable crushing and screening plant (Source ID P109), the particulate matter emissions from which shall be controlled by Control Device ID C109, and an associated 400 horsepower Cummins model QSM11-C diesel engine, the construction of a Warrior 1800 portable screening plant (Source ID P110) and an associated 101 horsepower Caterpillar model 3054 diesel engine and for the establishment of more restrictive emissions and/or throughput limitations for Source ID P101 and Source ID P103, as requested by the applicant, at the Spring Township, **Centre County** facility. This plan approval has been extended.

47-00003A: Department of Public Welfare—Danville State Hospital (200 State Hospital Drive, Danville, PA 17821-9198) on December 21, 2009, to extend the authorization an additional 180 days from February 23, 2010 to August 22, 2010 and revise and extend the required stack testing date until June 29, 2010 for Source IDs 037 and 038 in Mahoning Township, **Montour County**. This plan approval has been extended.

47-309-001: United States Gypsum Co. (60 PPL Road, Danville, PA 17821) on December 8, 2009, to extend the authorization to temporarily operate an additional 180 days from December 6, 2009 to June 4, 2010 and revise and extend the required stack testing date until June 6, 2010 for sources at their facility in Derry Township, **Montour County**. This plan approval has been extended.

08-00003G: CraftMaster Manufacturing, Inc. (P. O. Box 311, Shiner Road, Towanda, PA 18848) on December 18, 2009, to extend the authorization to exhaust the refiner reject emissions from Source IDs 141P and 142P to scrubbers (IDs D41 and E42) on a temporary basis to June 30, 2010, at the facility in Wysox Township, **Bradford County**. This plan approval has been extended.

08-00003F: CraftMaster Manufacturing, Inc. (P. O. Box 311, Shiner Road, Towanda, PA 18848) on December 18, 2009, to extend the authorization to operate two regenerative thermal oxidizers; one on the Line 1 pressurized refiners and first stage dryers, and one on the line 2 pressurized refiners and first stage dryers, each preceded by a water dropout box on a temporary basis to June 30, 2010, at their facility in Wysox Township, **Bradford County**. This plan approval has been extended.

08-00003E: CraftMaster Manufacturing, Inc. (P. O. Box 311, Shiner Road, Towanda, PA 18848) on December 18, 2009, to extend the authorization to operate a regenerative thermal oxidizer on the Die Form Tempering Kiln on a temporary basis to July 5, 2010, at the facility in Wysox Township, **Bradford County**. This plan approval has been extended.

49-00060A: Corson Asphalt, Inc. (26 Beaver Street, Cogan Station, PA 17728), on January 4, 2010, to extend the authorization to operate a batch mix asphalt plant on a temporary basis until July 6, 2010 and to extend the required nitrogen oxides, carbon monoxide, particulate matter, and volatile organic compound stack testing until July 6, 2010, at their facility located in Ralpho Township, **Northumberland County**. This plan approval has been extended.

08-00003H: CraftMaster Manufacturing, Inc. (P. O. Box 311, Shiner Road, Towanda, PA 18848) on January 12, 2010, to extend the deadline for the required VOC stack test of the Line 2 Refiners and First Stage Dryers/Felter Operations and Line 2 Press. The required testing shall be completed on or before May 31, 2010, at their facility in Wysox Township, **Bradford County**. This plan approval has been extended.

53-00005C: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26302-2450) on January 12, 2010, to limit the emission of fugitive volatile organic compounds from the Greenlick facility to July 11, 2010 in Stewardson Township, **Potter County**. The plan approval has been extended.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

09-00031: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on February 4, 2010, to renew their State-only Operating Permit for a stone crushing and asphalt plant in Wrightstown Township, **Bucks County**. The renewal includes several revisions, including but not limited to site inventory and site map. In addition, two asphalt plants are no longer operated and therefore removed from the site inventory. The option to use fuel oil is removed. The renewal will include the incorporation of Plan Approval 09-0031A and Request for Determination (RFD) No. 227. The renewed Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility shall remain a synthetic minor facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

09-00173: P & R Industries, Inc., d/b/a Arbonite (3826 Old Easton Road, Doylestown, PA 18901) on February 2, 2010, to renew an Administrative Amendment to their State-only (Natural Minor) Operating Permit No. 09-00173, which was originally issued on September 8, 2004. The Administrative Amendment incorporates the requirements of Plan Approval No. 09-0173 for the modification of an existing paint spray booth to exhaust to an existing afterburner at the facility. The renewed State-only Operating Permit will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

The Administrative Amendment is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

35-00066: Steamtown National Historic Site (150 South Washington Avenue, Scranton, PA 18503-2018) on February 2, 2010, to renew the State-only Permit to operate two (2) boilers in the City of Scranton, **Lackawanna County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.

53-00014: Emporium Specialties Co., Inc. (P. O. Box 65, Austin, PA 16720) on January 7, 2010, issued State-only (Synthetic Minor) operating permit for their metal parts and tool manufacturing facility in Austin Borough, **Potter County**. The facility's main sources include two (2) vapor degreasers, a decorative chromium electroplating operation, three electric sintering furnaces, an oil impregnation operation and a sizing operation. The facility has taken a synthetic minor restriction to limit its HAPs emissions below the major emission thresholds. The facility has the potential to emit NO_x, SO_x, CO, PM (PM₁₀), and VOCs below the major emission thresholds. The State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00062: Sun-Re Cheese Corporation (178 Lenker Avenue, Sunbury, PA 17801) on January 6, 2010, issued State-only operating permit for their facility in Sunbury, **Northumberland County**. The facilities sources include three (3) boilers and one (1) anaerobic digester. These sources have the potential to emit particulate matter (PM₁₀), nitrogen oxides (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), volatile organic compounds (VOCs) and volatile hazardous air pollutants (VHAPs) below the major emission thresholds. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

49-00055: Jeff's Autobody and Recycling Center, Inc. (5446 Snyderstown Road, Paxinos, PA 17860-7534) on January 20, 2010, issued State-only operating permit for their facility in Shamokin Township, **Northumberland County**. The facility's main air contaminant sources include two (2) propane-fired space heaters, one (1) No. 2 oil-fired furnace, one (1) aluminum secondary smelting furnace, and motor vehicle and mobile equipment refinishing operations. The State-only operating permit contains requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulations.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174.

OP-26-00407: Mon River Energy Corporation, (Mon River Energy Corp., P. O. Box 466, Brier Hill, PA 15415) on January 28, 2009, to issue an operating permit for Mon River Energy Corporation's Brier Hill Site coal and coke recovery facility in Redstone Township, **Fayette County**. Sources at this facility include front-end loaders, trucks, conveyers, screeners, water cyclones, stockpiles, and roadways.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

33-00151: Oak Heritage Furniture (124 Industrial Park Drive, Brockway, PA 15824-9001) on February 2, 2010, to re-issue the Natural Minor Operating Permit for

their wood furniture manufacturing and coating facility in Brockway Borough, **Jefferson County**. The facility's primary emissions are from surface coating operations.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940.

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
01/20/2010	Portable Screening Plant and 67 bhp Diesel Engine	0.10	0.05	0.78	0.06	0.17
Total Reported Increases		0.10	0.05	0.78	0.06	0.17

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 (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—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality 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).

Coal Permits Actions

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

33971301 and NPDES Permit No. PA0215031, AMFIRE Mining Company, LLC, (One Energy Place, Suite 2800, Latrobe, PA 15650), to revise the permit for the Dora No. 8 Mine in North Mahoning Township, **Indiana County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 234.6, Subsidence Control Plan Acres Proposed 234.6. No additional discharges. Application received: November 13, 2006. Permit issued: February 2, 2010.

03031301 and NPDES Permit No. PA0235563, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201-9642), to renew the permit for the Keystone East Mine in Plumcreek Township, **Armstrong County** and related NPDES permit for reclamation only. No additional discharges. Application received: December 8, 2008. Permit issued: February 4, 2010.

10-00284: Seneca Landfill, Inc. (421 Hartmann Road, Evans City, PA 16063) for their facility in Jackson Township, **Butler County**. The de minimis increases are a result of the installation of a portable screening plant and associated 67 bhp diesel engine. The Department of Environmental Protection has started a list of de minimis increases as prescribed in 25 Pa. Code § 127.449(i).

Since the November 12, 2004 Title V Operating Permit issuance date, Seneca Landfill has notified the Department of the following de minimis emission increases:

03031301 and NPDES Permit No. PA0235563, Bedrock Mines, LP, (111 Freeport Road, Pittsburgh, PA 15215), to transfer the permit and related NPDES permit for the Keystone East Mine in Plumcreek Township, **Armstrong County** to Bedrock Mines, LP from Rosebud Mining Company. No additional discharges. Application received: July 13, 2009. Permit issued: February 4, 2010.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

56090104 and NPDES No. PA0262749. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552 commencement, operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 60.0 acres. Receiving stream(s): unnamed tributaries to/and Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 4, 2009. Permit issued: February 1, 2010.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

26090105 and NPDES Permit No. PA0251739. Amerikohl Mining, Inc. (1384 SR 711, Stahlstown, PA 15687). Permit issued for commencement, operation, and reclamation of a bituminous surface mining site located in Menallen Township, **Fayette County**, affecting 202.4 acres. Receiving streams: unnamed tributaries to Dunlap Creek and Dunlap Creek to Monongahela River. Application received: August 5, 2009. Permit issued: February 3, 2010.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

33813020 and NPDES Permit No. PA0603465. Leonard W. Yenzi (P. O. Box 62, Anita, PA 15711). Transfer to an existing bituminous strip and beneficial use of coal ash operation from John R. Yenzi, Jr. in Winslow Township, **Jefferson County** affecting 285.2 acres. This also includes a revision to add 15.2 acres to the surface mining permit. Receiving streams: Two unnamed tributaries to Front Run, Front Run, and unnamed tributary to Trout Run. Application received: July 15, 2009. Permit Issued: February 2, 2010.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

17030118 and NPDES No. PA0243647. River Hill Coal Co., Inc. (P. O. Box 141, Memorial Street, Kylertown, PA 16847), renewal of an existing bituminous surface mine for reclamation only located in Bigler Township, **Clearfield County** affecting 75.4 acres. Receiving stream(s): unnamed tributary to Clearfield Creek classified for the following use(s): Warm Water Fishery. Renewal application received: September 14, 2009. Renewal permit issued: January 28, 2010.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

40880101R4. Silverbrook Anthracite, Inc., (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite surface mine operation in Newport Township, **Luzerne County** affecting 144.2 acres, receiving stream: none. Application received: December 4, 2008. Renewal issued: February 5, 2010.

Noncoal Permits Actions

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

65092802. CH & D Enterprises, Inc. (100 Brady Place, New Stanton, PA 15672). Permit issued for commencement, operation and reclamation of a small noncoal (sandstone) surface mining site located in South Huntingdon Township, **Westmoreland County**, affecting 2.5 acres. Receiving streams: Sewickley Creek to Youghiogeny River. Application received: September 11, 2009. Permit issued: February 3, 2010.

26900306 and NPDES Permit No. PA0591483. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425). Transfer of permit formerly issued to Hanson Aggregates PMA, Inc., for continued operation and reclamation of a large noncoal surface mining site (limestone quarry) located in Connellsville Township, **Fayette County**, affecting 51.4 acres. Receiving streams: unnamed tributaries to Connell Run to Youghiogeny River. Transfer application received: October 13, 2009. Transfer permit issued: February 5, 2010.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

14060302 and NPDES No. PA0256447. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803-1649), commencement, operation and restoration of a limestone quarry operation in Spring Township, **Centre County** affecting 23.6 acres. Receiving stream(s): Logan Branch classified for Cold Water Fisheries. Application received: October 13, 2006. Permit issued: February 2, 2010.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

7773SM2A1C18 and NPDES Permit No. PA0118460. Hercules Cement Co., LP, d/b/a Buzzi Unicem USA, (P. O. Box 69, Stockertown, PA 18083), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Upper Nazareth and Palmer Townships, **Northampton County**, receiving stream: Bushkill and Schoeneck Creeks. Application received: December 18, 2009. Renewal issued: February 2, 2010.

54030301C2 and NPDES Permit No. PA0224286. Middleport Materials, Inc., (P. O. Box 189, Telford, PA 18969), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Walker and Blythe Townships, **Schuylkill County**, receiving stream: unnamed tributary to Schuylkill River. Application received: December 8, 2009. Renewal issued: February 5, 2010.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

24104005. Appalachian Geophysical Services, LLC (2659 SR 60, P. O. Box 426, Killbuck, OH 44637) Blasting activity permit for seismic exploration in Spring Creek Township, **Elk County**. This blasting activity permit will expire on August 14, 2010. Application received: January 13, 2010. Permit Issued: January 29, 2010.

24104006. Appalachian Geophysical Services, LLC (2659 SR 60, P. O. Box 426, Killbuck, OH 44637) Blasting activity permit for seismic exploration in Horton and Sandy Townships, **Elk and Clearfield Counties**. This blasting activity permit will expire on August 14, 2010. Application received: January 13, 2010. Permit Issued: February 2, 2010.

24104007. Appalachian Geophysical Services, LLC (2659 SR 60, P. O. Box 426, Killbuck, OH 44637) Blasting activity permit for seismic exploration in Highland, Jones and Wetmore Townships, **Elk and McKean Counties**. This blasting activity permit will expire on August 14, 2010. Application received: January 13, 2010. Permit Issued: February 2, 2010.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

59104101. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013-0608), blasting for a well pad (DEP #18) located in Ward Township, **Tioga County**. Permit issued: February 1, 2010. Permit expires: February 28, 2011.

17104001. EOG Resources (2039 South 6th Street, Indiana, PA 15701), blasting for a stone pit located in Lawrence Township, **Clearfield County**. Permit issued: January 15, 2010. Permit expires: December 31, 2010.

59104001. Conquest Seismic Services (504 1st Center, Horseheads, NY 14845), seismic survey blasting, Krause 3D, 95 sq. miles located in Tioga, Richmond, Covington, Rutland and Sullivan Townships, **Tioga County**. Permit issued: January 27, 2010. Permit expires: October 31, 2010.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

40104102. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Eagle Rock Resort in Black Creek, Hazle and North Union Townships, **Carbon** and **Schuylkill Counties** with an expiration date of January 31, 2011. Permit issued: February 3, 2010.

40104103. Austin Powder Northeast, LLC, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Centerpoint East in Pittston and Jenkins Townships, **Luzerne County** with an expiration date of February 10, 2011. Permit issued: February 3, 2010.

58104005. M & S Blasting, LLC, (943 Gontarski Road, Hallstead, PA 18822), construction blasting for the Russo 4—5 Gas Pad in Springville Township, **Susquehanna County** with an expiration date of January 24, 2011. Permit issued: February 4, 2010.

67104103. J Roy's, Inc., (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Orchard Park Lot 10 in East Manchester Township, **York County** with an expiration date of January 30, 2011. Permit issued: February 4, 2010.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (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 the applicable provisions of 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, 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 the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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 Floodplain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E23-477. McDade Darby Development, 5004 State Road, Drexel Hill, PA 190226, Darby Borough, **Delaware County**, ACOE Philadelphia District.

To: place and maintain fill in the floodway of Darby Creek (WWF-MF) associated with the proposed Darby Town Center commercial development project which consists of two buildings totaling 42,429 square feet and access roadways.

The project is located approximately 147 feet south of the intersection of Chestnut Street and MacDade Boulevard in Ridley Township, Delaware County (Lansdowne, PA USGS Quadrangle N: 8.13 inches; W: 2.17 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-799. The Hankin Group, P. O. Box 562, Exton, PA 19341, West Vincent Township, **Chester County**, ACOE Philadelphia District.

To: install and maintain two 10-inch sanitary sewer force mains across Birch Run (EV) over the existing 5-foot diameter culvert. The site is located approximately 4.5 miles north of the intersection of PA Turnpike (I-76 West) and Pottstown Road (SR 0100) (Pottstown, PA USGS Quadrangle N: 0.5 inch; W: 9.5 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.

E20-553, Walter Thomas, 11382 Primrose Lane, Conneaut Lake, PA 16316, ACOE Pittsburgh District.

Modify an existing earth dock and floating dock system in Conneaut Lake lakeward of the East end of Gentian Way approximately 1.1 mile NE of the intersection of SR 6 and SR 618 (Conneaut Lake, PA Quadrangle N: 19.9 inches; W: 7.4 inches) to: 1) maintain an existing earth dock having a length of 60 feet and a width of 16 feet; and 2) modify an existing floating dock (GP No. 022092601) having a width of approximately 4 feet and a length of 50 feet to a floating dock having a width of approximately 4 feet and a length of 65 feet with two perpendicular sections at the lakeward end having a width of approximately 4 feet and a length of approximately 35 feet.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

SSIP Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
10-40-009	Sunoco Partners Marketing & Terminals, L.P. 525 Fritztown Road Sinking Spring, PA 19608 Attn: Jed A. Werner	Luzerne	Edwardsville Borough	Two ASTs storing biodiesel	67,680 gallons total
10-39-006	Sunoco Partners Marketing & Terminals, L.P. 525 Fritztown Road Sinking Spring, PA 19608 Attn: Jed A. Werner	Lehigh	Whitehall Township	Two ASTs storing biodiesel	67,680 gallons total

SPECIAL NOTICES

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

General Permits:

33091007. HRI, Inc. (1750 West College Avenue, Suite 2, State College, PA 16801) Authorization to extract noncoal (industrial minerals) in Pine Creek Township, **Jefferson County** to supply fill material for the Jefferson County SR 80 (545) Construction Project. Receiving streams: Unnamed tributary to Fivemile Run. Application received: December 21, 2009. Authorization Approved: February 5, 2010.

[Pa.B. Doc. No. 10-328. Filed for public inspection February 19, 2010, 9:00 a.m.]

Chesapeake Bay Advisory Committee Meeting Cancellation

The Chesapeake Bay Advisory Committee (Committee) meeting scheduled for March 4, 2010, has been cancelled. The meeting agenda was intended to focus on the development of Pennsylvania's Watershed Implementation Plan to address the Chesapeake Bay Total Maximum Daily Load. However, the Phase 5.3 Watershed Model loads for nutrient and sediment are not yet available. This information is necessary to facilitate a productive discussion by the Committee. The next meeting of the Committee is scheduled for May 3, 2010, in the Department of Environmental Protection's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 at 10 a.m. For more information, contact Marjorie Hughes at (717) 772-5660, or mahughes@state.pa.us.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-329. Filed for public inspection February 19, 2010, 9:00 a.m.]

Pennsylvania Energy Development Authority Board Meeting

A meeting of the Pennsylvania Energy Development Authority (Authority) Board is scheduled to be held on Friday, March 19, 2010, at 10 a.m., Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. A copy of the agenda for this meeting may be found on the Authority's web site, www.dep.state.pa.us, keyword: "PEDA."

Questions concerning the agenda can be directed to Thomas C. Bell at (717) 772-5942 or tbell@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Angela Rothrock at (717) 772-8911, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-330. Filed for public inspection February 19, 2010, 9:00 a.m.]

Rates to be Used for Calculating Long-Term Operation and Maintenance Cost Bonds for Water Supply Replacement-Mining Operations

The Department of Environmental Protection (Department) announces the rates to be used to calculate bond amounts for water supply replacement operation and maintenance costs for anthracite and bituminous coal and industrial mineral mining operations. The authority for bonding mining operations is found under The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a), the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66), the Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21), the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326) and the regulations promulgated thereunder at 25 Pa. Code Chapters 77 and 86 (relating to noncoal mining; and surface mining of coal).

The rates are used in calculating the water supply operation and maintenance bond amounts for replacement water supplies affected by activities at mining operations including: surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities, underground coal mining operations and industrial mineral surface mines. The procedures for calculating water supply operation and maintenance bonds are described in technical guidance 562-4000-102, "Increased Operation and Maintenance Costs of Replacement Water Supplies," which is available on the Department's web site www.depweb.state.pa, at the Public Participation Center page.

The Department may review the adequacy of bonds on existing permits at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the mid-term of a permit and before approving a permit revision.

Rates

The Department calculated the rate of inflation and rate of return using 5-year averages. For the rate of inflation, the Consumer Price Index (Northeast Urban) from the United States Department of Labor, Bureau of Labor Statistics, was averaged for the calendar years 2005-2009, resulting in a rate of 2.77%. For the rate of return, the interest rate for the 20-year Treasury bill as reported by the Federal Reserve was averaged for the calendar years 2005-2009 resulting in a rate of 4.604%.

For background information and supporting documentation regarding the rates, contact the Bureau of Mining and Reclamation, Division of Monitoring and Compliance, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

Effective Date

The rates in this notice become effective on April 1, 2010. They will remain in effect until new rates are published. It is anticipated that these new rates will be published in February 2011 to be effective April 1, 2011.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-331. Filed for public inspection February 19, 2010, 9:00 a.m.]

Submission Deadline for Application for Reimbursement for Certified Host Municipality Inspectors

The Department of Environmental Protection (Department) announces the submission deadline for 2009 Host Municipality Inspector Program Reimbursement Applications as March 31, 2010. Reimbursements are available to municipalities under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) and the Hazardous Sites Cleanup Act (Act 108). Municipalities include cities, boroughs, incorporated towns, townships and home rule municipalities.

Reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities or from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements are available to any municipality that has a municipal waste landfill, resource recovery facility or commercial hazardous waste storage, treatment and disposal facility located within its geographic borders. Upon application from any

host municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of up to two certified Host Municipality Inspectors. The reimbursement shall not exceed 50% of the approved costs of salaries and expenses. Reimbursement is available only for Host Municipality Inspectors trained and certified by the Department.

The application for reimbursement contains tables for specifying the itemized expenses for certified inspectors and for calculating the total reimbursement request. Complete instructions are included with the application, which is being distributed to all municipalities that have participated in the program. If your municipality does not receive, but requires an application, or if you have any questions about this program, contact the Program Development Section, Department of Environmental Protection, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9870 or visit the Department's web site at www.depweb.state.pa.us (PA Keyword: Host Municipality Inspector).

The deadline for submitting applications is 4:30 p.m. on March 31, 2010. Applications post marked after the deadline will not be considered.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-332. Filed for public inspection February 19, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

Home Care Agencies and Home Care Registries; Extension of Deadline for Licensure Under 28 Pa. Code Chapter 611

[Correction]

The regulations governing licensure for home care agencies (HCAs) and home care registries (HCRs) were published at 39 Pa.B. 6958 (December 12, 2009).

HCAs and HCRs, as defined in the regulations, must now be licensed by the Department of Health (Department) to provide home care services to individuals in their homes or other independent living environments.

An entity that is currently operating an HCA or HCR or both, may continue to operate provided it submits an application for a license to the Department no later than March 31, 2010. An entity that is currently operating an HCA or HCR that has submitted an application for licensure may continue to operate until such date as the Department may refuse the application for licensure. If the Department grants the application for licensure, the home care agency and/or home care registry may continue to operate in accordance with the requirements of the regulations at 28 Pa. Code Chapter 611 (relating to home care agencies and home care registries).

An entity that is established after the effective date of the regulations must obtain a license prior to providing home care services.

Application packets may be obtained by contacting the Division of Home Health at (717) 783-1379 and supplying a mailing address, and the Division will mail the packet to the address supplied. Alternatively, application packets may be obtained electronically. The applicant should go to www.health.state.pa.us and click on the left side naviga-

tion bar titled "Facilities, Providers & Managed Care Plans" then click the navigation bar titled "Home Care Licensure Information."

The Department's web site contains additional information and links that may be helpful to the applicant. The Department's web site contains a document addressing Frequently Asked Questions which may be accessed at www.health.state.pa.us by clicking on the left side navigation bar titled "Facilities, Providers & Managed Care Plans" then clicking on the navigation bar titled "Home Care Agencies/Home Care Registries" which contains a document link for "Frequently Asked Questions about Home Care Agencies/Home Care Registries." The applicant can also contact the Department for a copy of the document which will be included in the application packet.

To access information pertaining to criminal background checks, go to www.aging.state.pa.us, or contact the Department of Aging, Criminal History Background Check Unit at (717) 265-7887. To access information pertaining to child abuse clearances, go to www.dpw.state.pa.us, or contact the Department of Public Welfare, ChildLine at (717) 783-6211.

If you have any questions or would like more information regarding home care agencies, home care registries, and/or the HCA/HCR licensure program, contact the Division of Home Health at (717) 783-1379.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Janice Staloski, Director, Bureau of Community Program Licensure and Certification, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-292. Filed for public inspection February 12, 2010, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.33(a)(b) (relating to utility room).

Barbara J. Egan Nursing and Rehabilitation Center
200 Luther Road
Shrewsbury, PA 17361

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 211.12(b) and (c) (relating to nursing services).

Millcreek Community Hospital Transitional Care Unit
5515 Peach Street
Erie, PA 16509-2603
FAC ID 570102

Millcreek Manor
5515 Peach Street
Erie, PA 16509-2603
FAC ID 131102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the

Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, contact V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-333. Filed for public inspection February 19, 2010, 9:00 a.m.]

Surcharge for The Patient Safety Trust Fund Under the Medical Care Accountability and Reduction of Error Act

On March 20, 2002, the Medical Care Accountability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910). Among other provisions, the MCARE Act established the Patient Safety Authority (Authority) to collect, analyze and evaluate data regarding reports of serious events and incidents occurring in certain medical facilities and to make recommendations to those facilities regarding changes, trends and improvements in health care practices and procedures for the purpose of reducing the number and severity of serious events and incidents.

Section 305(a) of the MCARE Act (40 P. S. § 1303.305(a)) authorizes the establishment of a Patient Safety Trust Fund (Fund) for the operations of the Authority. Section 305(c) of the MCARE Act states that commencing July 1, 2002, and for every fiscal year (FY) thereafter, each medical facility covered by the MCARE Act shall pay the Department of Health (Department) a surcharge on its licensing fee as necessary to provide sufficient revenues for the Authority to operate. Section 305(c) also states that the total assessment amount for FY 2002-2003 shall not exceed \$5,000,000 and that the Department shall transfer the total assessment amount to the Fund within 30 days of receipt. Section 305(d) provides that for each succeeding calendar year, the Department shall determine and assess each medical facility a proportionate share of the Authority's budget. The base amount of \$5,000,000 provided for in FY 2002-2003 shall be increased no more than the Consumer Price Index in each succeeding FY.

With the cooperation of this Commonwealth hospitals, birthing centers, abortion centers and ambulatory surgery facilities, the surcharge has been implemented, and has provided resources for the implementation of the web-based Pennsylvania Patient Safety Reporting System and the operation of the Authority.

- The FY 2007-2008 surcharge assessment was approximately \$5,400,000. In FY 2008-2009, due to the economic downturn, the Authority utilized reserves in the

Fund to supplement some of the surcharge assessment. The FY 2008-2009 surcharge assessment was approximately \$4,000,000 and was paid by facilities in the summer of 2009. The Authority has recommended that the FY 2009-2010 surcharge assessment total \$5,000,000. This amount is approximately 7% less than FY 2007-2008 and 20% less than the total annual amount that could be assessed for the year. The Authority Board took several points into account in developing its recommendation including:

- The Fund will have a negative uncommitted balance by the end of the current FY in June 2010.
- The Authority budget only increased by 2% for this FY. All additional budgeted spending is focused on programs assisting facilities with patient safety programs. Staff did not receive pay increases for this FY. The Authority FY 2009-2010 budget is approximately \$5,800,000. Staff anticipates expenditures for this time period will be approximately \$5,500,000 resulting in savings of approximately \$300,000.

This notice sets forth the procedure that the Department will follow in assessing and collecting the surcharge for FY 2009-2010. The MCARE Act states that the surcharge shall be collected from medical facilities, which are defined as ambulatory surgical facilities (ASFs), birth centers, hospitals and abortion clinics licensed under either the Health Care Facilities Act (35 P. S. §§ 448.101—448.904) or the Public Welfare Code Article X (62 P. S. §§ 1001—1087). Nursing Homes, which are assessed under Chapter 4, receive a separate assessment notification.

To assess the surcharge in an equitable manner, the Department continues to use a common denominator in these facilities. For ASFs, birth centers and abortion clinics, the Department has chosen the number of operating and procedure rooms; and for hospitals, the Department has chosen the number of beds contained on the license of each hospital, whether by the Department (general and special acute care hospitals) or the Department of Public Welfare (privately owned psychiatric hospitals). It was also necessary to pick a point in time to make this assessment; the Department has chosen January 15, 2010.

The number of operating/procedure rooms (for ASFs, birth centers and abortion clinics) and the number of licensed beds (for hospitals) was totaled and that number was divided into \$5,000,000 to arrive at a charge per unit for the assessment. The total number of units (operating rooms, procedure rooms and licensed beds) is 43,182. Dividing this number into \$5,000,000 results in a per unit assessment for each installment of approximately \$115.78.

To obtain a copy of the assessment for all facilities, send an e-mail to paexcept@health.state.pa.us, and request the 2009-2010 MCARE surcharge assessment list.

Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due within 60 days. The MCARE Act authorized the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

If a medical facility has any questions concerning this notice, a representative from that facility should contact Joanne Salsgiver, Director, Department of Health, Divi-

sion of Acute and Ambulatory Care, 625 Forster Street, Health and Welfare Building, Room 532, Harrisburg, PA 17120, (717) 783-8980.

Persons with a disability who require an alternative format of this document (for example, large print, audiotope or Braille) should contact the Division of Acute and Ambulatory Care at the previously listed address or telephone number, or VVT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-334. Filed for public inspection February 19, 2010, 9:00 a.m.]

Women, Infants and Children Program; Public Meetings

The Department of Health (Department) has announced three public meetings to receive comments and suggestions about the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

The meetings will be held from 10 a.m. to 3 p.m. at the following locations:

Pittsburgh, PA
Thursday, April 8, 2010
Allegheny County Health Department
Investment Building
6th Floor
239 Fourth Avenue
Pittsburgh, PA 15222

Philadelphia, PA
Tuesday, April 13, 2010
NORTH, Inc.
642 North Broad Street
Suite 101
Philadelphia, PA 19130

State College, PA
Thursday, April 15, 2010
Home Nursing Agency
450 Windmere Drive
Suite 100
State College, PA 16801

The Department invites comments on all aspects of the WIC Program's operations. The purpose of the Program is to provide nutrition education and supplemental foods to eligible persons; with an emphasis on reaching and enrolling women in the early months of pregnancy, migrants and homeless individuals. Persons wishing to provide comments at the public meetings are requested to preregister with the Pennsylvania WIC Program Office by calling Bonnie Mellott, WIC Education/Outreach Coordinator at (717) 783-1289. Those unable to attend are encouraged to submit comments to the Division of Women, Infants and Children (WIC), Department of Health, 2150 Herr Street, 1st Floor, Suite B, Harrisburg, PA 17103-1625. Written comments will be accepted until May 31, 2010.

Written comments and those presented at the meetings will be used in developing the State Plan of Program Operation and Administration for the WIC Program for the 2011 Federal Fiscal Year, which runs October 1, 2010, to September 30, 2011.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Bonnie Mellott, WIC Education/Outreach Coordinator at (717) 783-1289. Speech and/or hearing impaired persons may contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984.

These meetings are subject to cancellation without notice.

WIC is an equal opportunity provider.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-335. Filed for public inspection February 19, 2010, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$50 A Day For Life Instant Lottery Game

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 \$50 A Day For Life.

2. *Price:* The price of a Pennsylvania \$50 A Day For Life instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania \$50 A Day For Life instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: Bell symbol (BELL), Chest symbol (CHEST), Clover symbol (CLOVER), Coins symbol (COINS), Diamond symbol (DMND), Piggy Bank symbol (PIGBNK), Pot symbol (POT), Rainbow symbol (RAINBW), Safe symbol (SAFE), Horse Shoe symbol (SHOE), Wallet symbol (WALLET) and a Moneybag symbol (MNYBAG).

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1^{.00} (ONE DOL), \$2^{.00} (TWO DOL), \$3^{.00} (THR DOL), \$4^{.00} (FOR DOL), \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$20^{.00} (TWENTY), \$50^{.00} (FIFTY), \$100 (ONE HUN) and LIFE (\$50/DAY/LIFE).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$50, \$100 and \$50 a day for life (\$365,000 lifetime minimum). The player can win up to 5 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 24,000,000 tickets will be printed for the Pennsylvania \$50 A Day For Life instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a Moneybag (MNYBAG) play symbol in the play area, and a prize symbol of LIFE (\$50/DAY/LIFE) appears in the "Prize" area under that Moneybag (MNYBAG) play symbol, on a single ticket, shall be entitled to a prize of \$50 a day for life (\$365,000 lifetime minimum) which shall be paid by an initial cash

payment of \$18,250 plus equal annual payments of \$18,250 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$365,000 minimum has been paid. If the winner of the Pennsylvania \$50 A Day For Life prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(b) Holders of tickets with a Moneybag (MNYBAG) play symbol in the play area, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Moneybag (MNYBAG) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with a Moneybag (MNYBAG) play symbol in the play area, and a prize symbol of \$50^{.00} (FIFTY) appears in the "Prize" area under that Moneybag (MNYBAG) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(d) Holders of tickets with a Moneybag (MNYBAG) play symbol in the play area, and a prize symbol of \$20^{.00} (TWENTY) appears in the "Prize" area under that Moneybag (MNYBAG) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(e) Holders of tickets with a Moneybag (MNYBAG) play symbol in the play area, and a prize symbol of \$10^{.00} (TEN DOL) appears in the "Prize" area under that Moneybag (MNYBAG) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(f) Holders of tickets with a Moneybag (MNYBAG) play symbol in the play area, and a prize symbol of \$5^{.00} (FIV DOL) appears in the "Prize" area under that Moneybag (MNYBAG) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(g) Holders of tickets with a Moneybag (MNYBAG) play symbol in the play area, and a prize symbol of \$4^{.00} (FOR DOL) appears in the "Prize" area under that Moneybag (MNYBAG) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(h) Holders of tickets with a Moneybag (MNYBAG) play symbol in the play area, and a prize symbol of \$3^{.00} (THR DOL) appears in the "Prize" area under that Moneybag (MNYBAG) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(i) Holders of tickets with a Moneybag (MNYBAG) play symbol in the play area, and a prize symbol of \$2^{.00} (TWO DOL) appears in the "Prize" area under that Moneybag (MNYBAG) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with a Moneybag (MNYBAG) play symbol in the play area, and a prize symbol of \$1^{.00} (ONE DOL) appears in the "Prize" area under that Moneybag (MNYBAG) play symbol, on a single ticket, shall be entitled to a prize of \$1.

(k) Holders of tickets with a Moneybag (MNYBAG) play symbol in the play area, and a prize symbol of FREE (TICKET) appears in the "Prize" area under that Moneybag (MNYBAG) play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania \$50 A Day For Life instant 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:

Reveal A Moneybag Symbol In The Play Area And Win Prize Shown Below It. Win With Prizes Of:

	Win	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 24,000,000 Tickets
FREE	FREE \$1 TICKET	9.52	2,520,000
\$1 × 2	\$2	42.86	560,000
\$2	\$2	37.50	640,000
\$1 × 3	\$3	100	240,000
\$1 + \$2	\$3	100	240,000
\$3	\$3	100	240,000
\$1 × 5	\$5	136.36	176,000
\$5	\$5	130.43	184,000
(\$1 × 2) + (\$4 × 2)	\$10	750	32,000
\$2 × 5	\$10	750	32,000
\$5 × 2	\$10	750	32,000
\$10	\$10	300	80,000
\$5 × 4	\$20	1,000	24,000
\$10 × 2	\$20	1,000	24,000
\$20	\$20	750	32,000
\$10 × 5	\$50	3,000	8,000
(\$20 × 2) + (\$5 × 2)	\$50	3,000	8,000
\$50	\$50	1,500	16,000
\$20 × 5	\$100	240,000	100
\$50 × 2	\$100	240,000	100
\$100	\$100	240,000	100
LIFE	\$50/DAY/LIFE	6,000,000	4

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 Game for retailers who sell Pennsylvania \$50 A Day For Life instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$50 A Day For Life, prize money from winning Pennsylvania \$50 A Day For Life 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 Pennsylvania \$50 A Day For Life 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.

11. *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.

12. *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 Pennsylvania \$50 A Day For Life or through normal communications methods.

C. DANIEL HASSELL,
Acting Secretary

[Pa.B. Doc. No. 10-336. Filed for public inspection February 19, 2010, 9:00 a.m.]

Pennsylvania Gold Rush Gus Instant Lottery Game

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 Gold Rush Gus.

2. *Price:* The price of a Pennsylvania Gold Rush Gus instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Gold Rush Gus instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9" and "GAME 10." Each "GAME" is played separately. Each "GAME" features a play area and a "PRIZE" area. The play symbols and their captions located in the play area are: Bell symbol (BELL), Cash symbol (CASH), Chest symbol (CHEST), Cherries symbol (CHR), Clover symbol (CLOVER), Coins symbol (COINS), Diamond symbol (DMND), Gift symbol (GIFT), Gold Bar symbol (GLDBAR), Gold Nugget (GLDNGT), Gold symbol (GOLD), Money symbol (MONEY), Paw symbol (PAW), Piggy Bank symbol (PIGBNK), Rainbow symbol (RAINBW), Safe symbol (SAFE), Horse Shoe symbol (SHOE), Star symbol (STAR), Wallet symbol (WALLET) and a Gus symbol (GUS).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area of each "GAME" are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$500, \$1,000 and \$20,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Gold Rush Gus instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$20,000 (TWY THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$50.00 (FIFTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$40.00 (FORTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets with a Gus (GUS) play symbol, and a prize symbol of \$20.00 (TWENTY) appears in the "PRIZE" area to the right of that Gus (GUS) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$20.00 (TWENTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets with a Gus (GUS) play symbol, and a prize symbol of \$10.00 (TEN DOL) appears in the "PRIZE" area to the right of that Gus (GUS) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$10.00 (TEN DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with a Gus (GUS) play symbol, and a prize symbol of \$5.00 (FIV DOL) appears in the "PRIZE" area to the right of that Gus (GUS) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$5.00 (FIV DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$4.00 (FOR DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets with a Gus (GUS) play symbol, and a prize symbol of \$2.00 (TWO DOL) appears in the "PRIZE" area to the right of that Gus (GUS) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$2.00 (TWO DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$1.00 (ONE DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1.

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:

Get Two Like Symbols In The Same Game, Win Prize Shown For That Game. Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 12,000,000 Tickets
\$2	\$2	21.43	560,000
\$1 x 2	\$2	21.43	560,000
\$4	\$4	50	240,000
\$2 x 2	\$4	50	240,000
\$2 w/GUS	\$4	50	240,000
\$5	\$5	75	160,000
\$1 x 5	\$5	150	80,000
(\$2 w/GUS) + \$1	\$5	150	80,000
\$10	\$10	250	48,000
\$2 x 5	\$10	300	40,000
(\$4 x 2) + \$2	\$10	375	32,000
\$5 x 2	\$10	300	40,000
\$5 w/GUS	\$10	300	40,000
\$20	\$20	500	24,000
\$4 x 5	\$20	500	24,000
\$5 x 4	\$20	500	24,000
\$10 x 2	\$20	500	24,000
\$10 w/GUS	\$20	500	24,000
\$40	\$40	1,429	8,400
\$4 x 10	\$40	1,429	8,400

Get Two Like Symbols In The Same Game, Win Prize Shown For That Game. Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 12,000,000 Tickets
\$10 × 4	\$40	1,446	8,300
\$20 w/GUS	\$40	1,429	8,400
\$50	\$50	4,000	3,000
\$5 × 10	\$50	4,000	3,000
\$10 × 5	\$50	4,000	3,000
(\$10 w/GUS) + (\$10 × 3)	\$50	4,000	3,000
(\$20 w/GUS) + (\$5 × 2)	\$50	4,000	3,000
\$40 + \$10	\$50	4,000	3,000
\$100	\$100	8,000	1,500
(\$10 w/GUS) + (\$10 × 8)	\$100	8,000	1,500
\$20 × 5	\$100	8,000	1,500
(\$20 w/GUS) + (\$20 × 3)	\$100	8,000	1,500
(\$40 × 2) + (\$10 × 2)	\$100	8,000	1,500
\$50 × 2	\$100	8,000	1,500
\$500	\$500	60,000	200
\$100 × 5	\$500	60,000	200
\$50 × 10	\$500	60,000	200
(\$20 × 5) + (\$50 × 2) + (\$100 × 3)	\$500	60,000	200
\$1,000	\$1,000	120,000	100
\$500 × 2	\$1,000	120,000	100
\$100 × 10	\$1,000	120,000	100
\$20,000	\$20,000	600,000	20

Get a GUS (GUS) symbol, win double the prize shown to the right of that game.

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 Game for retailers who sell Pennsylvania Gold Rush Gus instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Gold Rush Gus, prize money from winning Pennsylvania Gold Rush Gus 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 Pennsylvania Gold Rush Gus 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.

11. *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.

12. *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 Pennsylvania Gold Rush Gus or through normal communications methods.

C. DANIEL HASSELL,
Acting Secretary

[Pa.B. Doc. No. 10-337. Filed for public inspection February 19, 2010, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation, (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513 (e)(7)) intends to sell certain land owned by the Department.

The following property is available for sale by the Department:

Property measuring 50,424.31 square feet abutting SR 0026, east of Yellow Creek, being known as Tax Map No. G.06-47, formerly owned by Roger D. and Robin A. Donovan.

Interested public bodies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Sherry L. Peck, Property Manager, Department of Transportation, R/W Unit, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080.

Questions regarding this property may be directed to Sherry L. Peck, District Property Manager, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080, (814) 696-7215.

ALLEN D. BEIHLER, P. E.,
Secretary

[Pa.B. Doc. No. 10-338. Filed for public inspection February 19, 2010, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Mountain Watershed Association, Inc., Citizens for Pennsylvania's Future (PennFuture), and Youghiogheny Riverkeeper v. DEP and Potato Ridge, LLC, Permittee; EHB Doc. No. 2010-013-K

The Mountain Watershed Association, Inc., Citizens for Pennsylvania's Future (PennFuture), and Youghiogheny Riverkeeper have appealed the issuance by the Department of Environmental Protection of an NPDES permit renewal to Potato Ridge, LLC for a facility in Stewart Township, Fayette County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 10-339. Filed for public inspection February 19, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for the Merger of Redland Insurance Company with and into Praetorian Insurance Company

An application has been received requesting approval of the merger of Redland Insurance Company with and into Praetorian Insurance Company, both stock casualty insurance companies organized under the laws of the Commonwealth. The filing was made under the requirements set forth under the Insurance Holding Companies Act of 1921 (40 P. S. §§ 991.1401—991.1413); Business Corporation Law (15 Pa.C.S. §§ 1921—1932); and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208).

Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda

Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-340. Filed for public inspection February 19, 2010, 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.

Governor's Office

Management Directive No. 250.1—The Sunshine Act, Advertising Agency Public Meeting Notices, Amended January 11, 2010.

Administrative Circular No. 09-20—Update to the Schedule of Maintenance Charges for Employees Residing at Commonwealth Facilities, Dated December 31, 2009.

Administrative Circular No. 10-01—2010-11 Budget Hearing Materials, Dated January 8, 2010.

Administrative Circular No. 10-02—Distribution of the 2010-2011 Commonwealth Budget, Dated January 14, 2010.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 10-341. Filed for public inspection February 19, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made

with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 8, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

Corrected A-2010-2152783. Paul's Cab Service, Inc. (735 Market Street, Sunbury, Northumberland County, PA 17801)—a corporation of the Commonwealth, persons, in paratransit service, for the Department of Public Welfare's Careerlink clients and patients of Evangelical Community Hospital, between points, and within a 10 air mile radius of the Boroughs of Lewisburg, Milton, West Milton, Watsonstown, Mifflinburg, Montandon and Turbotville.

A-2010-2155546. Paul's Cab Service, Inc. (735 Market Street, Sunbury, Northumberland County, PA 17801)—a corporation of the Commonwealth, Temporary Authority to transport persons, in paratransit service, for the Department of Public Welfare's Careerlink clients and patients of Evangelical Community Hospital, between points, and within a 10 air mile radius of the Boroughs of Lewisburg, Milton, West Milton, Watsonstown, Mifflinburg, Montandon and Turbotville.

Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.

A-2010-2156183. Welcome Ambulance, Inc. (1631 Loretta Avenue, Unit 3, Feasterville, Bucks County, PA 19053)—a corporation of the Commonwealth—to begin to transport, as a contract carrier, by motor vehicle, persons for Access2Care, LLC, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2010-2154941. S & S Transit, Inc. (2500 Clyde Avenue, North Versailles, Allegheny County, PA 15137), a corporation of the Commonwealth, for the discontinuance of service and cancellation of its Certificate of Public Convenience as a common carrier, by motor vehicle, authorizing the transportation of persons in paratransit service at:

A-00103670, F.3: (1) between points in the Townships of Saint Clair, Fairfield, Ligonier, Cook and Donegal, and the Boroughs of Ligonier and Donegal, all in Westmoreland County; and (2) between points in the Township of North Huntingdon and the Boroughs of North Irwin and Irwin, all in Westmoreland County, subject to the following condition: (1) That no right, power or privilege is granted to transport train crews for Consolidated Rail Corporation; and (2) That the applicant shall comply with all rules and regulations as set forth in 52 Pa. Code §§ 29.353 and 29.354;

A-00103670, F.3-Am-A: from points in the Boroughs of Export, Murrysville, and that portion of Trafford, located in the County of Westmoreland, to points in the Counties of Westmoreland and Allegheny, and return, subject to the following condition: That no right, power or privilege is granted to provide service to or from the Greater Pittsburgh International Airport;

A-00103670, F.3-Am-B: from points in the Township of Penn, the Borough of Delmont and points within an airline distance of 1 statute mile of the limits of the Borough of Delmont, Westmoreland County, to points in the Counties of Westmoreland and Allegheny, and return, subject to the following conditions: (1) That no right, power or privilege is granted to provide service from points within an airline distance of 4 statute miles of the Borough of Manor, Westmoreland County, to points within an airline distance of 20 statute miles of the limits of the Borough of Manor, Westmoreland County; (2) That no right, power or privilege is granted to provide service to, from or between points within an airline distance of 3 statute miles of the limits of the city of Jeannette, Westmoreland County; (3) That no right, power or privilege is granted to render transportation to or from the Greater Pittsburgh International Airport; (4) That no right, power or privilege is granted to provide service between points in the Borough of Delmont and that part of the Township of Salem within an airline distance of 1 statute mile of the limits of the Borough of Delmont; and (5) That no right, power or privilege is granted to provide service from points in the Borough of Delmont and that part of the Township of Salem within an airline distance of 1 statute mile of the limits of the Borough of Delmont to points in the City of Jeannette, the Borough of Penn, points within an airline distance of 5 statute miles of the limits of the City of Jeannette, the Borough of Adamsburg, the Borough of Sutersville and the Township of Sewickley, or return.

A-00103670, F.3-Am-D: from points in the County of Allegheny, to other points in Pennsylvania, and return.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-342. Filed for public inspection February 19, 2010, 9:00 a.m.]

Telecommunications

A-2010-2157078. Verizon North, Inc. and BCN Telecom, Inc. Joint petition of Verizon North, Inc. and BCN Telecom, Inc. for approval of an interconnection agreement and amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and BCN Telecom, Inc., by its counsel, filed on February 5, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg,

PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and BCN Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-343. Filed for public inspection February 19, 2010, 9:00 a.m.]

Telecommunications

A-2010-2156190. Verizon North, Inc. and Granite Telecommunications, LLC. Joint petition of Verizon North, Inc. and Granite Telecommunications, LLC for approval of amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Granite Telecommunications, LLC, by its counsel, filed on February 3, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Granite Telecommunications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-344. Filed for public inspection February 19, 2010, 9:00 a.m.]

Telecommunications

A-2010-2157086. Verizon Pennsylvania, Inc. and BCN Telecom, Inc. Joint petition of Verizon Pennsylvania, Inc. and BCN Telecom, Inc. for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and BCN Telecom, Inc., by its counsel, filed on February 5, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and BCN Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-345. Filed for public inspection February 19, 2010, 9:00 a.m.]

Telecommunications

A-2010-2156176. Verizon Pennsylvania, Inc. and Granite Telecommunications, LLC. Joint petition of Verizon Pennsylvania, Inc. and Granite Telecommunications, LLC for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Granite Telecommunications, LLC, by its counsel, filed on February 3, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Granite Telecommunications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-346. Filed for public inspection February 19, 2010, 9:00 a.m.]

Telecommunications

A-2010-2157061. Windstream Pennsylvania, LLC and Access Point, Inc. Joint petition of Windstream Pennsylvania, LLC and Access Point, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream Pennsylvania, LLC and Access Point, Inc., by its counsel, filed on February 5, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint

petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Winstream Pennsylvania, LLC and Access Point, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-347. Filed for public inspection February 19, 2010, 9:00 a.m.]

Tentative Order

Implementation of the Alternative Energy Portfolio Standards Act of 2004: Standards for the Participation of Demand Side Management Resources—Technical Reference Manual Update; Doc. No. M-00051865

The Pennsylvania Public Utility Commission (Commission) seeks comments on the proposed 2010 update to the Technical Reference Manual. In implementing the Alternative Energy Portfolio Standards Act, 73 P.S. §§ 1648.1–1648.8, this Commission had previously adopted an *Energy-Efficiency and DSM Rules for Pennsylvania's Alternative Energy Portfolio Standard, Technical Reference Manual (TRM)*, entered October 3, 2005. In adopting the original version of the TRM, this Commission directed the Bureau of Conservation, Economics and Energy Planning (CEEP) to oversee the implementation, maintenance and periodic updating of the TRM.

Additionally, in the Energy Efficiency and Conservation Program Implementation Order, entered on January 16, 2009 at Docket No. M-2008-2069887, this Commission adopted the TRM as a component of the Energy Efficiency and Conservation Program evaluation process. Soon thereafter, Commission staff initiated a collaborative process to update the TRM that culminated with the adoption of the 2009 version of the TRM, on June 1, 2009.

The Commission, in adopting the 2009 version of the TRM, directed CEEP to update the TRM on an annual basis. In furtherance of this direction, the Commission, on January 28, 2010, adopted a Tentative Order issuing a proposed 2010 version of the TRM for comment. The proposed 2010 TRM update is contained in the Annex to the Tentative Order that can be found on the Commission's web site at <http://www.puc.state.pa.us/pcdocs/1067104.docx>. Interested parties have 20 days from the date of the publication of this notice to file written

comments and 15 days thereafter to file written reply comments referencing Doc. No. M-00051865 with the Secretary of the Commission.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-348. Filed for public inspection February 19, 2010, 9:00 a.m.]

PORT OF PITTSBURGH COMMISSION

Independent Auditor's Report

Board of Directors
Port of Pittsburgh Commission:

We have audited the statement of net assets of Port of Pittsburgh Commission (Commission), a component unit of the Commonwealth of Pennsylvania, as of June 30, 2009, and the related statement of activities for the year then ended (not presented herein). These financial statements are the responsibility of the Commission's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

The condensed statement of net assets as of June 30, 2009, and the related condensed statement of activities for the year then ended, presented as follows, are presented as a summary and, therefore, do not include all of the information required by accounting principles generally accepted in the United States of America.

In our opinion, because of the significance of the omission of the information referred to in the preceding paragraph, the condensed financial statements referred to above do not present fairly, in conformity with accounting principles generally accepted in the United States of America, the financial position of the Port of Pittsburgh Commission as of June 30, 2009, or the results of its operations for the year then ended.

Parente Beard, LLC

Pittsburgh, Pennsylvania
January 19, 2010

PORT OF PITTSBURGH COMMISSION
CONDENSED STATEMENT OF NET ASSETS
JUNE 30, 2009

Assets:

Cash and investments	\$4,650,939
Capital assets, net of accumulated depreciation/amortization	1,318,839
Other assets	<u>200,680</u>
Total Assets	<u>\$6,170,458</u>

Liabilities and Net Assets:

Liabilities	
Net assets:	
Restricted for economic development	4,767,372
Invested in capital assets, net of related debt	<u>(706,091)</u>
Total Liabilities and Net Assets	<u>\$6,170,458</u>

PORT OF PITTSBURGH COMMISSION
CONDENSED STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2009

Functions:	<u>Expenses</u>	<u>Charges for Services</u>	<u>Program Revenues Operating Grants and Contributions</u>	<u>Net Revenue/ (Expense) and Change in Net Assets Governmental Activities</u>
Government Activities,				
Port development	<u>\$1,059,377</u>	<u>\$67,802</u>	<u>\$1,351,460</u>	\$ 359,885
General Revenues				60,401
Change in Net Assets				420,286
Net Assets, Beginning of Year				3,640,995
Net Assets, End of Year				<u>\$4,061,281</u>

JAMES R. McCARVILLE,
Executive Director

[Pa.B. Doc. No. 10-349. Filed for public inspection February 19, 2010, 9:00 a.m.]

STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.
Julie Cook Stilts, RN; Doc. No. 2152-51-08**

On January 21, 2010, Julie Cook Stilts, license no. RN318073L, of Cranberry Township, Butler County, had her nursing license suspended for at least 3 years retroactive to December 4, 2008, based on findings that she violated the terms of her Voluntary Recovery Program Consent Agreement.

Individuals may obtain a copy of the adjudication by writing to Roberta L. Silver, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final 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 the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FANN, CRNP,
Chairperson

[Pa.B. Doc. No. 10-350. Filed for public inspection February 19, 2010, 9:00 a.m.]

