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Volume 41 (2011)

Pennsylvania Bulletin  
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6-11-2011

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# PENNSYLVANIA BULLETIN

Volume 41

Number 24

Saturday, June 11, 2011 • Harrisburg, PA

Pages 2923—3074

## Agencies in this issue

The Courts  
Department of Banking  
Department of Environmental Protection  
Department of Health  
Department of Transportation  
Environmental Quality Board  
Fish and Boat Commission  
Game Commission  
Health Care Cost Containment Council  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Emergency Management Agency  
Pennsylvania Gaming Control Board  
Pennsylvania Public Utility Commission  
Philadelphia Parking Authority  
Philadelphia Regional Port Authority  
State Board of Nursing  
State Board of Vehicle Manufacturers, Dealers  
and Salespersons  
Susquehanna River Basin Commission  
**Detailed list of contents appears inside.**



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

**No. 439, June 2011**

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**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.

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# CONTENTS

## THE COURTS

**JUDICIAL SYSTEM GENERAL PROVISIONS**  
 Amendment of rule 203 of the rules of disciplinary enforcement; no. 101 disciplinary rules doc..... 2932

**RULES OF CIVIL PROCEDURE**  
 Proposed and renumbered orphans' court rules ..... 2932

**DISCIPLINARY BOARD OF THE SUPREME COURT**  
 Notice of suspension ..... 2949

## EXECUTIVE AGENCIES

**DEPARTMENT OF BANKING**  
**Notices**  
 Actions on applications..... 3014

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Notices**  
 Alternative Fuels Incentive Grant Program; Pennsylvania turnpike electric vehicle charging infrastructure; solicitation ..... 3059  
 Applications, actions and special notices..... 3015  
 Mining and Reclamation Advisory Board; meeting change..... 3059  
 Nutrient Credit Trading Program action..... 3059

**DEPARTMENT OF HEALTH**  
**Notices**  
 Applications for exception:  
   Meadville Medical Center ..... 3060  
   The Scranton Endoscopy Center ..... 3060  
   28 Pa. Code § 127.32 ..... 3060  
   York Hospital..... 3061  
 Draft Title V Maternal and Child Health Services Block Grant 2010 report and 2010 application; public comment period ..... 3061  
 Long-term care nursing facilities; requests for exception..... 3061  
 Pennsylvania Cancer Control, Prevention and Research Advisory Board meeting ..... 3061

**DEPARTMENT OF TRANSPORTATION**  
**Notices**  
 Bureau of Maintenance and Operations; access route approval..... 3062  
 Finding (3 documents) ..... 3062, 3063  
 Proposed Disadvantaged Business Enterprise goals for participation in federally funded highway and transit contracts for federal fiscal years 2012-2014 ..... 3063

**ENVIRONMENTAL QUALITY BOARD**  
**Notices**  
 Meeting cancellation ..... 3063

**FISH AND BOAT COMMISSION**  
**Rules and Regulations**  
 Fishing; general fishing regulations ..... 2950  
 Fishing; special fishing regulations..... 2950

**Proposed Rulemaking**  
 Boating; operator provided equipment..... 2975  
 Fishing; general and special fishing regulations..... 2976  
 General provisions; administrative provisions..... 2977  
 General provisions; boating..... 2978

**Notices**  
 2011 classification of wild trout streams additions, adjustments and removals..... 3063

**GAME COMMISSION**  
**Notices**  
 Voluntary Public Access-Habitat Incentives Program; Final Programmatic Environmental Assessment and finding of no significant impact ..... 3064

**HEALTH CARE COST CONTAINMENT COUNCIL**  
**Notices**  
 Meetings scheduled ..... 3064

**INDEPENDENT REGULATORY REVIEW COMMISSION**  
**Notices**  
 Action taken by the Commission..... 3064  
 Notice of comments issued ..... 3065

**INSURANCE DEPARTMENT**  
**Notices**  
 Continental Casualty Company; requested 45% rate increase filing for several long-term care policies; rate filing ..... 3068  
 Review procedure hearings; cancellation or refusal of insurance ..... 3068

**PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY**  
**Notices**  
 Application for the Volunteer Fire Company and Volunteer Ambulance Services Grant Program .... 3068

**PENNSYLVANIA GAMING CONTROL BOARD**  
**Rules and Regulations**  
 Table game amendments; rules of play; temporary regulations (2 documents) ..... 2952, 2962

**Proposed Rulemaking**  
 Table game rules for pai gow, craps and mini-craps and sic bo ..... 2981  
 Table game rules for roulette, big six wheel and casino war ..... 3000

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Statements of Policy**  
 Ill or injured exemption to common carrier by motor vehicle service ..... 3009

---

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**Notices**

Gas service..... 3069  
Service of notice of motor carrier applications..... 3069

**PHILADELPHIA PARKING AUTHORITY**

**Notices**

Taxicab and Limousine Division; approved fee  
schedule for the fiscal year beginning July 1,  
2011 ..... 3070

**PHILADELPHIA REGIONAL PORT AUTHORITY**

**Notices**

Request for bids (2 documents) ..... 3071

**STATE BOARD OF NURSING**

**Notices**

Bureau of Professional and Occupational Affairs v.  
James J. Schneider; doc. no. 2387-51-2010 ..... 3071

**STATE BOARD OF VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS**

**Notices**

Bureau of Professional and Occupational Affairs v.  
Charles Costa, Jr.; doc. no. 0207-60-2011 ..... 3071

**SUSQUEHANNA RIVER BASIN COMMISSION**

**Notices**

Projects approved for consumptive uses of water . . . 3071

# 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.

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2011.

<b>1 Pa. Code (General Provisions)</b>		1003 .....	435
<b>Adopted Rules</b>		1005 .....	435
1 .....	2686	1011 .....	435
		1013 .....	435
<b>4 Pa. Code (Administration)</b>		1015 .....	435
<b>Adopted Rules</b>		1017 .....	435
6 .....	1754	1019 .....	435
		1021 .....	435
<b>Statements of Policy</b>		1023 .....	435
9 .....	522, 614, 1784	1025 .....	435
		1027 .....	435
<b>7 Pa. Code (Agriculture)</b>		1029 .....	435
<b>Adopted Rules</b>		1051 .....	435
59 .....	2540	1053 .....	435
59a .....	2540	1055 .....	435
		1057 .....	435
<b>Proposed Rules</b>		1059 .....	435
144 .....	2123	1061 .....	435
		1063 .....	435
<b>Statements of Policy</b>		1065 .....	435
28c .....	351		
		<b>Statements of Policy</b>	
<b>25 Pa. Code (Environmental Protection)</b>		41 .....	3009
<b>Adopted Rules</b>			
78 .....	805	<b>55 Pa. Code (Public Welfare)</b>	
93 .....	1335	<b>Statements of Policy</b>	
105 .....	219	6000 .....	352
129 .....	229		
250 .....	230, 840, 1458	<b>58 Pa. Code (Recreation)</b>	
		<b>Adopted Rules</b>	
<b>Proposed Rules</b>		51 .....	2437
901 .....	1173	53 .....	2438
		63 .....	2950
<b>31 Pa. Code (Insurance)</b>		65 .....	2950
<b>Adopted Rules</b>		95 .....	2438
39 .....	592	111 .....	2438
39a .....	592	131 .....	2687
84b .....	599	135 .....	1621, 1764
84c .....	600	139 .....	2688
84d .....	601	141 .....	1622, 1623, 1765, 2694, 2695, 2696, 2697, 2698, 2699
118a .....	602		2700
		143 .....	2700
<b>34 Pa. Code (Labor and Industry)</b>		147 .....	1624, 1764, 1766, 1767
<b>Adopted Rules</b>		401a .....	2439
61 .....	844	421a .....	2439
65 .....	848	439a .....	2439
		440a .....	2439
<b>49 Pa. Code (Professional and Vocational Standards)</b>		441a .....	2439
<b>Adopted Rules</b>		451a .....	2439
5 .....	2845	465a .....	2439
20 .....	16	481a .....	2439
37 .....	2847	501a .....	2439
43b .....	2853, 2856	503a .....	2439
		521 .....	234
<b>Proposed Rules</b>		523 .....	2952
27 .....	1337	525 .....	234, 1897, 2329, 2952
42 .....	1909	531 .....	1897
		535 .....	234, 1897, 2329
<b>52 Pa. Code (Public Utilities)</b>		537 .....	234, 2952
<b>Adopted Rules</b>		539 .....	1897
62 .....	30	541 .....	234, 2952, 2962
		543 .....	234, 2329, 2962
<b>Proposed Rules</b>		545 .....	234, 2952
59 .....	1020		
1001 .....	435		



549 ..... 234, 1897, 2329  
 553 ..... 2329  
 557 ..... 2962  
 559 ..... 2962  
 561 ..... 1897  
 563 ..... 1897  
 565 ..... 234, 2329  
 569 ..... 234, 2962  
 571 ..... 2952, 2962

**Proposed Rules**

51 ..... 2971  
 53 ..... 2978  
 61 ..... 2444  
 63 ..... 2444, 2976  
 65 ..... 2447, 2976  
 97 ..... 2975, 2978  
 111 ..... 2978  
 131 ..... 1633  
 139 ..... 1634  
 141 ..... 1625, 1626, 1627, 1629, 1631  
 143 ..... 1625  
 147 ..... 2701  
 401a ..... 1018, 2581  
 405a ..... 1018  
 423a ..... 1903  
 433a ..... 1903  
 435a ..... 1903  
 436a ..... 1903  
 461a ..... 2581  
 465a ..... 2581  
 467a ..... 2581  
 513a ..... 1903  
 521 ..... 1769, 2581  
 523 ..... 238  
 524 ..... 605  
 525 ..... 2581  
 526 ..... 1769  
 527 ..... 1769  
 528 ..... 605  
 529 ..... 605  
 531 ..... 3000  
 533 ..... 3000  
 535 ..... 2981  
 537 ..... 2981  
 539 ..... 2981  
 567 ..... 3000  
 601a ..... 1769  
 603a ..... 238  
 605a ..... 605  
 609a ..... 1769  
 611a ..... 1769  
 613a ..... 605  
 615a ..... 605  
 617a ..... 3000  
 619a ..... 3000  
 621a ..... 2981  
 623a ..... 2981  
 625a ..... 2981  
 651a ..... 3000

**61 Pa. Code (Revenue)**

**Adopted Rules**  
 1001 ..... 41

**67 Pa. Code (Transportation)**

**Adopted Rules**  
 83 ..... 46

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**  
 29 ..... 1894  
 71 ..... 1895  
 83 ..... 331, 2119, 2932  
 85 ..... 1757  
 211 ..... 1894

**Proposed Rules**

83 ..... 2517

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**  
 51 ..... 332

**Proposed Rules**

115 ..... 1332

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**  
 11 ..... 923  
 15 ..... 1999  
 63 ..... 923, 2837  
 67 ..... 1456, 2413

**Proposed Rules**

1 ..... 2212  
 9 ..... 2212  
 19 ..... 2212  
 27 ..... 2212

**225 Pa. Code (Rules of Evidence)**

**Proposed Rules**  
 101 ..... 2795  
 102 ..... 2795  
 103 ..... 2795  
 104 ..... 2795  
 105 ..... 2795  
 106 ..... 2795  
 201 ..... 2795  
 301 ..... 2795  
 401 ..... 2795  
 402 ..... 2795  
 403 ..... 2795  
 404 ..... 2795  
 405 ..... 2795  
 406 ..... 2795  
 407 ..... 2795  
 408 ..... 2795  
 409 ..... 2795  
 410 ..... 2795  
 411 ..... 2795  
 412 ..... 2795  
 501 ..... 2795  
 601 ..... 2795  
 602 ..... 2795  
 603 ..... 2795  
 604 ..... 2795  
 605 ..... 2795  
 606 ..... 2795  
 607 ..... 2795  
 609 ..... 2795  
 610 ..... 2795  
 611 ..... 2795  
 612 ..... 2795  
 613 ..... 2795  
 614 ..... 2795  
 615 ..... 2795  
 701 ..... 2795  
 702 ..... 2795  
 703 ..... 2795

704 ..... 2795  
 705 ..... 2795  
 706 ..... 2795  
 801 ..... 2795  
 802 ..... 2795  
 803 ..... 2795  
 803(2) ..... 2795  
 803(3) ..... 2795  
 803(4) ..... 2795  
 803(5) ..... 2795  
 803(6) ..... 2795  
 803(7) ..... 2795  
 803(8) ..... 2795  
 803(9) ..... 2795  
 803(10) ..... 2795  
 803(11) ..... 2795  
 803(12) ..... 2795  
 803(13) ..... 2795  
 803(14) ..... 2795  
 803(15) ..... 2795  
 803(16) ..... 2795  
 803(17) ..... 2795  
 803(18) ..... 2795  
 803(19) ..... 2795  
 803(20) ..... 2795  
 803(21) ..... 2795  
 803(22) ..... 2795  
 803(23) ..... 2795  
 803(24) ..... 2795  
 803(25) ..... 2795  
 803.1 ..... 2795  
 803.1(2) ..... 2795  
 803.1(3) ..... 2795  
 804 ..... 2795  
 804(b) ..... 2795  
 804(b)(2) ..... 2795  
 804(b)(3) ..... 2795  
 804(b)(4) ..... 2795  
 804(b)(5) ..... 2795  
 804(b)(6) ..... 2795  
 805 ..... 2795  
 806 ..... 2795  
 807 ..... 2795  
 901 ..... 2795  
 902 ..... 2795  
 903 ..... 2795  
 1001 ..... 2795  
 1002 ..... 2795  
 1003 ..... 2795  
 1004 ..... 2795  
 1005 ..... 2795  
 1006 ..... 2795  
 1007 ..... 2795  
 1008 ..... 2795

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

200 ..... 7, 214, 215, 333  
 1920 ..... 1758

3000 ..... 333  
 4000 ..... 334  
 Part II ..... 336

**Proposed Rules**

200 ..... 2314  
 1000 ..... 2315  
 1300 ..... 2316  
 1910 ..... 1617, 1618, 1619  
 Part II ..... 2932

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

1 ..... 1999  
 3 ..... 1759  
 4 ..... 1167  
 5 ..... 834  
 9 ..... 1999  
 10 ..... 216, 834

**Proposed Rules**

1 ..... 1008, 2214  
 6 ..... 2318  
 7 ..... 1011  
 9 ..... 2214

**237 Pa. Code (Juvenile Rules)**

**Adopted Rules**

1 ..... 2319, 2413, 2429, 2684, 2839  
 2 ..... 2319, 2413  
 3 ..... 2319, 2684  
 4 ..... 2319, 2413  
 5 ..... 2319, 2413, 2684  
 6 ..... 2319, 2413  
 8 ..... 2319  
 11 ..... 2319, 2413, 2430, 2839  
 12 ..... 2319, 2413, 2839  
 14 ..... 2319, 2413  
 15 ..... 2319, 2413  
 16 ..... 2319, 2413, 2430, 2434  
 18 ..... 2413, 2430, 2434, 2839

**Proposed Rules**

1 ..... 8, 1013  
 4 ..... 2522  
 8 ..... 8  
 11 ..... 8  
 12 ..... 8  
 18 ..... 8

**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 1760

**255 Pa. Code (Local Court Rules)**

Unclassified .. 14, 218, 344, 346, 521, 588, 589, 590, 724,  
 837, 838, 839, 924, 1016, 1017, 1168, 1169, 1332,  
 1456, 1620, 1763, 1896, 2001, 2002, 2221, 2224,  
 2225, 2525, 2532, 2537, 2843

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 83 ]

#### Amendment of Rule 203 of the Rules of Disciplinary Enforcement; No. 101 Disciplinary Rules Doc.

##### Order

*Per Curiam*

And Now, this 26th day of May, 2011 upon the recommendation of the Disciplinary Board of The Supreme Court of Pennsylvania; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 40 Pa.B. 6775 (November 27, 2010):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 203(b) of the Pennsylvania Rules of Disciplinary Enforcement is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter B. MISCONDUCT

#### Rule 203. Grounds for discipline.

\* \* \* \* \*

(b) The following shall also be grounds for discipline:

\* \* \* \* \*

**(7) Failure by a respondent-attorney without good cause to respond to Disciplinary Counsel's request or supplemental request under Disciplinary Board Rules, § 87.7(b) for a statement of the respondent-attorney's position.**

\* \* \* \* \*

[Pa.B. Doc. No. 11-958. Filed for public inspection June 10, 2011, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART II. ORPHANS' COURT RULES

#### [ 231 PA. CODE PART II ]

#### Proposed and Renumbered Orphans' Court Rules

With respect to rules regarding adoptions, the Orphans' Court Procedural Rules Committee is recommending new

Supreme Court Orphans' Court Rules 15.5, 15.7, 15.9, 15.10, 15.11, 15.12, and 15.14, as well as the amendment and renumbering of current Rules 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, and 15.9. Pursuant to Pennsylvania Rule of Judicial Administration 103(a)(1), the proposed amended rules and the proposed new rules are being submitted to the bench and bar for comments and suggestions prior to the Committee submitting this Recommendation to the Supreme Court for adoption.

Proposed new rule numbers and rule additions are bold. Any deletions are bold and bracketed.

All communications in reference to the proposed Recommendation should be sent no later than Wednesday, August 10, 2011, to:

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The Committee has prepared this Explanatory Comment which appears in connection with the proposed amendments for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Orphans' Court  
Procedural Rules Committee*

MARGARET GALLAGHER THOMPSON,  
*Chair*

##### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART II. ORPHANS' COURT RULES

##### RULE 15: ADOPTIONS

#### Rule 15.1. Local rules.

The practice and procedure with respect to adoptions shall be as provided by Act of Assembly and **these rules** to the extent not inconsistent [ **therewith shall conform either with the pertinent general rule or special order of the local Orphans' Court or, in the absence thereof, with this Rule 15** ] with an Act of Assembly. **The Orphans' Court Divisions of the several judicial districts of this Commonwealth may adopt local rules regulating the practice and procedure of adoptions. All such rules shall not be inconsistent with these rules and the Adoption Act, 23 Pa.C.S. § 2101 et seq.**

Rule [ 15.6 ] **15.2.** Notice; method and time.

[ Notice to ] (a) **Method of notice.** Except as otherwise provided in these rules, every person to be notified shall be **provided with notice** by personal service [ , **service** ] at his or her residence on an adult member of the household, or by registered **or certified** mail [ **to** ] at his or her last known address. If [ **such** ] service is not [ **unobtainable and** ] **obtainable because** the registered or certified mail is returned undelivered, then:

(1) no further notice shall be required in proceedings under Rules [ **15.2 or 15.3, and** ] **15.3 or 15.4, 15.5, 15.7, 15.9, 15.10, 15.11;**

(2) **further notice by publication shall be required in proceedings under [ Rules 15.4 and 15.5, ] Rule 15.6 and Rule 15.8 only where the petitioner is seeking to have the court, pursuant to 23 Pa.C.S. § 2714, dispense with the consent of a birth parent whose parental rights have not been terminated;**

(3) further notice **[ by publication or otherwise ]** shall be given if required by **[ general ]** local rule or special order of the local **[ Orphans' Court ]** court.

(4) If, after reasonable investigation, the identity of a person to be notified is unknown, notice to him or her shall not be required.

**(b) Time for notice.**

(1) **Notice of a hearing under Rules 15.3, 15.4, 15.6, 15.9, 15.10 and 15.11 shall be provided at least ten (10) days prior to the date fixed for the hearing.**

(2) **Notice of a hearing under Rule 15.8 shall be provided at least ten (10) days prior to the date fixed for the hearing only if the parental rights of a birth parent have not been terminated in a prior proceeding and the court is being asked to dispense with the consent of the birth parent pursuant to 23 Pa.C.S. § 2714.**

Rule **[ 15.2 ]** 15.3. Voluntary relinquishment to agency.

(a) *Petition.* A petition under **[ Section 301 of the Adoption Act ]** 23 Pa.C.S. § 2501 to relinquish parental rights and duties with respect to a child who has been in the care of an Agency shall include the following allegations:

(1) the name, address, age, racial background and religious affiliation of the petitioner;

(2) the information required in subparagraph (1) as to any parent who is not a petitioner, including the father of a child born out of wedlock, if he has been identified, **[ unless ] or the reason(s) why the court[ , for cause shown, determines ] should find that** such information is not essential;

(3) the marital status of the mother as of the time of birth of the child and during one year prior thereto **[ and, if the mother has ever been married, the name of her husband or husbands and her maiden name ]**;

(4) the name, age, date of birth, **place of birth**, racial background, sex and religious affiliation of the child;

(5) the name and address of the Agency having care of the child;

(6) **[ the date when the child was placed with the Agency;**

**(7) when the child is born out of wedlock, whether the mother and the father of the child intend to marry;**

**(8) ]** the reasons for seeking relinquishment;

**(7) whether the petitioner has received counseling concerning the termination of parental rights and the alternatives thereto;**

**(8) that the petitioner has been informed and understands that a birth relative of the child, including the petitioner, and the adopting parent(s) of the child have the opportunity to enter into a legally enforceable Voluntary Agreement for Post-**

**Adoption Contact or Communication ("Voluntary Post-Adoption Contact Agreement");**

(9) **[ that each ]** whether or not a Voluntary Post-Adoption Contact Agreement has been submitted and is pending before this court or is being submitted to the court under a separate petition filed at the same time as the filing of this petition;

(10) **that the non-petitioning birth parent has been informed that a birth relative of the child, including that birth parent, and the adopting parent(s) have the opportunity to enter into a Voluntary Post-Adoption Contact Agreement, or the reason(s) why such notice has not or cannot be given; and**

(11) **that the petitioner understands the petition, has considered the alternatives, and has executed the petition voluntarily to promote what the petitioner believes to be in petitioner's and the child's best interests.**

*Note:* Under Act 101, the adoption agency or an attorney for a party is required to give notice to the adopting parent(s), a birth parent, and, in some instances, a child of the opportunity to enter into Voluntary Post-Adoption Contact Agreements. Notice to birth relatives who are not birth parents (*see* 23 Pa.C.S. § 2733(c)) is not required, although birth relatives may negotiate and become parties to a voluntary contract with the adopting parent(s) for post-adoption contact or communication. In some cases, the court may dispense with proof that a non-petitioning birth parent has received notice of the opportunity to enter into a Voluntary Post-Adoption Contact Agreement. By means of examples, without limitation, the following may be reasons why the court may decide to dispense with proof that both birth parents received such notification: the identity of the non-petitioning birth parent is unknown; the location of the non-petitioning birth parent is unknown; the non-petitioning birth parent has never had any contact with the child; or the parental rights of the non-petitioning birth parent were or will be terminated in a separate proceeding. The last example presumes that the non-petitioning birth parent has been or will be informed of the opportunity to enter into a Voluntary Post-Adoption Contact Agreement in that separate proceeding and proof of this notice will be submitted in that proceeding.

If a child is age 12 years of age or older, the child must consent to and sign the Voluntary Post-Adoption Contact Agreement. 23 Pa.C.S. § 2734. The court finalizing the adoption shall verify that a child who has attained twelve (12) years of age prior to finalization of the adoption received notice and information regarding the opportunity to enter into a Voluntary Post-Adoption Contact Agreement. *See* Pa.O.C. Rule 15.8.

(b) *Exhibits.* The petition shall have attached to it the following exhibits:

(1) the notice or agreement to relinquish custody of the child to the Agency signed by the petitioner;

(2) an acknowledgement signed by the petitioner that he or she has received notice and information regarding the opportunity to negotiate and enter into a legally enforceable Voluntary Post-Adoption Contact Agreement;

(3) the joinder of a parent who is not a petitioner or his or her waiver of all interest in the child, if either is obtainable;

(4) if the joinder or waiver of the non-petitioning parent is attached, then an acknowledgement signed by the non-petitioning parent that he or she has received notice and information regarding the opportunity to negotiate and enter into a legally enforceable Voluntary Post-Adoption Contact Agreement;

[ (2) ] (5) a birth certificate or certification of registration of birth of the child; and

[ (3) the written consent of a parent or guardian of a petitioner who has not reached 18 years of age;

(4) ] (6) the joinder or consent of the Agency having care of the child and its consent to accept custody of the child until such time as the child is adopted.

*Note:* The acknowledgements required to be attached as Exhibits under subparagraphs (b)(2) and (b)(4) are not required if a Voluntary Post-Adoption Contact Agreement involving that birth parent already has been submitted and approved by the court, is currently pending before the court, or is attached to a separate petition to approve a Voluntary Post-Adoption Contact Agreement that is being filed simultaneously with the filing of this petition. The acknowledgement under subparagraph (b)(4) is not required if reasons are set forth in the petition, and the court determines that such notification need not or cannot be obtained.

(c) *Notice and hearing.* [ If a parent, including the parent of a child born out of wedlock, has not relinquished his or her rights and duties in and to the child or joined in the other parent's petition hereunder, then notice of the hearing on the petition to relinquish rights and duties shall be given to the first referred to parent as provided in Rule 15.6. A parent may waive in writing the right to such notice. Each ] After the filing of a petition under 23 Pa.C.S. § 2501, the court shall schedule a private evidentiary hearing providing sufficient time for notice to be given as provided below. The petitioner and each person whose joinder or consent is attached to the petition must appear at the hearing and shall be examined under oath at the hearing unless excused by the court.

(1) In compliance with Rule 15.2, notice of the hearing shall be given to the petitioner and shall contain the information as required in subsection 23 Pa.C.S. § 2503(b)(2).

(2) In compliance with Rule 15.2, a copy of the notice of the hearing shall be given to the other parent, including to the putative father, if applicable. Notice sent to the putative father shall also inform the putative father that his parental rights may be terminated if:

(A) he fails to file either an acknowledgment of paternity or claim of paternity pursuant to 23 Pa.C.S. § 5103 (relating to acknowledgment and claim of paternity); and

(B) he fails to either appear at the scheduled hearing to object to the termination of his parental rights or file, with the court prior to the hearing, a written objection to the termination of his parental rights.

(3) In compliance with Rule 15.2, copy of the notice of the hearing shall be given to the parent(s) of a petitioner who has not reached 18 years of age.

(d) *Decree.* After the hearing, the court shall enter a decree terminating parental rights as set forth in 23 Pa.C.S. § 2503(c), including the obligation of support, if the court is satisfied that the petitioner voluntarily filed the petition and that termination of petitioner's parental rights is in the best interest of the child.

(e) *Putative father.* The court may also terminate the rights of a putative father who has failed to file a separate petition under 23 Pa.C.S. § 2501 or join in the petitioner's petition, if the putative father has been given notice of the hearing and has failed to appear at the hearing or file a written objection with the court prior to the hearing and has also failed to file an acknowledgment of paternity or claim of paternity pursuant to 23 Pa.C.S. § 5103.

(f) *Right to file medical and personal and/or social history information.* The Clerk of the Court shall transmit the decree of termination to the parent whose rights are terminated or to counsel for the parent, if represented. The Clerk of the Court shall also include in that mailing standard instructions advising the parent of his or her continuing right to place and update medical and personal and/or social history information, whether or not the medical condition is in existence or discoverable at the time of adoption, on file with the court and with the Department of Public Welfare. This standard instruction form shall also inform the birth parent that the information will be retained and disclosed only to those allowed to have non-identifying information in accordance with Subchapter B of Chapter 29 of the Adoption Act, 23 Pa.C.S. §§ 2911 et. seq., and further that, identifying information will be disclosed only if there is an authorization or consent form in the file permitting release.

*Note:* The Clerk of Courts may also include in the mailing to the birth parent or birth parent's counsel any forms promulgated by the Department of Welfare, any forms promulgated by the Department of Health, and any forms adopted by local rule, including those authorizing the release of information, withholding authorization to release information, or revoking any prior authorization to release information. This rule uses the term "medical and personal and/or social history information" because the statute refers to these statements in varying ways. Compare 23 Pa.C.S. §§ 2503(d), 2504(d), 2511(c) with 23 Pa.C.S. §§ 2923, 2934.

Rule [ 15.3 ] 15.4. Voluntary relinquishment to adult intending to adopt child.

(a) *Petition.* A petition under [ Section 302 of the Adoption Act ] 23 Pa.C.S. § 2502 to relinquish parental rights with respect to a child who has been in the exclusive care of an adult or adults who have filed a Report of Intention to Adopt shall include the following allegations [ required under subparagraphs (1), (2), (3), (4) and (7), (8) and (9) of Rule 15.2(a) and ]:

(1) [ the date when the Report of Intention to Adopt was filed;

(2) the date when the child was placed with the adult or adults; ]

the name, address, age, racial background and religious affiliation of the petitioner;

(2) the information required in subparagraph (1) as to any parent who is not a petitioner, including the father of a child born out of wedlock, if he has been identified, or the reason(s) why the court should find that such information is not essential;

(3) the marital status of the mother as of the time of birth of the child and during one year prior thereto;

(4) the name, age, date of birth, place of birth, racial background, sex and religious affiliation of the child;

(5) the date when the Report of Intention to Adopt was filed;

(6) the date when the child was placed with the adult(s);

(7) the reasons for seeking relinquishment;

(8) whether the petitioner has received counseling concerning the termination of parental rights and the alternatives thereto;

(9) that the petitioner has been informed and understands that a birth relative of the child, including the petitioner, and the adopting parent(s) of the child have the opportunity to enter into a legally enforceable voluntary agreement for post-adoption contact or communication ("Voluntary Post-Adoption Contact Agreement");

(10) whether or not a Voluntary Post-Adoption Contact Agreement has been submitted and is pending before this court or is being submitted to this court under a separate petition filed at the same time as the filing of this petition;

(11) that the non-petitioning birth parent has been informed that a birth relative of the child, including that birth parent, and the adopting parent(s) have the opportunity to enter into a Voluntary Post-Adoption Contact Agreement, or the reason(s) why such notice has not or cannot be given; and

(12) that the petitioner understands the petition, has considered the alternatives, and has executed the petition voluntarily to promote what the petitioner believes to be in petitioner's and the child's best interests

*Note:* Under Act 101, the adoption agency or an attorney for a party is required to give notice to the adopting parent(s), a birth parent, and, in some instances, a child of the opportunity to enter into Voluntary Post-Adoption Contact Agreements. Notice to birth relatives who are not birth parents (*see* 23 Pa.C.S. § 2733(c)) is not required, although birth relatives may negotiate and become parties to a voluntary contract with the adopting parent(s) for post-adoption contact or communication. In some cases, the court may dispense with proof that a non-petitioning birth parent has received notice of the opportunity to enter into a Voluntary Post-Adoption Contact Agreement. By means of examples, without limitation, the following may be reasons why the court may decide to dispense with proof that both birth parents received such notification: the identity of the non-petitioning birth parent is unknown; the location of the non-petitioning birth parent is unknown; the non-

petitioning birth parent has never had any contact with the child; or the parental rights of the non-petitioning birth parent were or will be terminated in a separate proceeding. This last example presumes that the non-petitioning birth parent has been or will be informed of the opportunity to enter into a Voluntary Post-Adoption Contact Agreement in that separate proceeding and proof of this notice will be submitted in that proceeding.

If a child is age 12 years of age or older, the child must consent to and sign the Voluntary Post-Adoption Contact Agreement. 23 Pa.C.S. § 2734. The court finalizing the adoption shall verify that a child who has attained twelve (12) years of age prior to finalization of the adoption received notice and information regarding the opportunity to enter into a Voluntary Post-Adoption Contact Agreement. *See* Pa.O.C. Rule 15.8.

(b) *Exhibits.* The petition shall have attached to it the [ first three exhibits specified in Rule 15.2(b) and ] following exhibits:

(1) [ the separate consent of the adult or adults to accept custody of the child. ] an acknowledgement signed by the petitioner that he or she has received notice and information regarding the opportunity to negotiate and enter into a legally enforceable Voluntary Post-Adoption Contact Agreement;

(2) the joinder of a parent who is not a petitioner or his or her waiver of all interest in the child, if either is obtainable;

(3) if the joinder or waiver of the non-petitioning parent is attached, then an acknowledgement signed by the non-petitioning parent that he or she has received notice and information regarding the opportunity to negotiate and enter into a legally enforceable Voluntary Post-Adoption Contact Agreement;

(4) a birth certificate or certification of registration of birth of the child; and

(5) the signed consent(s) of the adult(s) to accept custody of the child until such time as the adoption is completed.

*Note:* The acknowledgements required to be attached as Exhibits under subparagraphs (b)(1) and (b)(3) are not required if a Voluntary Post-Adoption Contact Agreement involving that birth parent already has been submitted and approved by the court, is currently pending before the court, or is attached to a separate petition to approve a Voluntary Post-Adoption Contact Agreement that is being filed simultaneously with the filing of this petition. The acknowledgement under subparagraph (b)(3) is not required if reasons are set forth in the petition, and the court determines that such notification need not or cannot be obtained.

(c) *Notice and [ Hearing ] hearing.* [ If a parent, including the parent of a child born out of wedlock, has not relinquished his or her rights in the child or joined in the petition hereunder, then notice of the hearing on a parent's petition to relinquish rights shall be given to the first referred to parent as provided in Rule 15.6. A parent may waive in writing the right to such notice. ] After the filing of a petition under 23 Pa.C.S. § 2502, the court shall schedule a private evidentiary hearing providing

sufficient time for notice to be given as provided below. [ Each ] The petitioner and each person whose joinder or consent is attached to the petition must appear at the hearing and shall be examined under oath at the hearing unless excused by the court.

(1) In accordance with Rule 15.2, notice of the hearing shall be given to the petitioner and shall contain the information as required in subsection 23 Pa.C.S. § 2503(b)(2).

(2) In accordance with Rule 15.2, a copy of the notice of the hearing shall be given to the other parent, including to the putative father, if applicable. Notice sent to the putative father shall also inform the putative father that his parental rights may be terminated if:

(A) he fails to file either an acknowledgment of paternity or claim of paternity pursuant to 23 Pa.C.S. § 5103 (relating to acknowledgment and claim of paternity); and

(B) he fails to either appear at the scheduled hearing to object to the termination of his parental rights or file, with the court prior to the hearing, a written objection to the termination of his parental rights.

(3) In accordance with Rule 15.2, copy of the notice of the hearing shall be given to the parent(s) of a petitioner who has not reached 18 years of age.

(d) *Decree.* After the hearing, the court shall enter a decree terminating parental rights as set forth in 23 Pa.C.S. § 2503(c) if the court is satisfied that the petitioner voluntarily filed the petition and that termination of petitioner's parental rights is in the best interest of the child.

(e) *Putative father.* The court may also terminate the rights of a putative father who has failed to file a separate petition under 23 Pa.C.S. § 2502 or join in the petitioner's petition, if the putative father has been given notice of the hearing and has failed to appear at the hearing or file a written objection with the court prior to the hearing and has also failed to file an acknowledgment of paternity or claim of paternity pursuant to 23 Pa.C.S. § 5103.

(f) *Right to file medical and personal and/or social history information.* The Clerk of the Court shall transmit the decree of termination to the parent whose rights are terminated or to counsel for the parent, if represented. The Clerk of the Court shall also include in that mailing standard instructions advising the parent of his or her continuing right to place and update medical and personal and/or social history information, whether or not the medical condition is in existence or discoverable at the time of adoption, on file with the court and with the Department of Public Welfare. This standard instruction form shall also inform the birth parent that the information will be retained and disclosed only to those allowed to have non-identifying information in accordance with Subchapter B of Chapter 29 of the Adoption Act, 23 Pa.C.S. §§ 2911 *et. seq.*, and further that, identifying information will be disclosed only if there is an authorization or consent form in the file permitting release.

*Note:* The Clerk of Courts may also include in the mailing to the birth parent or birth parent's counsel any forms promulgated by the Department of

Welfare, any forms promulgated by the Department of Health, and any forms adopted by local rule, including those authorizing the release of information, withholding authorization to release information, or revoking any prior authorization to release information. This rule uses the term "medical and personal and/or social history information" because the statute refers to these statements in varying ways. *Compare* 23 Pa.C.S. §§ 2503(d), 2504(d), 2511(c) *with* 23 Pa.C.S. §§ 2923, 2934.

*(Editor's Note:* Rule 15.5 is new and printed in regular type to enhance readability.)

#### **Rule 15.5. Alternative procedure for relinquishment.**

(a) *Petition.* A petition under 23 Pa.C.S. § 2504 to confirm the consent of a parent to have the child adopted shall include the following allegations:

(1) the name, address, age, racial background and religious affiliation of the consenter;

(2) the information required in subparagraph (1) as to any parent who has not sign a consent to an adoption, including the father of a child born out of wedlock, if he has been identified, or the reason(s) why the court should find that such information is not essential;

(3) the marital status of the mother as of the time of birth of the child and during one year prior thereto;

(4) the name, age, date of birth, place of birth, racial background, sex and religious affiliation of the child;

(5) the date when the consent to adoption was executed by the consenter and that the date of its execution was not within a prohibited period as provided by 23 Pa.C.S. § 2711(c);

(6) that more than thirty (30) days have elapsed since the consent to adoption was executed by the consenter and that no written revocation of the consent has been served upon the petitioning Agency or the petitioning adult(s) during the intervening thirty (30) day period;

(7) that the consent to adoption was executed with the date and location as shown on the consent, and the consent was witnessed as provided in 23 Pa.C.S. § 2711(d);

(8) whether the consenter received a list of available counselors and counseling services concerning the termination of parental rights and the alternatives thereto;

(9) that the consenter has been informed and understands that a birth relative of the child, including the consenter, and the adopting parent(s) of the child have the opportunity to enter into a legally enforceable voluntary agreement for post-adoption contact or communication ("Voluntary Post-Adoption Contact Agreement");

(10) whether or not a Voluntary Post-Adoption Contact Agreement has been submitted and is pending before this court or is being submitted to this court under a separate petition filed at the same time as the filing of this petition;

(11) that the non-consenting birth parent has been informed that a birth relative of the child, including that birth parent, and the adopting parent(s) have the opportunity to enter into a Voluntary Post-Adoption Contact Agreement, or the reason(s) why such notice has not or cannot be given; and

(12) that each petitioner has read and understands the petition and believes its filing to be in the child's best interests.

*Note:* Under Act 101, the adoption agency or an attorney for a party is required to give notice to the adopting parent(s), a birth parent, and, in some instances, a child of the opportunity to enter into Voluntary Post-Adoption Contact Agreements. Notice to birth relatives who are not birth parents (*see* 23 Pa.C.S. § 2733(c)) is not required, although birth relatives may negotiate and become parties to a voluntary contract with the adopting parent(s) for post-adoption contact or communication. In some cases, the court may dispense with proof that a certain birth parent has received notice of the opportunity to enter into a Voluntary Post-Adoption Contact Agreement. By means of examples, without limitation, the following may be reasons why the court may decide to dispense with proof that both birth parents received such notification: the identity of the non-consenting birth parent is unknown; the location of the non-consenting birth parent is unknown; the non-consenting birth parent has never had any contact with the child; or the parental rights of the non-consenting birth parent were or will be terminated in a separate proceeding. This last example presumes that the non-consenting birth parent has been or will be informed of the opportunity to enter into a Voluntary Post-Adoption Contact Agreement in that separate proceeding and proof of this notice will be submitted in that proceeding.

If a child is age 12 years of age or older, the child must consent to and sign the Voluntary Post-Adoption Contact Agreement. 23 Pa.C.S. § 2734. The court finalizing the adoption shall verify that a child who has attained twelve (12) years of age prior to finalization of the adoption received notice and information regarding the opportunity to enter into a Voluntary Post-Adoption Contact Agreement. *See* Pa.O.C. Rule 15.8.

(b) *Exhibits.* The petition shall have attached to it the following exhibits:

- (1) the original consent(s) to adoption;
- (2) an acknowledgement signed by the consenter(s) that he or she received notice and information regarding the opportunity to negotiate and enter into a legally-enforceable Voluntary Post-Adoption Contact Agreement;
- (3) an acknowledgement signed by the non-consenting birth parent that he or she received notice and information regarding the opportunity to negotiate and enter into a Voluntary Post-Adoption Contact Agreement;
- (4) a birth certificate or certification of registration of birth of the child; and
- (5) the signed consent(s) of the adult(s) or Agency to accept custody of the child until such time as the adoption is completed.

*Note:* The acknowledgements required to be attached as Exhibits under subparagraph (b)(2) and (b)(3) are not required if a Voluntary Post-Adoption Contact Agreement involving that birth parent already has been submitted and approved by the court, is currently pending before the court, or is attached to a separate petition to approve a Voluntary Post-Adoption Contact Agreement that is being filed simultaneously with the filing of this petition. The acknowledgement required to be attached as an Exhibit under subparagraph (b)(3) is not required if reasons are set forth in the petition, and the court determines that such notification need not or cannot be obtained.

(c) *Notice and hearing.* After the filing of a petition under 23 Pa.C.S. § 2504, the court shall schedule a

private evidentiary hearing not less than ten (10) days after the filing of the petition.

(1) In accordance with only the method of notice requirements under Rule 15.2(a), notice of the hearing shall be given to the consenter in the form required under subsection 23 Pa.C.S. § 2513(b)(2) and shall state that the parental rights of the consenting parent and the parental rights of any putative father, if applicable, may be terminated at that hearing.

(2) In accordance with only the method of notice requirements under Rule 15.2(a), a copy of the notice of the hearing shall be given to the other parent, including to the putative father, if applicable. Notice sent to the putative father shall also inform the putative father that his parental rights may be terminated if:

(A) he fails to file either an acknowledgment of paternity or claim of paternity pursuant to 23 Pa.C.S. § 5103 (relating to acknowledgment and claim of paternity); and

(B) he fails to either appear at the scheduled hearing to object to the termination of his parental rights or file, with the court prior to the hearing, a written objection to the termination of his parental rights.

(3) In accordance with only the method of notice requirements under Rule 15.2(a), copy of the notice of the hearing shall be given to the parent(s) of a consenter who has not reached 18 years of age.

(d) *Decree.* After the hearing, the court shall enter a decree terminating parental rights as set forth in 23 Pa.C.S. § 2504(b) if the court is satisfied that termination of parental rights is in the best interest of the child, and shall release the parent whose parental rights are terminated of the obligation of support if the child will be in the custody of an Agency.

(e) *Putative father.* The court may also terminate the rights of a putative father who has failed to execute a consent to adoption pursuant to 23 Pa.C.S. § 2711, if the putative father has been given notice of the hearing and has failed to appear at the hearing or file a written objection with the court prior to the hearing and has also failed to file an acknowledgment of paternity or claim of paternity pursuant to 23 Pa.C.S. § 5103.

(f) *Right to file medical and personal and/or social history information.* The Clerk of the Court shall transmit the decree of termination to the parent whose rights are terminated or to counsel for the parent, if represented. The Clerk of the Court shall also include in that mailing standard instructions advising the parent of his or her continuing right to place and update medical and personal and/or social history information, whether or not the medical condition is in existence or discoverable at the time of adoption, on file with the court and with the Department of Public Welfare. This standard instruction form shall also inform the birth parent that the information will be retained and disclosed only to those allowed to have non-identifying information in accordance with Subchapter B of Chapter 29 of the Adoption Act, 23 Pa.C.S. §§ 2911 et. seq., and further that, identifying information will be disclosed only if there is an authorization or consent form in the file permitting release.

*Note:* The Clerk of Courts may also include in the mailing to the birth parent or birth parent's counsel any forms promulgated by the Department of Welfare, any forms promulgated by the Department of Health, and any forms adopted by local rule, including those authorizing the release of information, withholding authorization to release information, or revoking any prior authorization



to release information. This rule uses the term “medical and personal and/or social history information” because the statute refers to these statements in varying ways. Compare 23 Pa.C.S. §§ 2503(d), 2504(d), 2511(c) with 23 Pa.C.S. §§ 2923, 2934.

Rule [ 15.4 ] 15.6. Involuntary termination of parental rights.

(a) *Petition.* A petition for involuntary termination of parental rights under [ Sections 311 and 312 of the Adoption Act ] 23 Pa.C.S. §§ 2511—2512 shall include the following allegations:

(1) the name and address of the [ petitioner and his or her ] petitioner(s) and the basis for the standing asserted by the petitioner(s);

(2) the name, age, date of birth, **place of birth**, racial background, sex and religious affiliation of the child;

(3) the name, address, age, racial background and religious affiliation of the [ parent or parents ] parent(s), including the father of a child born out of wedlock, if he has been identified;

(4) **whether a claim for paternity has been filed under 23 Pa.C.S. § 5103 (relating to claim of paternity) if father of the child is not identified in the petition;**

(5) the marital status of the mother as of the time of birth of the child and during one year prior thereto [ and, **if the mother has ever been married, the name of her husband or husbands and her maiden name** ];

[ (5) ] (6) the date when the child was placed in the care of the petitioner, **and the date when the child was removed from the parent(s) who is/are the subject of the petition, if different;**

[ (6) ] (7) facts constituting grounds for the involuntary termination [ under Section 311 of the Adoption Act ], and a reference to the applicable [ subsection or subsections ] subsection(s) of 23 Pa.C.S. § 2511(a) providing the ground(s) for termination;

[ (7) whether either parent of the child is entitled to the benefits of the Soldiers’ and Sailors’ Civil Relief Act of 1940, as amended, (50 U.S.C.A. 501 et seq.); ]

(8) **specific facts setting forth why the child was voluntarily or involuntarily removed from the parent(s);**

(9) **specific facts supporting the termination of parental rights pursuant to the ground(s) for termination alleged in subparagraph (7) above;**

(10) **that the petitioner has informed and given notice to the birth parent(s) that a birth relative of the child, including the birth parent(s) who is/are the subject of the petition, and the adopting parent(s) of the child have the opportunity to enter into a legally enforceable voluntary agreement for post-adoption contact or communication (“Voluntary Post-Adoption Contact Agreement”), or the reason(s) why such notice has not or cannot be given;**

(11) **that the petitioner will assume custody of the child until such time as the child is adopted[.]; provided further that, if the petitioner is an individual, an**

**adoption petition and report of intention to adopt has been filed or is presently contemplated; and**

(12) **that each petitioner has read and understands the petition and believes its filing to be in the child’s best interests.**

*Note:* Under Act 101, the adoption agency or an attorney for a party is required to give notice to the adopting parent(s), a birth parent, and, in some instances, a child of the opportunity to enter into Voluntary Post-Adoption Contact Agreements. Notice to birth relatives who are not birth parents (see 23 Pa.C.S. § 2733(c)) is not required to be given, although birth relatives may negotiate and become parties to a voluntary contract with the adopting parent(s) for post-adoption contact or communication. In some cases, the court may dispense with proof that a certain birth parent has received notice of the opportunity to enter into a Voluntary Post-Adoption Contact Agreement. By means of examples, without limitation, the following may be reasons why the court may decide to dispense with proof that both birth parents received such notification: the identity of the other birth parent is unknown; the location of the other birth parent is unknown; the birth parent has never had any contact with the child; the petitioner clearly and convincingly established that the birth parent’s rights should be terminated under 23 Pa.C.S. §§ 2511(a)(4) (relating to a child abandoned by an unidentified or missing individual), 2511(a)(7) (relating to a child conceived as a result of rape or incest), 2511(a)(9) (relating to a parent convicted of a criminal homicide or aggravated assault involving his or her child), or that due to abuse and neglect clearly and convincingly established, post-adoption communication or contact would not be in the child’s best interest. If the parental rights of the other birth parent were or will be terminated in a separate proceeding, the court can presume that the other birth parent has been or will be informed of the opportunity to enter into a Voluntary Post-Adoption Contact Agreement in that separate proceeding and proof of this notice will be submitted in that proceeding, or based upon facts to be established during the separate proceeding, the court will dispense with proof of such notification.

If a child is age 12 years of age or older, the child must consent to and sign the Voluntary Post-Adoption Contact Agreement. 23 Pa.C.S. § 2734. The court finalizing the adoption shall verify that a child who has attained twelve (12) years of age prior to finalization of the adoption received notice and information regarding the opportunity to enter into a Voluntary Post-Adoption Contact Agreement. See Pa.O.C. Rule 15.8.

Only a petitioner who is an individual must have a present intent to adopt the child. Such an averment is not necessary if the petitioner is an Agency; in fact, the adopting parents need not have been identified prior to the Agency’s filing of a petition to involuntarily terminate parental rights.

(b) *Exhibits.* The petition shall have attached to it the following exhibits:

(1) a birth certificate or certification of registration of birth of the child;

(2) [ **the joinder of a parent of a petitioner who is under the age of 18, unless excused by the court.** ]

the signed consent(s) of the adult(s) to accept custody of the child until such time as the adoption is completed if the petitioner(s) is not an Agency; and

(3) acknowledgement(s) signed by the birth parent(s) who is/are the subject of the petition or a certificate of service attested by the petitioner or counsel for the petitioner that the birth parent(s) who is/are the subject of the petition has or have received notice and information of the opportunity to negotiate and enter into a legally enforceable Voluntary Post-Adoption Contact Agreement.

*Note:* The acknowledgement(s) required to be attached as Exhibit(s) under subparagraph (b)(3) is not required if the petitioner(s) has alleged that facts will be established to show that post-adoption communication or contact with the birth parent(s) should not be allowed or is not in the child's best interest.

\* \* \* \* \*

(d) *Notice and hearing.* [ Notice of the hearing on the petition shall be given, in accordance with Rule 15.6 hereof, to the parent or parents whose rights are sought to be terminated, including the parent of a child born out of wedlock, to any intermediary named in a Report of Intention to Adopt, if one has been filed, and to the guardian of the person or guardian ad litem of any parent or parents who is or are under the age of 18 years. Each petitioner, each person whose joinder or consent is attached to the petition and any intermediary named in a Report of Intention to Adopt shall be examined under oath at the hearing unless they are excused by the court. ] After the filing of a petition under 23 Pa.C.S. §§ 2511—2512, the court shall schedule a private evidentiary hearing providing sufficient time for notice to be given as provided below.

(1) In compliance with Rule 15.2, notice of the hearing shall be given to the birth parent(s) who is/are the subject of the petition and shall contain the form of notice required in subsection 23 Pa.C.S. § 2513(b).

(2) In accordance with Rule 15.2, a copy of the notice of the hearing in the form required by 23 Pa.C.S. § 2513(b) shall be given to the other parent who is not the subject of the petition, the putative father, including any putative father who has filed a claim of paternity pursuant to 23 Pa.C.S. § 5103 (relating to acknowledgment and claim of paternity), and the parent(s) or guardian(s) of a birth parent whose parental rights are sought to be terminated if such birth parent has not reached 18 years of age.

(e) *Decree.* After the hearing, the court shall enter a decree terminating parental rights as set forth in 23 Pa.C.S. § 2513(d) if the court is satisfied that the petitioner has established, by clear and convincing evidence, at least one of the grounds for termination under 23 Pa.C.S. § 2511(a) and thereafter established by clear and convincing evidence that termination is in the best interest of the child.

(f) *Right to file medical and personal and/or social history information.* The Clerk of the Court shall transmit the decree of termination to the parent whose rights are terminated or to counsel for the parent, if represented. The Clerk of the

Court shall also include in that mailing standard instructions advising the parent of his or her continuing right to place and update medical and personal and/or social history information, whether or not the medical condition is in existence or discoverable at the time of adoption, on file with the court and with the Department of Public Welfare. This standard instruction form shall also inform the birth parent that the information will be retained and disclosed only to those allowed to have non-identifying information in accordance with Subchapter B of Chapter 29 of the Adoption Act, 23 Pa.C.S. Section §§ 2911 et. seq., and further that, identifying information will be disclosed only if there is an authorization or consent form in the file permitting release.

*Note:* The Clerk of Courts may also include in the mailing to the birth parent or birth parent's counsel any forms promulgated by the Department of Welfare, any forms promulgated by the Department of Health, and any forms adopted by local rule, including those authorizing the release of information, withholding authorization to release information, or revoking any prior authorization to release information. This rule uses the term "medical and personal and/or social history information" because the statute refers to these statements in varying ways. *Compare* 23 Pa.C.S. §§ 2503(d), 2504(d), 2511(c) *with* 23 Pa.C.S. §§ 2923, 2934.

*(Editor's Note:* Rule 15.7 is new and printed in regular type to enhance readability.)

#### **Rule 15.7. Court review and approval of voluntary post-adoption contact agreement.**

(a) *Time and filing.* When the adopting parent(s), any birth relative(s) (as defined in 23 Pa.C.S. § 2732), and the child if he or she has attained twelve (12) years have executed a Voluntary Post-Adoption Contact Agreement, it must be approved by the court on or before the finalization of the adoption in order to be effective and legally enforceable.

(1) If the parental rights of both birth parents have not been terminated, the Voluntary Post-Adoption Contact Agreement shall be presented by separate petition to the same court which has or will receive the petition(s) for terminating parental rights.

(2) If both birth parents' parental rights have been terminated, the Voluntary Post-Adoption Contact Agreement shall be presented to the court that will finalize the adoption.

(3) The petition to approve the executed Voluntary Post-Adoption Contact Agreement may be filed by any signatory to the Agreement or the Agency facilitating the adoption.

*Note:* 23 Pa.C.S. § 2735 does not specify or indicate who is responsible to file the petition seeking court approval of the Voluntary Post-Adoption Contact Agreement. Notwithstanding, the court must approve the executed Voluntary Post-Adoption Contact Agreement in order for it to be legally enforceable (*see* 23 Pa.C.S. § 2735(c)), and this court approval must be obtained on or before the date of the adoption decree. *See* 23 Pa.C.S. § 2738(c)(3).

(b) *Petition to approve voluntary post-adoption contact agreement.* A petition under 23 Pa.C.S. § 2735 to approve the Voluntary Post-Adoption Contact Agreement shall contain specific and material facts providing the following:

- (1) the age and birth date of the child;
- (2) whether the child was represented by a guardian ad litem who participated in the negotiation and development of the Voluntary Post-Adoption Contact Agreement;
- (3) whether there are siblings of the child who have been freed for adoption pursuant to 23 Pa.C.S. §§ 2501, 2502, 2504, 2511—12 and who have not reached 18 years of age, but are not being adopted by the same adopting parent(s) as the child; and if so, whether such siblings have been represented by a guardian ad litem who participated in the negotiation and development of the Voluntary Post-Adoption Contact Agreement;
- (4) the length of time that the child has been under the actual care, custody and control of individual(s) other than a birth parent, even if such individual(s) is/are other than the adopting parent(s), and the circumstances surrounding the child's removal(s) from the care and custody of the birth parent(s);
- (5) the relationship of the child to the birth relative(s) who executed the Voluntary Post-Adoption Contact Agreement, and whether there has been substantiated allegations that any of the signatory birth relative(s) abused or neglected the child or the child's siblings;
- (6) the relationship of the child to the adopting parent(s) and how long the child has been in the care and custody of these adopting parent(s);
- (7) the relationship between the adopting parent(s) and the signatory birth relative(s);
- (8) any other interaction and interrelationship(s) of the child with birth relative(s) and other persons who are not signatories to the Voluntary Post-Adoption Contact Agreement but who routinely interact with the signatory birth relative(s);
- (9) the adjustment of the child to the home, school and community of the adopting parent(s);
- (10) the willingness and ability of the signatory birth relative(s) to respect and appreciate the bond between the child and adopting parent(s);
- (11) the willingness and ability of the adopting parent(s) to respect and appreciate the bond between the child and the signatory birth relative(s);
- (12) whether there have been substantiated allegations that the child has been abused or neglected, even if such person is not a party to the Voluntary Post-Adoption Contact Agreement, and if so, how that person is related to the signatory birth relative(s); and
- (13) that the Voluntary Post-Adoption Contact Agreement is in the best interests of the child.

(c) *Exhibits.* The petition shall have attached to it the following exhibits:

- (1) A copy of the fully signed Voluntary Post-Adoption Contact Agreement; and
- (2) All required affidavits of all signatories to the Voluntary Post-Adoption Contact Agreement affirmatively stating that the Agreement was entered into knowingly and voluntarily and is not the product of coercion, fraud or duress. The affidavits may be executed jointly or separately.

(d) *Court review.* The court shall review the petition and the exhibits to determine if the factual averments in the petition and the terms of the Agreement establish that the Agreement is in the best interest of the child. If

so, the court shall issue a decree approving the Voluntary Post-Adoption Contact Agreement that is attached to the petition.

(e) *Necessity of a hearing and notice.*

(1) The court shall schedule and conduct a private evidentiary hearing under any one of the following circumstances:

(A) the court, upon review of the petition and the terms of the proposed Voluntary Post-Adoption Contact Agreement, determines that a hearing is necessary in order to establish factual averments in the petition or to establish that the terms of the Agreement are in the best interests of the child;

(B) the court, upon review of the petition and the terms of the proposed Voluntary Post-Adoption Contact Agreement, is inclined to withhold approval; or

(C) the child is a signatory to the proposed Voluntary Post-Adoption Contact Agreement or has signed a separate written consent.

(2) *Notice of the hearing.* The petitioner shall provide notice of the scheduled hearing as follows:

(A) Notice of the hearing shall be provided to:

(i) all signatories to the proposed Voluntary Post-Adoption Contact Agreement, or to their counsel, if represented;

(ii) the Agency facilitating the adoption; and

(iii) the child if he or she signed the proposed Voluntary Post-Adoption Contact Agreement or signed a separate written consent, or to his or her counsel, if represented, or to his or her guardian ad litem if one has been appointed to represent the child.

(B) Notice of the hearing need not comport with requirements of Rule 15.2, and notice may be sent by first-class United States mail or whatever other means will effectively inform everyone entitled to notice of the date, time, and place of the hearing and the necessity of their presence at the hearing.

(C) If notice of the hearing is provided by means other than personal service or registered or certified mail, a certificate of service attested by the petitioner shall be presented to the court at the time of the hearing.

(D) The signatories to the Voluntary Post-Adoption Contact Agreement and the child who signed the Agreement or signed a separate written consent shall attend the hearing, unless otherwise excused by the court for good cause shown.

(3) *Decree after an evidentiary hearing.* If, after the hearing, the court determines, by a preponderance of the evidence, that the proposed Voluntary Post-Adoption Contact Agreement is in the best interest of the child, the court shall issue a decree approving the Agreement. If, after the hearing, the court determines that the testimony failed to establish that the proposed Voluntary Post-Adoption Contact Agreement is in the best interest of the child, the court shall issue a decree denying approval of the Agreement and setting forth specific reasons for the denial.

*Note:* It is the belief and hope of many social workers, adoption agencies, practitioners and jurists that the opportunity to develop Voluntary Post-Adoption Contact Agreement will facilitate and encourage adoptions. Thus, many advocate that negotiations about these Agreements begin as early as possible once all the necessary parties to the Agreement are identified. Toward this end, the courts

will accept, review and approve Agreements at any stage of the proceeding. If practical, any hearing to approve the proposed Voluntary Post-Adoption Contact Agreement may be conducted as part of a termination hearing under 23 Pa.C.S. §§ 2503, 2504, or 2513 or an adoption hearing under 23 Pa.C.S. § 2723.

The rules above establish where the petition to approve the proposed Voluntary Post-Adoption Contact Agreement should be filed depending upon whether parental rights have been terminated. It is the best practice of many courts not to terminate the parental rights of one parent until a petition to terminate the other parent's parental rights has been filed. For this reason, the Committee does not believe that the reference to both parents in subparagraph (a)(1) and (a)(2) will pose complications.

This rule requires an averment as to the existence of any siblings of the child who are freed for adoption, but not being adopted by the same adopting parent(s), so that the court, before reviewing and considering the proposed Voluntary Post-Adoption Contact Agreement, can determine whether the appointment of a guardian ad litem to represent any birth siblings is necessary pursuant to 23 Pa.C.S. § 2733(B)(sic).

This rule also requires that a private evidentiary hearing be conducted if a child of any age is a signatory to the proposed Voluntary Post-Adoption Contact Agreement or has signed a separate consent form. Given that a child cannot attest to a notary that he or she executed or consented to the Agreement voluntarily, knowingly, without coercion, fraud or duress, the court is required to conduct its own inquiry, regardless of the child's age, to determine that the child signed or consented to the proposed Voluntary Post-Adoption Contact Agreement voluntarily, without threats, promises or inducements, and that the child fully understands the terms of the proposed Agreement. Such an inquiry is necessary even if the child's interests were represented by a guardian ad litem who facilitated in the negotiation, drafting and execution of the proposed Agreement. As part of its inquiry, it is hoped the court will ensure that the child is fully informed of his or her statutory right to petition the court finalizing the adoption to modify the Voluntary Post-Adoption Contact Agreement or seek its discontinuance. Since 23 Pa.C.S. § 2738(c)(3) requires any child who has attained twelve (12) years of age to sign or consent to the Agreement, evidentiary hearings will be necessary in all these petitions for approval.

The court must find, either by reviewing the petition and exhibits or by conducting an evidentiary hearing, that a proposed Voluntary Post-Adoption Contact Agreement is in the best interests of the child; the standard of proof is by a preponderance of the evidence. This standard has been selected for several reasons: (1) the explicit statutory references to a clear and convincing standard of proof for purposes of modifying, enforcing or discontinuing the court-approved Voluntary Post-Adoption Contact Agreement suggests that a different standard applies to the approval of proposed Voluntary Post-Adoption Contact Agreements because the statute is silent as to the standard of proof required to approve these Agreements in the first instance; (2) a clear and convincing standard would be impractical and almost impossible to establish if there has not been prior interactions and arrangements between the birth parent(s) and the adopting parent(s) regarding the child; (3) the adopting parent(s) or the child may petition the court to modify the court-approved Voluntary Post-Adoption Contact Agreement if its implementation or enforcement is determined by the petition-

er(s) not to be in the child's best interests, or circumstances otherwise change so that its continuation as written is not in the child's best interests; and (4) for these same reasons, any signatory to the Agreement or the child when he or she has attained twelve (12) years of age may seek to discontinue the court-approved Voluntary Post-Adoption Contact Agreement.

Notwithstanding the affidavits attached to the executed Voluntary Post-Adoption Contact Agreement, the factual averments contained in the petition, the testimony of witnesses at an evidentiary hearing, including the testimony of signatories to the Agreement, caseworkers, and psychologists, the court still may determine that the Agreement, as proposed, is not in the best interest of the child, and the denial of approval shall be appealable as provided in Pa.R.A.P. 311, 312, 1311, and 341. However, by setting forth the specific reasons for denial, it is intended that the individuals involved will attempt to fashion a revised agreement that will meet the court's approval.

Once approved, the Voluntary Post-Adoption Contact Agreement must be filed in the court finalizing the adoption. Neither the statute nor these rules impose that obligation on any one of the Agreement's signatories, except as provided in Rule 15.8 below.

Rule [ 15.5 ] 15.8. Adoption.

(a) *Petition.* The petition shall contain all declarations and information required by [ **Section 401 of the Adoption Act** ] 23 Pa.C.S. § 2701 and any additional information required by local rules. **The petition shall also set forth the following averments:**

**(1) that the Agency, if any, or counsel representing a party to the adoption has notified and informed the adopting parent(s), the birth parent(s) and the child who has attained twelve (12) years of age of the opportunity to enter into a legally enforceable Voluntary Post-Adoption Contact Agreement;**

**(2) if there is an executed Voluntary Post-Adoption Contact Agreement, that one of the following applies:**

**(A) the executed Voluntary Post-Adoption Contact Agreement and court order approving the Agreement are attached as Exhibits to the petition; or**

**(B) a proposed and executed Voluntary Post-Adoption Contact Agreement has been submitted and is pending before the court; or**

**(C) a proposed and executed Voluntary Post-Adoption Contact Agreement is being filed with this petition or under a separate petition at the same time as the filing of this petition;**

**(3) and that each petitioner has read and understands the petition and believes its filing to be in the child's best interests.**

**(b) The petition shall have attached to it the following exhibits:**

**(1) the consent(s) required by 23 Pa.C.S. § 2711;**

**(2) unless previously filed, the report of the intermediary with the exhibits required under 23 Pa.C.S. § 2534;**

**(3) any previously approved Voluntary Post-Adoption Contact Agreement and the court order approving the Agreement; and**

(4) an acknowledgement or certificate of service that the adopting parent(s), the birth parent(s), and the child who has attained twelve (12) years of age has been notified and informed regarding the opportunity to enter into a legally enforceable Voluntary Post-Adoption Contact Agreement.

**Note:** Notice of the opportunity to enter into a Voluntary Post-Adoption Contact Agreement should be given to any child who reasonably can be expected to understand the opportunity, benefits and consequences of continuing contact and communication with birth relatives, defined in 23 Pa.C.S. § 2732, after the adoption proceeding is concluded. See 23 Pa.C.S. § 2733(C). Notwithstanding this broad statutory language, this rule requires proof only that notice was given to children who are twelve (12) years of age or older because (1) the court, without separate, independent evidence and observations, is not capable of determining which children are sufficiently mature and capable of understanding this notice and opportunity; and furthermore, (2) only those children who have attained the age of twelve (12) years must sign or consent to any proposed Voluntary Post-Adoption Contact Agreement submitted to the court for approval. See 23 Pa.C.S. § 2738(c)(3).

(c) Notice or [ **Consent—Parents of Child** ] **consent—parents of child**. Notice as provided by Rule [ 15.6 ] 15.2 shall be given to each birth parent unless

(1) he or she has consented in writing to the adoption and [ **waived notice of hearing, or** ] **his or her consent has been previously confirmed as provided in Rule 15.5;**

(2) he or she has voluntarily relinquished his or her parental rights in a proceeding under Rule [ 15.2 ] 15.3 or Rule [ 15.3, ] 15.4; or

(3) his or her parental rights have been involuntarily terminated in a proceeding under Rule [ 15.4 ] 15.6.

[ (c) ] (d) **Investigation**. A petition for adoption shall be subject to investigation as prescribed by local rules. The investigation report shall cover the matters alleged in the petition, any other matters that may affect the welfare of the child, and the information required by [ **Sections 335 and 424 of the Adoption Act** ] 23 Pa.C.S. §§ 2535 and 2724.

[ (d) ] (e) **Disclosure of fees and costs**. At the hearing there shall be offered in evidence a report, certified by counsel for the petitioner, setting forth the amount of fees and expenses paid or to be paid to counsel, and any other fees, costs and expenses paid or to be paid to an intermediary or any other person or institution, in connection with the adoption.

[ (e) ] (f) **Adult—[ Change of Name ] change of name**. When the person to be adopted is over the age of 18 years and desires to assume the surname of the adopting [ **parent or parents** ] **parent(s)**, evidence showing compliance with the law relating to change of name must be introduced before a decree will be made.

(g) **Decree**. The Decree of Adoption shall conform to the requirements of 23 Pa.C.S. §§ 2901—2902, 2904.

(Editor's Note: Rules 15.9—15.12 are new and printed in regular type to enhance readability.)

### Rule 15.9. Petition to modify a court-approved Voluntary Post-Adoption Contact Agreement.

(a) **General rule**. By filing a petition under 23 Pa.C.S. § 2737 in the court that finalized the adoption, an adoptive parent or a child who has attained twelve (12) years of age may request that the court modify the court-approved Voluntary Post-Adoption Contact Agreement).

(b) **Contents of petition to modify**. The petition to modify the court-approved Voluntary Post Adoption Contact Agreement shall set forth specific and material facts to establish the following:

(1) the age and birth date of the child;

(2) the date when the court approved the Agreement and that such date was on or before the date of the adoption decree;

(3) that the child executed the Agreement, signed a separate written consent, or that the child was not required to execute the Agreement because he or she had not attained twelve (12) years of age at the time of its execution; and

(4) the reasons why the proposed modification serves the needs, welfare and best interests of the child.

(c) **Guardian ad litem**. After a review of the averments in the petition, the court may, either upon its own motion or if requested by the petitioner, appoint a guardian ad litem to represent the child who is the subject of the Voluntary Post-Adoption Contact Agreement.

(d) **Notice and hearing**. After the filing of a petition to modify a court-approved Voluntary Post-Adoption Contact Agreement, the court shall schedule and conduct a private evidentiary hearing providing sufficient time for notice to be given as provided below.

(1) In accordance with Rule 15.2, the petitioner shall provide notice of the hearing to all signatories to the court-approved Voluntary Post-Adoption Contact Agreement, to any court-appointed guardian ad litem, and to the child who has attained twelve (12) years of age and does not have counsel or a court-appointed guardian ad litem;

(2) the petitioner shall give notice at least ten (10) days prior to the hearing, by any of the methods set forth in Rule 15.2(a) or by first-class United States mail, to the Agency that facilitated the adoption, but only if the Agency has been involved in the implementation and continuation of the Voluntary Post-Adoption Contact Agreement; and

(3) the petitioner shall present a certificate of service to the court at the time of the hearing setting forth the manner of service and on whom service was made.

(e) **Decree**. After a hearing, if the court, by clear and convincing evidence, finds that modification of the court-approved Voluntary Post Adoption Contact Agreement shall serve the needs, welfare and best interest of the child, the court shall enter a decree so modifying the Voluntary Post Adoption Contact Agreement as necessary to best serve the needs, welfare and interests of the child.

**Note:** A guardian ad litem must be appointed to represent siblings who have not attained eighteen (18) years of age in a proceeding to enforce or discontinue a court-approved Voluntary Post-Adoption Contact Agreement, but not in a proceeding to modify such an Agreement. 23 Pa.C.S. § 2741(b)(1). The evidentiary standard of clear and convincing evidence is statutorily mandated. See 23 Pa.C.S. § 2737(b).

**Rule 15.10. Petition to enforce a court-approved voluntary post-adoption contact agreement.**

(a) *General rule.* By filing a petition under 23 Pa.C.S. § 2738 in the court that finalized the adoption, any signatory to a court-approved Voluntary Post-Adoption Contact Agreement, a sibling, or the child who is the subject of such an Agreement may seek to enforce it.

(b) *Contents of petition to enforce.* The petition to enforce the court-approved Voluntary Post-Adoption Contact Agreement shall set forth specific and material facts to establish the following:

- (1) the age and birth date of the child;
- (2) the date when the court approved the Agreement and that such date was on or before the date of the adoption decree;
- (3) that the child executed the Agreement, signed a separate written consent, or that the child was not required to execute the Agreement because he or she had not attained twelve (12) years of age at the time of its execution;
- (4) that the party seeking enforcement is in substantial compliance with the Agreement;
- (5) the identity of the party who has materially breached the Agreement and the nature and circumstances of the breach; and
- (6) that enforcement of the Agreement serves the needs, welfare and best interest of the child.

(c) *Guardian ad litem.* After a review of the averments in the petition, the court may, either upon its own motion or if requested by the petitioner, appoint one or more guardians ad litem to represent the child who is the subject of the Agreement and any sibling of the child if such sibling has not attained eighteen (18) years of age.

(d) *Notice and hearing.* After the filing of a petition to enforce the court-approved Voluntary Post-Adoption Contact Agreement, the court shall schedule and conduct a private evidentiary hearing providing sufficient time for notice to be given as provided below.

(1) In accordance with Rule 15.2, the petitioner shall provide notice of the hearing to all signatories to the court-approved Voluntary Post-Adoption Contact Agreement, to any court-appointed guardian(s) ad litem, and to the child who has attained twelve (12) years of age and does not have counsel or a court-appointed guardian ad litem;

(2) the petitioner shall give notice at least ten (10) days prior to the hearing, by any of the methods set forth in Rule 15.2(a) or by first-class United States mail, to the Agency that facilitated the adoption, but only if the Agency has been involved in the implementation and continuation of the court-approved Voluntary Post-Adoption Contact Agreement; and

(3) the petitioner shall present a certificate of service to the court at the time of the hearing setting forth the manner of service and on whom service was made

(e) *Decree and remedies.* After a hearing, if the court finds, by clear and convincing evidence, that the petitioner is in substantial compliance with the terms of the court-approved Voluntary Post-Adoption Contact Agreement and also finds that the Agreement serves the needs, welfare and best interest of the child, the court shall enter a decree directing specific performance of the Agreement.

(1) The court may also exercise its equitable and contempt powers as appropriate.

(2) The court may not award monetary damages, but in an appropriate case may award reasonable attorneys fees and costs.

*Note:* Although not allowed to commence a proceeding to modify or discontinue a court-approved Voluntary Post-Adoption Contact Agreement, a sibling of the child may seek to enforce the court-approved Voluntary Post-Adoption Contact Agreement by the filing of a petition, even if that sibling is not otherwise a signatory to the Agreement. *Compare* 23 Pa.C.S. § 2738 *with* 23 Pa.C.S. §§ 2737, 2739. The evidentiary standard of clear and convincing evidence is statutorily mandated. *See* 23 Pa.C.S. § 2738(d)(2).

**Rule 15.11. Petition to discontinue a court-approved voluntary post-adoption contact agreement.**

(a) *General rule.* By filing a petition under 23 Pa.C.S. § 2739 in the court that finalized the adoption, any signatory to a court-approved Voluntary Post-Adoption Contact Agreement or a child who has attained twelve (12) years of age may seek to discontinue the Agreement.

(b) *Contents of petition to discontinue.* The petition to discontinue the court-approved Voluntary Post-Adoption Contact Agreement shall set forth the specific and material facts to establish the following:

- (1) the age and birth date of the child;
- (2) the date when the court approved the Agreement and that such date was on or before the date of the adoption decree;
- (3) that the child executed the Agreement, signed a separate written consent, or that the child was not required to execute the Agreement because he or she had not attained twelve (12) years of age at the time of its execution; and
- (4) the reasons why discontinuance of the court-approved Voluntary Post-Adoption Contact Agreement serves the needs, welfare and best interests of the child.

(c) *Guardian ad litem.* After a review of the averments in the petition, the court may, either upon its own motion or if requested by the petitioner, appoint one or more guardians ad litem to represent the child who is the subject of the Agreement and any sibling of the child if such sibling has not attained eighteen (18) years of age.

(d) *Notice and hearing.* After the filing of a petition to discontinue the court-approved Voluntary Post-Adoption Contact Agreement, the court shall schedule and conduct a private evidentiary hearing providing sufficient time for notice to be given as provided below.

(1) In accordance with Rule 15.2, the petitioner shall provide notice of the hearing to all signatories to the court-approved Voluntary Post-Adoption Contact Agreement, to any court-appointed guardian(s) ad litem, and to the child who has attained twelve (12) years of age and does not have counsel or a court-appointed guardian ad litem;

(2) the petitioner shall give notice at least ten (10) days prior to the hearing, by any of the methods set forth in Rule 15.2(a) or by first-class United States mail, to the Agency that facilitated the adoption, but only if the Agency has been involved in the implementation and continuation of the court-approved Voluntary Post-Adoption Contact Agreement; and

(3) the petitioner shall present a certificate of service to the court at the time of the hearing setting forth the manner of service and on whom service was made

(e) *Decree*. After a hearing, if the court finds, by clear and convincing evidence, that discontinuance of the court-approved Voluntary Post-Adoption Contact Agreement shall serve the needs, welfare and best interest of the child, the court shall enter a decree discontinuing the Agreement.

*Note*: The evidentiary standard of clear and convincing evidence is statutorily mandated. See 23 Pa.C.S. § 2739(b).

**Rule 15.12. Collection of documents and maintenance of court file.**

(a) The Clerk of the Court where parental rights were terminated and the Clerk of the Court where the adoption was finalized shall maintain as a permanent court file all court records pertaining to the adoption, including the docket, docket entries, all petitions, exhibits, reports, notes of testimony, decrees and other filed papers.

(b) The Clerk of the Court where parental rights were terminated and the Clerk of the Court where the adoption was finalized shall also accept the following items to become part of the permanent court file:

(1) any statement regarding medical and personal and/or social history information filed by a birth parent, survivor of a deceased birth parent, an adoptee who is *sui juris*, the legal or natural guardian of a non-*sui juris* adoptee, or the descendant of a deceased adoptee, including but not limited to, any form promulgated by the Department of Welfare completed by such an individual;

(2) any authorization or consent form signed by a birth parent permitting the release of identifying information, including but not limited to, any signed form promulgated by the Department of Welfare to authorize the release of identifying information or any signed form promulgated by the Department of Health granting the issuance of a summary of the adoptee's original birth record with identifying information about the birth parent;

(3) any form signed by a birth parent withholding the release of identifying information or revoking a prior authorization or consent given, including any such form promulgated by the Department of Welfare or the Department of Health that is signed by the birth parent; and

(4) any notification from the Department of Public Welfare given in accordance with 23 Pa.C.S. § 2915(C)(4) that an Agency has closed and transferred its case records to another Agency.

(c) In addition to the documents listed in subparagraphs (a) and (b) above, the Clerk of the Court where the adoption was finalized shall also accept the following items to become part of the permanent court file:

(1) any authorization or consent form signed by an adoptee permitting the release of identifying information or any form signed by the adoptee withholding the release of identifying information or revoking a prior authorization or consent given, including any such form promulgated by the Department of Welfare that is signed by the adoptee;

(2) any records or written documents from an attorney who represented an individual in the adoption proceeding or who acted as counsel or as the guardian ad litem for the child, if the records and written documents relate to the child, the birth family or the adoptive family; and

(3) any requests for non-identifying or identifying information from an individual permitted by 23 Pa.C.S. § 2931(A) to file such a request.

(d) The Clerk of the Court where parental rights were terminated shall copy and forward any statement regarding medical and personal and/or social history information and any forms signed by the birth parent authorizing the release of identifying information, withholding the release of identifying information, or revoking prior authorizations as follows:

(1) any completed and signed document that is on a form promulgated by the Department of Public Welfare shall be forwarded to the Pennsylvania Adoption Information Registry (PAIR); and

(2) any completed and signed document in whatever form or format shall be forwarded to the Clerk of the Court where the adoption was finalized, if the court that finalized the adoption is known or reasonably ascertainable from information in the court file of the court that terminated parental rights.

(e) All documents described in (b)(1), (b)(2), (b)(3), (c)(1), and (c)(3) shall be stamped or labeled with the date of receipt and an acknowledgement of receipt shall be sent to the individual who sent the document.

*Note*: In order to avoid confusion, the term "court file", rather than "court records", is being used to describe all the documents that can be part of the court's file because "court record" is statutorily defined in 23 Pa.C.S. § 2911 to include only the petition, exhibits, reports, notes of testimony, decrees and other papers pertaining to the judicial proceeding.

This rule also uses the term "medical and personal and/or social history information" because the statute refers to these statements in varying ways. Compare 23 Pa.C.S. §§ 2503(d), 2504(d), 2511(c) with 23 Pa.C.S. §§ 2923, 2934. The statute contemplates that adoptees, adoptive parents, legal guardians of adoptees, or descendants of adoptees may file statements of medical and personal and/or social history information or update such statements as well as birth parents, legal guardians of an incapacitated birth parent and survivors of a deceased birth parent. See 23 Pa.C.S. § 2934(b). Although permitted, the more likely filings will be by birth parents who received notification of the ability to file these statements at the time of the termination of their parental rights. The statute also directs that notice of the filing of a statement of medical and personal and/or social history information shall be given to "the individual who is at least 21 years of age and whom the information is intended to benefit, if known or identified in its records." 23 Pa.C.S. § 2934(e)(2). Rule 15.14(c) provides the procedure for determining who is the person intended to be benefitted and how notice of the filing of this statement shall be provided to that intended beneficiary. Because the procedure in Rule 15.14(c) requires the filing of an initial request by the person intended to be benefitted and because all requests for information are filed through the court that finalized the adoption, it is that court, and not the court that terminated parental rights, which shall review and process the statement of medical and personal and/or social history information and determine who is the individual intended to be benefitted and whether and how information is to be provided to that individual. The court that terminated parental rights need only forward the statement of medical and personal and/or social history information to the court that finalized the adoption, and if the completed statement is on the form

promulgated by the Department of Welfare, then also to the Pennsylvania Adoption Information Registry ("PAIR").

PAIR has a website ([www.pagov-pair.org](http://www.pagov-pair.org)) and is requesting that any statement of medical and personal and/or social history information be forwarded electronically in a .pdf format. The statement shall be forwarded to PAIR as it is filed; it is not the responsibility of the Clerk or court personnel to re-key the information into the electronic system of PAIR.

Notwithstanding the development of forms by the Department of Public Welfare, the statute does not limit or restrict what statements and forms the Clerk of Court can accept from birth parents and adoptees. Thus, in keeping with the spirit of the statute, the Clerks of the local courts are encouraged to accept any document that reveals medical, personal and/or social history information from a birth parent, adoptee, their statutorily permissible representatives, descendant(s) of a deceased adoptee, or survivor(s) of a deceased birth parent. Likewise, the Clerk of the local courts are encouraged to accept and maintain any form or statement that reasonably can be construed as providing authorization or consent to release identifying information, withholding such authorization or consent, or revoking a prior authorization or consent given. The local courts are also free to adopt their own forms for such uses. The Department of Public Welfare has designed sample forms for the local courts to use or to modify for use.

Because requests for identifying information are only permitted to be filed with the court that finalized the adoption, any forms signed by the adoptee authorizing the release of identifying information, or withholding or revoking such authorization, and any requests for non-identifying or identifying information shall only be accepted by the Clerk of the Court where the adoption was finalized. *See* 23 Pa.C.S. § 2931(A).

Despite the above paragraph, the statute does imply that an authorization or consent to release identifying information, or withholding or revoking such authorization signed by a birth parent must be accepted by the Clerk of the Court that terminated parental rights and maintained as part of the court file for that court. *See* 23 Pa.C.S. §§ 2933(A)(2)—(4). For this reason, Rule 15.12(d)(2) requires the the Clerk of Court that terminated parental rights to forward any such signed authorization or consent form or any forms withholding or revoking authorization or consent to the Clerk of the Court that finalized the adoption, if known, thereby streamlining the efforts required by the court that finalized the adoption if a request for non-identifying or identifying information is later filed.

Finally, attorneys representing a party to an adoption proceeding or representing the child as either counsel or guardian ad litem are permitted to forward their records and information only to the court that finalized the adoption. 23 Pa.C.S. § 2916. In this age of document management and given the judiciary's limited financial and physical resources, the attorney representing an Agency may not deposit his or her records with the court as the Agency already has record-keeping requirements imposed by the Department of Public Welfare. *See* 23 Pa.C.S. § 2915. Moreover, the local court, by administrative order or local rule, may adopt procedures by which attorneys can forward the documents to be retained in the court file. For example, a local court may prescribe that attorney records are only accepted on a disc, CD-ROM, or other electronic format. The local court also may charge reasonable fees for the acceptance and retention of

attorney's records. *See* 23 Pa.C.S. § 2913 ("Any court . . . may charge reasonable fees for services provided under this chapter.")

**Rule [ 15.7 ] 15.13. Impounding[ ; docket entries; reports; ] the court file; privacy.**

(a) [ **All proceedings shall be impounded, docket entries made, reports made to the Department of Public Welfare, and certificates of adoption issued as provided in Sections 505, 506, 507 and 508, respectively, of the Adoption Act, 23 Pa.C.S. § 2101, et seq. ] All court records and all other documents in the court file, including but not limited to, completed statements of medical and personal and/or social history information, signed authorization or consent forms, signed forms withholding or revoking authorization, requests for identifying or non-identifying information, and attorney records shall be impounded and withheld from inspection except as provided by 23 Pa.C.S. § 2931 et seq. and Rule 15.14.**

(b) [ **The name of names of the natural parents and the name or names of the child before adoption shall not be entered on any docket which is subject to public inspection. ] The docket shall not contain the name(s) of the birth parent(s), any information identifying the birth parent(s) or the name of the child before adoption if the docket is subject to public inspection.**

(c) **Certificates of adoption shall be issued as provided in 23 Pa.C.S. § 2907, reciting that the court has granted the adoption, but not disclosing the name(s) of the birth parent(s) or the name of the child before adoption.**

(d) No decision under the Adoption Act of any hearing judge or appellate court publicly reported or in any other way made available to the public by the court shall disclose the identity of the individual parties.

*(Editor's Note: Rule 15.4 is new and printed in regular type to enhance readability.)*

**Rule 15.14. Dissemination and release of information in the court file.**

(a) Upon the filing of a written request for non-identifying and/or a written request for identifying information or contact, the Clerk of the Court shall determine if the adoption was finalized in that court, and if so, the request shall be forward to the court and the court shall proceed as follows:

(1) determine who is the requester, what is the requester's relationship to the subject of the request, and whether the requester is permitted by 23 Pa.C.S. § 2931(A) to seek such information, and

(A) if not, promptly notify the requester that his or her request for information is denied and the reasons for its denial; but

(B) if so, proceed under subparagraph (a)(2) below;

(2) determine if the request inquires about an individual who can be the subject of the request per 23 Pa.C.S. § 2931(B), and

(A) if not, promptly notify the requester that his or her request for information is denied and the reasons for its denial; but

(B) if so, proceed under subparagraphs (a)(3) and (a)(4) below, as applicable;



(3) if the request is for only non-identifying information, take steps necessary to ensure that the records and documents from the court file which are made available to the requester are sufficiently redacted so as to not reveal the identity of the subject of the request or compromise the confidentiality of the relationship, and once redacted and identifying information removed, make such records and documents available to the requester as provided by local rule or practice;

(4) if the request is for identifying information or contact, the court shall appoint an authorized representative duly trained and certified by the Department of Welfare, pursuant to 23 Pa.C.S. § 2938, to handle requests for identifying information and search for the subject of the request, if necessary.

*Note:* The handling of requests for non-identifying information, identifying information and/or contact will largely be dictated by local rule, custom and practice. Handling requests for non-identifying information, identifying information, and/or contact will require time, resources and expertise. At present, the Committee does not believe that it is in a position to mandate a uniform statewide procedure because the number of requests, the court's resources and personnel, and the nature of the relationship of the local court with county and private adoption agencies varies widely from county to county. Thus, Rule 15.14(a) intentionally has been drafted so as to leave much to the discretion, practice and custom of the local courts. The local courts may determine if such requests are filed as a petition or on a standardized form; the local courts may set the fees charged for these requests; and the local court may determine if and how to undertake searches for individuals who are the subject of a request and do not have a signed authorization or consent form in the court or Agency files or with the Pennsylvania Adoption Information Registry ("PAIR"). Notwithstanding the Committee's deference to local rule, practice and custom, the Committee has purposefully used the term "court" once it is determined by the Clerk of Courts that the particular court finalized the adoption. The Committee intends that the judge, the judge's law clerk, court personnel experienced in adoptions, or an appointed representative handle and address requests for non-identifying and, that only an appointed representative duly trained by the Department of Welfare handle and address all requests for identifying information. The statute has very specific rules as to who may request non-identifying and identifying information and the age or existence of one individual may change the requester's right to make the request. For example, an adoptive parent cannot make a request if the adoptee has attained eighteen (18) years of age and is not incapacitated or deceased; a parent of a birth parent can make a request only in limited circumstances; the same applies to birth siblings of the adoptee. *See* 23 Pa.C.S. § 2931(A). Furthermore, the statute is specific about who can be the subject of a request. For example, the adoptee must have attained twenty-one (21) years of age to be the subject of the request; many limitations also apply if seeking information about a grandparent or birth sibling. As a result, these requests for non-identifying and identifying information should be reviewed by those trained in the law or otherwise well versed in this statute.

(b) Anyone requesting an original birth record or a summary of the original birth record shall be directed to contact the Department of Health.

(c) Upon the filing of a statement of medical and personal and/or social history information or a statement

updating medical and personal and/or social history information, or if such a statement is received from another court that handled the termination of parental rights, the Clerk of Court where the adoption was finalized shall send notice of the filing of a statement as follows:

(1) Notice of the filing of a statement of medical and personal and/or social history information shall be sent to the following individuals:

(A) if the statement of medical and/or social history information contains information about a birth parent, notice of its filing shall be sent to the adoptee, the adoptive parents, the legal guardian of an incapacitated adoptee, or the descendant of a deceased adoptee, only if such person, at any time prior, had filed a request for non-identifying or identifying information that was approved by the court or was then denied by the court due only to the age of the requester or the age of the subject of the request; or

(B) if the statement of medical and/or social history information contains information about the adoptee, notice of its filing shall be sent to the birth parent(s), any legal guardian of a birth parent, the parent of a deceased birth parent, and in limited circumstances to a birth sibling, but only if such person, at any time prior, had filed a request for non-identifying or identifying information that was approved by the court or was then denied by the court due only to the age of the requester or the age of the subject of the request.

(2) Notice under this subparagraph (c) shall be provided to the individual at the address listed on the request for non-identifying or identifying information or at the last updated address in the court file.

(3) Notice shall inform the individual(s) that a statement or an updated statement of medical and personal and/or social history information has recently been received and the information contained in the statement may be provided either in redacted form or with identifying information upon the filing of new request for non-identifying or identifying information.

(4) If a new request for non-identifying or identifying information is thereafter filed, the request shall be forwarded to the court and processed as provided in Rule 15.14(a) above.

*Note:* 23 Pa.C.S. § 2934 requires the court, Agency, or Pennsylvania Adoption Information Registry (PAIR) to provide notice of the filing of a statement of medical and personal and/or social history information "to the individual who is at least 21 years of age and whom the information is intended to benefit." The statutory section fails to further define who is the person intended to be benefitted or how such person is to be determined. Moreover, once filed, the statement of medical and personal and/or social history information becomes part of the court file subject to impounding and confidentiality as provided in Rule 15.13. For this reason, notice of the filing of this information should not be shared or disseminated by the Clerk of Court absent a filed request for such information approved by the court or upon other order of court. The notification procedures in Rule 15.14(c) are, therefore, an attempt to comply with 23 Pa.C.S. § 2934(e) while, at the same time, complying with other statutory provisions, such as 23 Pa.C.S. § 2933(A) which defines the individuals who may request non-identifying and identifying information more narrowly than 23 Pa.C.S. § 2934(b); 23 Pa.C.S. §§ 2925(C), 2935 which require the court to maintain confidentiality in conducting a search; and 23 Pa.C.S. § 2938 which

requires any court-appointed authorized representative to be specially trained by the Department of Public Welfare before conducting searches. The Clerk of the Court and the Clerk's deputy personnel have no legal training in determining who may request non-identifying and identifying information and no specialized training from the Department of Public Welfare in conducting searches while maintaining confidentiality. For these reasons, while the Agency and PAIR may proceed differently in determining who is intended to be benefitted from the filing of a statement of medical and personal and/or social history information, the Clerk, the court, and court personnel shall proceed in a more cautious fashion providing notice of the filing of a statement of medical and personal and/or social history information only to a permitted individual who has previously requested and been given information from the court file. Even then, information from the most recently filed statement will only be provided if a new request for non-identifying or identify information is filed by the requester.

(d) The local courts may set and charge reasonable fees for any of the services provided under this rule, and the fees may vary depending upon the time and effort involved, the extent of information made available to the requester, whether an authorized representative of the court is appointed, and the extent of the search required,

**Rule [ 15.8. Registration of ] 15.15. Petition to register foreign adoption decree.**

\* \* \* \* \*

(d) If the Court of Common Pleas determines that the foreign adoption decree cannot be registered, the adopting parent(s) shall proceed as applicable under the provisions set forth in the Adoption Act, 23 Pa.C.S. §§ 2101 *et seq.*, Pa.O.C. Rule [ 15.9 ] 15.16 (specific to the adoption of a foreign born child), and local rules of court.

(e) Adopting parent(s) who are eligible to register the foreign adoption decree under this Rule may, for any reason, proceed under Rule [ 15.9 ] 15.16.

**[ Explanatory ] Note:** Pursuant to 23 Pa.C.S. § 2908(b), as amended by Act 96 of 2006, a set of forms, consisting of a Petition to Register Foreign Adoption Decree, Final Decrees approving and denying the Petition, and detailed Instructions for the *pro se* petitioner(s) are set forth in the Appendix to these Rules.

The Petition should be filed with the Clerk of the Orphans' Court Division, except in Philadelphia County, where it should be filed with the Clerk of the Family Court Division. The Petition and accompanying documents, including the Final Decree, are confidential and should be impounded and withheld from public inspection as provided in the Adoption Act, 23 Pa.C.S. §§ [ 2905, ] 2906, 2907 [ and ], 2908(f), and 2911—2938 and Pa.O.C. Rule [ 15.7 ] 15.13.

\* \* \* \* \*

A foreign born child who has been issued an IR-2, IR-3 or IH-3 United States visa has had the adoption proceeding fully completed in the foreign country and the foreign adoption decree only needs to be registered here to be given the full force and effect of an adoption decree issued by this Commonwealth. However, situations may arise that necessitate proceeding under Pa.O.C. Rule [ 15.9 ] 15.16 even though the foreign born child has been issued an IR-2, IR-3 or IH-3 United States visa, such as the inclusion of an incorrect birth year on the foreign adoption decree, or other personal family reasons. Proceeding

under Pa.O.C. Rule [ 15.9 ] 15.16 is permitted; Pa.O.C. Rule 15.8 is not the exclusive means to obtain a Pennsylvania adoption decree and birth certificate for a foreign born adopted child.

\* \* \* \* \*

If the Court determines that the foreign adoption is not a full and final adoption because the foreign born child has been issued an IH-4 or IR-4 visa, the adopting parent(s) shall proceed under subdivision (d) of this Rule. See also Rule [ 15.9 ] 15.16.

**Notice of the opportunity to enter into a legally enforceable voluntary agreement for post-adoption communication or contact is not required to be given to the birth parent(s) of a foreign born child if the child has been issued an IR-2, IR-3, IH-2, or IH-3 United States visa because the adoption was completed in the native country of the foreign born child pursuant to the laws and rules of that country. The Pennsylvania court is merely registering the foreign adoption decree, which evidences a completed adoption, and giving it the full force and effect of a Pennsylvania adoption.**

Rule [ 15.9 ] 15.16. Petition for adoption of a foreign born child.

(a) *General [ Rule ] rule.* Adopting parent(s) who are residents of the Commonwealth may petition the Court of Common Pleas in any county as provided in [ **Section 2302 of the Adoption Act (see )** 23 Pa.C.S. § 2302( ) ] to proceed with an adoption of their foreign born child who has entered the United States pursuant to an IR-2, IR-3, IH-3, IR-4 or IH-4 United States visa.

\* \* \* \* \*

**[ Explanatory ] Note:** Pursuant to 23 Pa.C.S. § 2908(e), as amended by Act 96 of 2006, a set of forms, consisting of a Petition for Adoption of a Foreign Born Child, Report of Intermediary, Verification of Translator, Preliminary Decree, and Final Decree are set forth in the Appendix to these Rules.

In most instances, the adopting parent(s) of a foreign born child who has entered the United States with an IR-2, IR-3 or IH-3 United States visa will not need to proceed under Pa.O.C. Rule 15.9, but can register the foreign adoption decree pursuant to Pa.O.C. Rule [ 15.8 ] 15.15. Situations may arise, though, that necessitate proceeding under this Rule, such as the inclusion of an incorrect birth year on the foreign adoption decree, or other personal family reasons. In these situations, adopting parent(s) of a foreign born child entering the United States with an IR-2, IR-3, or IH-3 United States visa may proceed under Pa.O.C. Rule [ 15.9 ] 15.16; however, adopting parent(s) should be advised by counsel of the additional costs, additional documentation required, and the delay caused by the need for a hearing.

If a foreign born child has entered the United States with an IH-4 or IR-4 United States visa, the adopting parent(s) must proceed under Pa.O.C. Rule [ 15.9 ] 15.16 because the adoption of their foreign born child was not finalized in the country of the child's birth.

\* \* \* \* \*

The documents referenced in Pa.O.C. Rule [ 15.9 ] 15.16 should be filed with the Clerk of the Orphans' Court Division, except in Philadelphia County, where they should be filed with the Clerk of the Family Court Division. The Petition and accompanying documents un-

der this Rule, including the decree granting the adoption, are confidential and should be impounded and withheld from public inspection as provided in the Adoption Act, 23 Pa.C.S. §§ 2905 *et seq.* and Pa.O.C. Rule [ 15.7 ] 15.13.

The Clerk shall make available to the petitioner(s) the necessary Department of Health, Division of Vital Records forms: Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child; and Form No. HD01275F, Statement of Citizenship and Residency.

**Notice of the opportunity to enter into a legally enforceable voluntary agreement for post-adoption communication or contact may at the option of the adoptive parent(s) be given to the birth parent(s) of a foreign born child who has been issued an IR-4 or IH-4 United States visa. When a child has been issued an IR-4 or IH-4 United States visa, it has been determined by the United States Citizenship and Immigration Service ("USCIS") that the child is an orphan. Because the parental rights of the birth parent(s) have been terminated in the native country under the laws and procedures of the foreign country, those birth parents are not before and have never been before a Pennsylvania court, and thus, the court that is finalizing the adoption need not assure itself that such birth parents were given notice of the opportunity to enter into a legally enforceable voluntary agreement for post-adoption communication or contact. The Committee believes that all adoptions of foreign born children should be treated the same, and the notification of the opportunity to enter into a legally enforceable voluntary agreement for post-adoption communication or contact should not depend upon the type of United States visa issued to the child.**

#### EXPLANATORY COMMENT

##### *Background*

On October 27, 2010, Pennsylvania Governor Edward G. Rendell signed Senate Bill 1360, Printer's Number 2188, into law. This amendment to the Adoption Act (23 Pa.C.S. Domestic Relations Chapters 21-29), known as Act 101 of 2010, became effective April 25, 2011.

Act 101 of 2010 amended the Adoption Act to provide an option for adopting parents and birth relatives to enter into legally enforceable voluntary agreements so that adopted children can have ongoing communication or contact with their birth family, if desirable. While the enforceability of voluntary post-adoption contact agreements is new, the concept of these agreements is not. For years adopting and biological parents have recognized the benefits of post-adoption contact and have made arrangements informally. Nothing in Act 101 or these proposed rules precludes or discourages the use of such informal arrangements which have benefited children and families through the years. However, by complying with the statute and these proposed rules, as ultimately adopted, the parties will have an agreement for post-adoption communication or contact that can be enforced by the courts, upon proper petition.

Act 101 also amended the Adoption Act to allow for the collection of a birth parent's social history in addition to personal and medical history, to permit attorneys to forward their records and information to the court for maintenance as part of the court record, and to provide new procedures for accessing information from the court record related to adoptions.

For example, Act 101 expands the class of individuals who can file a written request for non-identifying infor-

mation, identifying information or contact with the court that finalized the adoption, the agency that coordinated the adoption, or the successor agency. Permissible requestors now include the following:

- An adoptee who has attained age 18;
- An adopting parent of adoptee who is younger than 18, who has attained 18 but has been adjudicated incapacitated, or who is deceased;
- A legal guardian of adoptee who is younger than 18 or adjudicated incapacitated;
- A descendant of a deceased adoptee;
- A birth parent if the adoptee has attained age 21;
- A parent of a birth parent if the adoptee has attained age 21 and the birth parent consents, is incapacitated, or deceased; and
- A birth sibling of an adoptee if both individuals have attained age 21 and meet the following criteria:
  1. The birth sibling remained in the custody of a birth parent, and that birth parent consents, is deceased, or is incapacitated;
  2. The birth sibling and the adoptee were both adopted out of the same birth family; or
  3. The birth sibling was not adopted out of the birth family and did not remain in the custody of the birth parent.

Finally, Act 101 provides that when there is a proper request for identifying information or contact and no authorization is on file, the entity receiving the request, including the court that finalized the adoption, shall search for the person from whom information or contact is sought, advise that person of the request, and ask that person to consent to the release of identifying information or permit contact. Searches and contact are to be provided by an authorized representative trained by the Department of Public Welfare.

##### *Recommendation*

The proposed amendments and new rules fall into four general categories:

(1) Amendments to existing rules so that the court can ensure birth parents received notice of the opportunity of birth relatives to enter into agreements with adopting parents for post-adoption contact or communication which become legally enforceable, upon court approval, and amendments to existing rules to accurately reference statements of medical and personal and/or social history information, their maintenance in the court record, and their accessibility. (See Proposed Rule 15.3(a)(8), (a)(10), (b)(2), (b)(4), (f), Proposed Rule 15.4(a)(9), (a)(11), (b)(1), (b)(3), (f), Proposed Rule 15.5(a)(9), (a)(11), (b)(2), (b)(3), (f), Proposed Rule 15.6(a)(10), (b)(3), (f), and Proposed Rule 15.8(a)(1), (b)(4)).

(2) A proposed new Rule 15.5 to address the statutory alternative procedure for confirmed consent created in Section 2504 of the Adoption Code, 23 Pa.C.S. § 2504. (See Proposed Rule 15.5).

(3) New rules implementing Act 101's provisions regarding the court's approval of voluntary post-adoption contact agreements and the procedure by which the court may modify, enforce, or discontinue such court-approved voluntary post-adoption contact agreements. (See Proposed Rules 15.7, 15.9, 15.10 and 15.11).

(4) New rules and amendments to the existing confidentiality rule to implement Act 101's provisions for

releasing information in the court file, including requests for non-identifying information, identifying information and/or for contact. (See Proposed Rules 15.12, 15.13, and 15.14).

The search and contact provisions of Act 101 pose special problems for the court system. The proposed rules are predicated upon an understanding that the county Orphans' Courts (and Family Court in Philadelphia) can delegate the responsibility for search and contact to private adoption agencies, individuals, or the county Children and Youth Service Agencies so long as the delegate has successfully completed a standardized Department of Welfare training program.

Act 101 allows a reasonable fee for services permitted by the Act, including a fee for responses to requests for information or contact. In addition, Act 101 imposes certain time deadlines for responding to requests for information and contact. The Committee has declined to incorporate such deadlines in these proposed rules. The Committee assumes these tasks will be completed expeditiously and consistent with other important judicial responsibilities concerning terminations of parental rights, adoptions hearings, fast track appeals, and other priorities related to children and youth. If that proves not to be the case, the Committee proposes to revisit the issue.

The Committee anticipates that the experience of the local courts over the next several months working in concert with private adoption agencies, county Children and Youth Service Agencies and PAIR to implement Act 101 will provide a base of practical experience that will

inform the rule-making process. In the meantime, the Committee believes that each court is aware of Act 101 and is seeking to be compliant with its requirements.

[Pa.B. Doc. No. 11-959. Filed for public inspection June 10, 2011, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that on May 23, 2011, the Supreme Court of Pennsylvania ordered that Bernard Lambert be placed on Temporary Suspension from the practice of law pursuant to Rule 208(f), Pa.R.D.E., effective June 22, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 11-960. Filed for public inspection June 10, 2011, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 63 ]

#### Fishing; General Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 63 (relating to general fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

##### A. *Effective Date*

The final-form rulemaking will go into effect on January 1, 2012.

##### B. *Contact Person*

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

##### C. *Statutory Authority*

The amendment to § 63.6 (relating to authorized devices for game fish, baitfish and fishbait) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

##### D. *Purpose and Background*

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the amendment is described in more detail under the summary of change.

##### E. *Summary of Change*

Under § 63.6, no more than two lines may be used at one time when fishing, except while ice fishing under § 63.10 (relating to ice fishing). This restriction dates back to at least the 1930s. Recently, several anglers have expressed interest in having this regulation amended to allow for the use of three lines.

Because harvest is primarily controlled through the use of season, size limit and creel limit regulations, a change in the number of devices from two to three should have little effect on managing the fisheries in this Commonwealth. Concerns about this change are likely to be social. The Commission therefore proposed amending § 63.6 to allow for the use of three lines.

The Commission amends § 63.6 to read as set forth in the proposed rulemaking published at 40 Pa.B. 7237 (December 18, 2010).

##### F. *Paperwork*

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

##### G. *Fiscal Impact*

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public.

##### H. *Public Involvement*

The proposed rulemaking containing the proposed amendment and soliciting public comments for 60 days

was published at 40 Pa.B. 7237. The Commission received a total of 227 comments as of the close of the public comment on February 15, 2011. Comments received prior to the October 2010 meeting at which the Commission approved the proposed rulemaking were not counted. However, copies of those public comments were provided to the Commissioners at their April 2010 meeting. Of the 227 comments received after the October meeting, 7 were received before the comment period and 220 were received during the comment period. There was overwhelming support for this final-form rulemaking. Copies of all public comments were to the Commissioners.

##### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and all public comments received were considered.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

##### *Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 63, are amended by amending § 63.6 to read as set forth at 40 Pa.B. 7237.

(b) The Executive Director will submit this order and 40 Pa.B. 7237 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 40 Pa.B. 7237 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect January 1, 2012.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-224 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-961. Filed for public inspection June 10, 2011, 9:00 a.m.]

### FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 65 ]

#### Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

##### A. *Effective Date*

The final-form rulemaking will go into effect upon publication of this order in the *Pennsylvania Bulletin*.

### B. Contact Person

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

### C. Statutory Authority

The amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

### D. Purpose and Background

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the final-form rulemaking is described in more detail under the summary of changes.

### E. Summary of Changes

In recent years, annual Commission biological assessment catch rates of smallmouth bass in the lower Susquehanna River (below Sunbury) and in the lower Juniata River (below Newport) have fallen below reference catch rates of the middle to late 1990s. This has not been the case for other rivers or river reaches in this Commonwealth, including the West Branch of the Susquehanna River and the North Branch of the Susquehanna River. These decreases in catch rates have been attributed, in part, to decreases in production and survival of young.

Historically, reductions in smallmouth bass young-of-year recruitment could be explained, in part, by late spring river discharge. High late spring discharges tend to lead to reduced densities of young smallmouth bass, whereas lower spring discharges tend to lead to higher densities of young in summer assessments. Since 2002, while this pattern continued on the North Branch, recruitment on the mainstem has been consistently below average. Since 2005, the Commission has documented that low flows and relatively warm water temperatures have been associated with high incidences of *Columnaris* bacterial disease in young-of-year bass. *Columnaris* is a common soil bacterium that typically does not appear unless fish are under some type of stress. Studies conducted by the United States Geological Survey in 2008 and 2009 have documented that low stream flows and warmer water temperatures are associated with relatively low dissolved oxygen levels in near shore nursery habitat for young-of-year bass. These conditions are typically associated with relatively high plant growth and point to possible nutrient loading concerns. Work continues to identify the causes of low recruitment and disease, with immediate solutions challenging a broad spectrum of scientists from State and Federal resource management agencies.

Reduced densities of smallmouth bass are likely to continue until survival of above average year classes persists through adulthood in the lower Susquehanna River and Juniata River. To preserve good quality fishing in the face of declining smallmouth bass abundance and provide for enhanced preservation of young fish recruiting to the population, the Commission proposed amending § 65.24 to impose catch and release regulations on smallmouth and largemouth bass in portions of the Susquehanna River and Juniata River that are currently regulated under § 65.9 (relating to big bass special regulations). Tournaments will be prohibited during the bass spawning period in the spring. During the remainder

of the year, catch-measure-immediate release tournaments only will be permitted. The final-form rulemaking will apply to all species of black bass residing in the Susquehanna and Juniata Rivers to remain consistent with the way that black bass historically have been managed in these rivers. The Commission believes that action is necessary now to reduce fishing mortality since improvements in recruitment indices in the lower Susquehanna River and the lower Juniata River have not been evident and are impossible to forecast in advance.

The Commission remains steadfast in its commitment to improving and sustaining high quality black bass fishing in the Susquehanna drainage and throughout this Commonwealth. Commission staff will continue monitoring the abundance of all sizes of smallmouth bass and continue indexing production of young. The Commission may revisit these regulations in the future depending on the condition of the fishery.

The Commission accordingly amends § 65.24 to read as set forth in the proposed rulemaking published at 40 Pa.B. 7238 (December 18, 2010).

### F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

### G. Fiscal Impact

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public. Some members of the private sector and regulated community have asserted that the final-form rulemaking will have a negative financial impact on bass fishing tournament organizers and bait and tackle merchants.

### H. Public Involvement

The proposed rulemaking containing the proposed amendments and soliciting public comments for 90 days was published at 40 Pa.B. 7238. The public comment period ended on March 17, 2011. Prior to the public comment period, the Commission received 74 comments. The Commission received 78 comments during the official period. Comments received after the close of the comment period were not counted. The majority of the comments received support the proposed rulemaking. Some of the common themes of the comments are as follows: the main problem is water quality not angler harvest; the regulation will not help recruitment; guides may impact bass by fishing during the spawning season; the Commission should develop a permit system for livewell tournaments; the Commission should close the spawning season to fishing; and the Commission should expand the regulations into the tributaries. Copies of all public comments were provided to the Commissioners.

### Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and all public comments received were considered.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 40 Pa.B. 7238.

(b) The Executive Director will submit this order and 40 Pa.B. 7238 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 40 Pa.B. 7238 and deposit them with the Legislative Reference Bureau as required by law.

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

JOHN A. ARWAY,  
*Executive Director*

*(Editor's Note: See 41 Pa.B. 2976 (June 11, 2011) for a proposal to amend § 65.24.)*

**Fiscal Note:** Fiscal Note 48A-223 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-962. Filed for public inspection June 10, 2011, 9:00 a.m.]

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**PENNSYLVANIA GAMING CONTROL BOARD**  
**[ 58 PA. CODE CHS. 523, 525, 537, 541,**  
**545 AND 571 ]**

**Table Game Amendments; Rules of Play; Temporary Regulations**

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 13A03 (relating to temporary table game regulations), enacted by the act of January 7, 2010 (P.L. 1, No. 1) (Act 1), and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), amends temporary regulations in Chapters 523, 525, 537, 541 and 545 and adds a new table game in Chapter 571 (relating to Mississippi Stud) 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 Subpart K (relating to table games).

*Purpose of the Temporary Rulemaking*

This temporary rulemaking amends the chapter on table game internal controls to account for promotional Match Play Coupons, amends the rules of play for Craps and Mini-Craps, Minibaccarat and Baccarat for clarity and to add additional side wagers and adds a new game, Mississippi Stud.

*Explanation of Chapters 523, 525, 537, 541, 545 and 571*

In § 523.12 (relating to dice; physical characteristics), the use of dice that are a different size with rounded corners were approved for use in the game of Sic Bo.

In § 525.1 (relating to definitions), a definition of the term "Match Play Coupon" was added. Section 525.17 (relating to table game drop boxes) was updated to account for the presence of Match Play Coupons in the table game drop boxes. In § 525.19 (relating to procedures for opening, counting and recording the contents of table game drop boxes), the process for counting the contents of the table game drop boxes has been updated. Counter Checks are not counted in the count room but

are sent to revenue audit for agreement with the various copies of the Counter Checks. The recording of the serial number and amount of the Counter Checks in the count room is therefore unnecessary. Match Play Coupons and Counter Checks were added in subsection (y)(7) to the documentation that is transported to the accounting department for revenue audit.

The requirements for the design, internal controls and distribution of promotional Match Play Coupons were added in new § 525.21 (relating to Match Play Coupons; physical characteristics and issuance). Match Play Coupons are to be controlled by the finance department and distributed to patrons by the marketing department. Certificate holders are required to file with the Bureau of Casino Compliance a quarterly report listing the total value of all Match Play Coupons redeemed by patrons.

Section 525.22 (relating to Match Play Coupon use) specifies that a promotional Match Play Coupon shall be used with an equal value of gaming chips. The value of the Match Play Coupon is added to the gaming chips wagered by the patron. If the wager wins, it is paid in accordance with the terms and conditions of the Match Play Coupon. Irrespective of whether the Match Play Coupon wins or loses, it is deposited into the table game drop box at the conclusion of each round of play.

In Chapter 537 (relating to Craps and Mini-Craps), language was added to § 537.5a (relating to Buy and Lay Bets) specifying that a certificate holder is not required to offer Place Bets to Lose to offer a Lay Bet and receive true odds. The certificate holder shall specify in its rules submission if the Place Bets to Lose or the Lay Bet, or both, is offered.

In Chapter 541 (relating to Minibaccarat), the pay table was updated to add the natural tie in § 541.13(d) (relating to payout odds; vigorish).

In Chapter 545 (relating to Baccarat), EZ Baccarat was added as an optional way to play the game of Baccarat which does not collect a vigorish on a winning Banker's Hand. When playing EZ Baccarat, the Banker's Hand is considered a push instead of a win if it has a Point Count of 7 and the Player's Hand has a Point Count of less than 7 with three cards drawn. The Dragon 7 Insurance Wager was added as an option side wager for EZ Baccarat.

Mississippi Stud, a new game, was added in Chapter 571. Section 571.1 (relating to definitions) contains the definitions for terms used in Mississippi Stud. Section 571.2 (relating to Mississippi Stud table; physical characteristics) contains the requirements pertaining to Mississippi Stud tables and other equipment used in the play of the game.

Section 571.3 (relating to cards; number of decks) addresses the number of decks that are used in Mississippi Stud and the frequency with which the decks are to be changed. Sections 571.4 and 571.5 (relating to opening of the 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. The procedure for removal of the cards from the dealing shoe and discard rack when there is no gaming activity are in this section. At the operator's request, dealers may leave the cards face down instead of face up on the table until a player arrives at the table at which time the cards shall be reshuffled for the next round of play.

Sections 571.6 and 571.7 (relating to Mississippi Stud hand rankings; and wagers) set forth the rank of the cards for the purpose of determining the winning hand and specifies when the permissible 3rd Street, 4th Street and 5th Street wagers may be placed.

Sections 571.8—571.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) specify the procedures for the dealing of the two cards to each patron and the three community cards. Section 571.11 (relating to procedure for completion of each round of play; collection and payment of wagers) addresses when a patron may view each of the three community cards. This section also addresses the procedures for collecting cards, collecting losing wagers and paying out winning wagers.

Section 571.12 (relating to payout odds) sets forth the payout odds for winning wagers. Section 571.13 (relating to irregularities) provides the rules to address unusual circumstances that might arise during the play of the game.

*Affected Parties*

The amendments in this temporary rulemaking allow certificate holders additional options on how to conduct table games at their licensed facilities and provide a broader compliment of promotional play options other than just credits for slot machine play.

*Fiscal Impact*

*Commonwealth.* The Board does not expect that the amendments to the rules of play in this temporary rulemaking will have any fiscal impact on the Board or any other Commonwealth agency. Internal control procedures submitted by certificate holders related to table games rules submissions and Match Play Coupons will be reviewed by existing Board staff.

Regarding the fiscal impact on the Commonwealth with the addition of promotional Match Play Coupons, although the payment of a winning wager that includes the value of the Match Play Coupon will have a negative effect on the table inventory, match play is intended to increase the amount of table game play and thus the revenue to the facility and the tax collected for the Commonwealth.

*Political subdivisions.* This temporary rulemaking will not have 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.* The amendments in this temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games.

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

*Paperwork Requirements*

If a certificate holder selects different options for the play at table games, the certificate holder will be required to update its gaming guide and submit an updated rules submission reflecting the changes. If a certificate holder elects to offer Match Play Coupons to patrons, the certificate holder shall submit updated internal controls for approval and a quarterly report listing the total value of all match play given to patrons.

*Effective Date*

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

*Public Comments*

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

regulations might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-147.

*Contact Person*

The contact person for questions about this temporary rulemaking is Susan A. Yocum, Assistant Chief Counsel, (717) 265-8356.

*Regulatory Review*

Under 4 Pa.C.S. § 13A03, the Board is authorized to adopt temporary regulations which are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

*Findings*

The Board finds that:

(1) Under 4 Pa.C.S. § 13A03, the temporary regulations are exempt from the Regulatory Review Act, sections 201—205 of the CDL and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

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

*Order*

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

(a) The regulations of the Board, 58 Pa. Code Chapters 523, 525, 537, 541, 545 and 571, are amended by amending §§ 523.12, 525.1, 525.17, 525.19, 537.5a, 541.13, 545.1, 545.2, 545.8, 545.12 and 545.13 and by adding §§ 525.21, 525.22 and 571.1—571.13 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The temporary regulations are effective June 11, 2011.

(c) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

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

(e) 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*

*(Editor's Note:* See 41 Pa.B. 2962 (June 11, 2011) for the temporary rulemaking amending §§ 571.1, 571.2 and 571.7—571.12.)

**Fiscal Note:** 125-147. Potential loss of revenue to the General Fund. Due to the unknown amount of Match Play Coupons to be used by casino operators, we are unable to accurately project the impact to the General Fund. The loss of revenue or generation of additional play depends on the amount of Match Play Coupons used by casino operators.



*Board Appropriations*

(4) 2010-11 Program—	\$27,267,000
2009-10 Program—	\$25,632,000
2008-09 Program—	\$22,184,000;

(8) recommends adoption. Match Play Coupons are promotional tools intended to increase the amount of table game play, resulting in additional taxable revenue. The use of Match Play Coupons may negatively impact the taxable table games revenue, but may also promote additional table games resulting in greater taxable table games revenue.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart K. TABLE GAMES**

**CHAPTER 523. TABLE GAME EQUIPMENT**

**§ 523.12. Dice; physical characteristics.**

(a) Except as otherwise provided in subsections (b) and (c), each die used in the play of table games must:

\* \* \* \* \*

(c) Dice used in the table game of Sic Bo must comply with subsection (a) except each die may be formed in the shape of a cube 0.625 inch on each side with ball edge corners.

**CHAPTER 525. TABLE GAME INTERNAL CONTROLS**

**§ 525.1. Definitions.**

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

*Count team*—The employees of the certificate holder who are responsible for counting the contents of table game drop boxes.

*Fill*—The distribution of gaming chips, coins and plaques to a gaming table to replenish the table inventory.

*Match Play Coupon*—A coupon with a stated value that when presented with gaming chips by a patron at a table game is included in the amount of the patron's wager.

**§ 525.17. Table game drop boxes.**

(a) Each gaming table in a licensed facility must have a secure tamper-resistant table game drop box attached to it, in which shall be deposited all cash exchanged at the gaming table for gaming chips and plaques, issuance copies of Counter Checks exchanged at the gaming table for gaming chips and plaques, Match Play Coupons, copies of Fill Request Slips, Fill Slips, Credit Request Slips, and Credit Slips and Table Inventory Slips.

(b) Each table game drop box must have:

(1) Two separate locks securing the contents placed into the table game drop box, the keys to which must be different from each other.

(2) A separate lock securing the table game drop box to the gaming table, the key to which must be different from each of the keys to the locks securing the contents of the table game drop box.

(3) A slot opening through which currency, Match Play Coupons, value chips for nonbanking games, and required forms and documents can be inserted into the table game drop box.

\* \* \* \* \*

**§ 525.19. Procedures for opening, counting and recording the contents of table game drop boxes.**

\* \* \* \* \*

(u) After the contents of each drop box from a banking table game are counted, a member of the count team shall record, manually on the Daily Banking Table Game Count Report or electronically on a computer system, the following information for each banking table game drop box:

(1) The value of each denomination of currency counted.

(2) The total value of all denominations of currency counted.

(3) The gaming date of the items being recorded, the total number of banking table game drop boxes opened and counted and the date that the Daily Banking Table Game Count Report is being prepared or generated.

(v) After the contents of each drop box from a nonbanking table game are counted, a member of the count team shall record, manually on the Daily Nonbanking Table Game Count Report or electronically on a computer system, the following information for each nonbanking table game drop box:

\* \* \* \* \*

(y) After the contents of all table game drop boxes have been removed and counted, all cash, value chips and Poker rake chips shall be presented in the count room by a count team member to a main bank cashier or cage supervisor who, prior to having access to the information recorded on the Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report or electronic equivalents and in the presence of the count team members and the casino compliance representative, shall recount, either manually or mechanically, the currency, value chips and Poker rake chips presented in accordance with the following requirements:

(1) The main bank cashier or cage supervisor shall have physical access to all currency, value chips and Poker rake chips presented for recounting and no currency, value chips or Poker rake chips for recounting shall be wrapped or placed in any sealed bag or container until the entire recount has been completed and the Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report or electronic equivalents have been signed by the entire count team, the count room supervisor, the main bank cashier or cage supervisor and the casino compliance representative.

(2) The main bank cashier or cage supervisor may bulk count all strapped currency.

(3) Partial straps, loose currency, mutilated or torn currency, value chips and Poker rake chips shall be recounted by the main bank cashier or cage supervisor either by hand or with an approved counting device.

(4) The casino compliance representative may direct that currency straps of any denomination be recounted by the main bank cashier or cage supervisor either by hand or by counting equipment, if a discrepancy either in denomination total or grand total is discovered during the initial bulk recount.

(5) Upon completion of the recount, the main bank cashier or cage supervisor shall attest by signature on the Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report or electronic equivalents the amounts of currency, value chips and Poker rake chips counted, after which the casino compliance representative shall sign the report evidencing his presence during the count and the fact that both the main bank cashier or cage supervisor and count team have agreed on the total amounts of currency, value chips and Poker rake chips counted.

(6) Once all required signatures have been obtained, the second copy of the Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report or electronic equivalents shall be given to the casino compliance representative and the third copy shall be retained by the cage supervisor or main bank cashier.

(7) The original Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report or electronic equivalents, the Requests for Fills, the Fill Slips, the Requests for Credits, the Credit Slips, the issuance copy of the Counter Checks, the Table Inventory Slips, the Match Play Coupons, the gaming vouchers and any other supporting documentation shall be transported directly to the accounting department and may not be available to cage personnel.

(z) A count room employee, in the presence of the casino compliance representative who observed the count, shall conduct a thorough inspection of the entire count room and all counting equipment located therein to verify that no currency, value chips, Poker rake chips, Match Play Coupons or Counter Checks remain in the room.

**§ 525.21. Match Play Coupons; physical characteristics and issuance.**

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

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

(1) The design specifications of the proposed Match Play Coupons are submitted to and approved by the Bureau of Gaming Operations.

(2) A system of internal procedures and administrative and accounting controls governing the inventory, distribution and redemption of the Match Play Coupons is submitted and approved as part of the certificate holder's internal controls.

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

- (1) The name or logo of the certificate holder.
- (2) The value of the coupon which can be identified when viewing the coupon through the surveillance system of the certificate holder.
- (3) A sequential serial number.
- (4) Any restrictions regarding redemption including the type of game or wager on which the coupon may be used.
- (5) A statement specifying the date on which the coupon expires.
- (6) An area designated for the placement thereon of the required gaming chips so as to not obscure or interfere with the visibility of the denomination of the coupon.

(d) The finance department and the marketing department, or other department as specified in the certificate holder's internal controls, shall be responsible for admin-

istering the Match Play Coupon program. The marketing department shall be responsible for distributing the coupons to patrons. The finance department shall be responsible for maintaining the Match Play Coupon ledger and administering the coupon accounting procedures in subsection (m).

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

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

- (1) The date the coupons were received.
- (2) The quantity and denomination of coupons received.
- (3) The beginning and ending serial number of the coupons received.
- (4) The name, signature and Board-issued credential number of the individuals who checked the coupons.

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

- (1) The date the requisition was prepared.
- (2) The date for which the coupons are needed.
- (3) The denomination and quantity of coupons requested.
- (4) The name, signature and Board-issued credential number of the marketing department supervisor completing the requisition.

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

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

- (1) The beginning and ending serial number of the coupons issued.
- (2) The denomination and quantity of coupons issued.
- (3) The name, signature and Board-issued credential number of the finance department supervisor who issued the coupons.
- (4) A record and explanation of coupons that were voided.

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

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

- (1) The date.
- (2) The beginning and ending serial numbers of the coupons received from the finance department.
- (3) The denomination and quantity of coupons the marketing department has to distribute to patrons.
- (4) The denomination and quantity of coupons the marketing department distributed to patrons.
- (5) The denomination, quantity and serial numbers of coupons remaining.
- (6) The serial numbers of coupons that were voided and the reason the coupons were voided.
- (7) Any variations discovered and an explanation of the variations.
- (8) The name, signature and Board-issued credential number of the marketing department supervisor completing the form.
- (k) At the end of the gaming day or promotional period, a copy of the Match Play Coupon Reconciliation Form and all Match Play Coupons that were not distributed to patrons shall be returned to the finance department. The marketing department may keep for use during the next gaming day all coupons that were not distributed to patrons provided the coupons are stored in a secured and locked area approved by the Bureau of Casino Compliance and recoded on the daily Match Play Coupon Reconciliation Form for the next gaming day. All expired coupons must be returned to the finance department on a daily basis.
- (l) When unused and expired Match Play Coupons are returned to the finance department, a finance department supervisor shall record the following information in the Match Play Coupon ledger:
  - (1) The date the coupons were returned.
  - (2) The beginning and ending serial numbers of the coupons returned.
  - (3) The denomination and quantity of coupons returned.
  - (4) The serial numbers of any coupons that were voided and the reason the coupons were voided.
  - (5) The name, signature and Board-issued credential number of the marketing department supervisor returning the unused coupons and the name, signature and Board-issued credential number of the finance department supervisor who received the unused coupons.
- (m) All documentation, voided coupons, redeemed coupons and coupons that were not distributed to patrons shall be forwarded on a daily basis to the finance department where the coupons shall be:
  - (1) Counted and examined for proper calculation and recording.
  - (2) Reviewed for the propriety of signatures on the documentation and cancelled.
  - (3) Reconciled by total number of coupons given to the marketing department for distribution to patrons, returned for reissuance, voided, distributed to patrons and redeemed.
  - (4) Recorded, maintained and controlled by the finance department.
- (n) At least once every month, each certificate holder shall inventory all Match Play Coupons that are not distributed to patrons and record the result of the inventory in the Match Play Coupon ledger. The proce-

dures to be utilized to inventory the Match Play Coupons shall be submitted for approval as part of the certificate holder's internal controls.

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

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

**§ 525.22. Match Play Coupon use.**

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

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

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

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

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

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

(d) A patron may use only one Match Play Coupon per wager.

(e) Whether the wager wins or loses, the dealer shall deposit the Match Play Coupon into the drop box attached to the gaming table at the time the winning wager is paid or the losing wager is collected.

**CHAPTER 537. CRAPS AND MINI-CRAPS**

**§ 537.5a. Buy and Lay Bets.**

\* \* \* \* \*

(b) In addition to or in lieu of the Place Bets to Lose on 4, 5, 6, 8, 9 and 10, a certificate holder may, in its Rules Submission under § 521.2, offer players the option of placing a Lay Bet to receive true odds on the Place Bet to Lose. A certificate holder that offers Lay Bets shall pay winning wagers as follows:

\* \* \* \* \*

**CHAPTER 541. MINIBACCARAT**

**§ 541.13. Payout odds; vigorish.**

\* \* \* \* \*

(d) If a certificate holder offers the Dragon Bonus Wager, a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 521.2:

<i>Hand</i>	<i>Payout A</i>	<i>Payout B</i>	<i>Payout C</i>
Win by 9 Points	30 to 1	20 to 1	30 to 1
Win by 8 Points	10 to 1	8 to 1	10 to 1
Win by 7 Points	6 to 1	7 to 1	4 to 1
Win by 6 Points	4 to 1	4 to 1	4 to 1
Win by 5 Points	2 to 1	3 to 1	2 to 1
Win by 4 Points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1
Natural Tie	Push	Push	Push
	*	*	*

**CHAPTER 545. BACCARAT**

**§ 545.1. Definitions.**

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

*Curator*—The player that accepts the dealing shoe and who is responsible for dealing the cards in accordance with this chapter and the instructions of the dealer calling the game.

*Dragon 7*—A Banker’s Hand which has a Point Count of 7 with a total of three cards dealt and the Player’s Hand which has a Point Count of less than 7.

*Natural*—A hand which has a Point Count of 8 or 9 on the first two cards dealt.

**§ 545.2. Baccarat table physical characteristics.**

\* \* \* \* \*

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

\* \* \* \* \*

(4) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder’s Rules Submission under § 521.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(5) An area designated for the placement of cards for the Player’s Hand and Banker’s Hand.

(6) If a certificate holder offers EZ Baccarat:

(i) A separate area designated for the placement of the Dragon 7 Insurance Wager for each player.

(ii) Inscriptions that advise patrons that a wager on the Banker’s Hand that results in a Dragon 7 shall tie and be returned to the player.

(iii) Inscriptions that advise patrons of the payout odds for the Dragon 7 Insurance Wager. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each EZ Baccarat table.

\* \* \* \* \*

**§ 545.8. Wagers.**

(a) The following wagers shall be permitted to be made by a player at the game of Baccarat:

(1) A wager on the Banker’s Hand which shall:

(i) Win if the Banker’s Hand has a Point Count higher than that of the Player’s Hand unless EZ Baccarat is

being played and the Point Counts of the Banker’s Hand and the Player’s Hand result in a Dragon 7.

(ii) Lose if the Banker’s Hand has a Point Count lower than that of the Player’s Hand.

(iii) Tie and be returned to the player if the Point Count of the Banker’s Hand and the Player’s Hand are equal or if EZ Baccarat is being played and the Point Counts of the Banker’s Hand and the Player’s Hand result in a Dragon 7.

(2) A wager on the Player’s Hand which shall:

(i) Win if the Player’s Hand has a Point Count higher than that of the Banker’s Hand.

(ii) Lose if the Player’s Hand has a Point Count lower than that of the Banker’s Hand or if EZ Baccarat is being played and the Point Counts of the Banker’s Hand and the Player’s Hand result in a Dragon 7.

(iii) Tie and be returned to the player if the Point Counts of the Banker’s Hand and the Player’s Hand are equal.

(3) A Tie Wager which shall:

(i) Win if the Point Counts of the Banker’s Hand and the Player’s Hand are equal.

(ii) Lose if the Point Counts of the Banker’s Hand and the Player’s Hand are not equal.

(4) A Dragon 7 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Banker’s Hand and the Player’s Hand result in a Dragon 7.

(ii) Lose if the Point Counts of the Banker’s Hand and the Player’s Hand do not result in a Dragon 7.

(b) Wagers at Baccarat shall be made by placing gaming chips or plaques on the appropriate areas of the Baccarat layout. A verbal wager accompanied by cash may be accepted provided the verbal wager is confirmed by the dealer calling the game and the cash is expeditiously converted into gaming chips or plaques.

(c) No wager at Baccarat may be made, increased or withdrawn after the dealer calling the game has announced “no more bets.”

**§ 545.12. Announcement of result of round; payment and collection of wagers.**

(a) After each hand has received all the cards to which it is entitled under §§ 545.9, 545.10 and 545.11 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer calling the game shall announce the final Point Count of each hand indicating which hand has won the round. If the two hands have equal Point Counts, the dealer shall announce “tie hand.” If the table is designated for play as an EZ Baccarat table and the Point Counts of the Banker’s Hand and the Player’s Hand result in a Dragon 7, the dealer shall announce “Dragon 7.”

(b) After the result of the round is announced, the dealer or dealers responsible for the wagers on the table shall first collect each losing wager. After the losing wagers are collected, the dealer or dealers responsible for the wagers on the table shall, starting at the highest numbered player position at which a winning wager is located, mark or collect the vigorish owed by that player, unless the table is designated for play as an EZ Baccarat table in which vigorish is not collected. Immediately

thereafter, the dealer shall pay that player's winning wager and then, proceeding in descending order to the next highest numbered player position at which a winning wager is located, repeat this procedure until the vigorish owed by each player is either marked or collected and each winning wager is paid.

(c) At the conclusion of a round of play, all cards on the layout shall be picked up by the dealer and placed in the discard bucket.

**§ 545.13. Payout odds; vigorish.**

(a) A winning wager made on the Player's Hand shall be paid off by a certificate holder at odds of 1 to 1.

(b) A winning Tie Bet shall be paid off by a certificate holder at odds of at least 8 to 1.

(c) A winning wager made on the Banker's Hand shall be paid off by a certificate holder at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning player in an amount equal to the amount specified in the Rules Submission under § 521.2 (relating to table games Rules Submissions) of either 4% or 5% of the amount won unless the certificate holder is offering EZ Baccarat in which vigorish is not collected.

(d) A winning Dragon 7 Insurance Wager shall be paid off by a certificate holder at odds of 40 to 1.

(e) When collecting the vigorish, the certificate holder may round off the amount of a 5% vigorish to 25 cents or the next highest multiple of 25 cents, and the amount of a 4% vigorish to 20 cents or the next highest multiple of 20 cents.

(f) A dealer, in accordance with the option selected in the certificate holders Rules Submission under § 521.2, may collect the vigorish from a player at the time the winning payout is made or may defer the collection of the vigorish to a later time; provided, however, that outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first. The amount of any vigorish not collected at the time of the winning payout shall be tracked by placing a coin or marker button containing the amount of the vigorish owed in a rectangular space in front of the dealer on the layout imprinted with the number of the player owing the vigorish. The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(g) The percentage of vigorish charged at a Baccarat table shall apply to all players at that table. The same percentage of vigorish shall be used for all Baccarat tables located within a licensed facility.

**CHAPTER 571. MISSISSIPPI STUD**

Sec.	Definitions.
571.1.	Definitions.
571.2.	Mississippi Stud table; physical characteristics.
571.3.	Cards; number of decks.
571.4.	Opening of the table for gaming.
571.5.	Shuffle and cut of the cards.
571.6.	Mississippi Stud hand rankings.
571.7.	Wagers.
571.8.	Procedure for dealing the cards from a manual dealing shoe.
571.9.	Procedure for dealing the cards from the hand.
571.10.	Procedure for dealing the cards from an automated dealing shoe.
571.11.	Procedure for completion of each round of play; collection and payment of wagers.
571.12.	Payout odds.
571.13.	Irregularities.

**§ 571.1. Definitions.**

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

*Ante Wager*—An initial wager that shall be made by a player prior to any cards being dealt to participate in the round of play.

*Bet Wager*—A 3rd Street, 4th Street or 5th Street Wager made by a player.

*Community card*—Any of the three cards that are initially dealt face down in the designated area in front of the table inventory container and once revealed are used by each player to form a five-card hand.

*5th Street Wager*—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the second community card is revealed by the dealer.

*Fold*—The withdrawal of a player from a round of play by discarding the player's two cards prior to placing a bet wager.

*4th Street Wager*—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the first community card is revealed by the dealer.

*Push*—A player's hand that results in neither payment on nor collection of the player's wagers.

*Rank or ranking*—The relative position of a card or group of cards as set forth in § 571.6 (relating to Mississippi Stud hand rankings).

*Round of play or round*—One complete cycle of play during which all players playing at the table have been dealt a hand, folded or wagered upon their hands and had their wagers paid or collected or returned in accordance with the rules of this chapter.

*3rd Street Wager*—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the player has been dealt the initial two cards.

**§ 571.2. Mississippi Stud table; physical characteristics.**

(a) Mississippi Stud shall be played on a table having betting positions for six players on one side of the table and a place for the dealer on the opposite side.

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

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

(2) Four separate designated betting areas at each player position for the placement of:

(i) The Ante Wager.

(ii) The 3rd Street, 4th Street and 5th Street Wagers which must be located closer to the player than the Ante Wager betting area and, when viewed by the player, arrayed from left to right.

(3) Separate designated areas located in front of the table inventory container for the placement of the three community cards with one area inscribed 3rd Street, a second inscribed 4th Street and a third area inscribed 5th Street.

(4) Except as permitted under subsection (c), an inscription at each player position describing:

(i) The payout odds for all authorized wagers.

(ii) The rules governing the required amount of the 3rd Street, 4th Street or 5th Street Wager as a multiple of the player's Ante Wager.

(c) If the information required under subsection (b) is not inscribed on the layout, a sign shall be posted at each Mississippi Stud table that sets forth the required information.

(d) Each Mississippi Stud table must have a drop box and a tip box attached to it on the same side of the table, but on opposite side of the dealer, in locations approved by the Bureau of Casino Compliance. The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Mississippi Stud table must have a discard rack securely attached to the top of the dealer's side of the table in a location approved by the Bureau of Casino Compliance.

**§ 571.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Mississippi Stud shall be played with 1 deck of 52 cards and 1 additional cover card.

(b) If an automated card shuffling device is used, a certificate holder may use a second deck of cards to play the game, provided that:

- (1) Each deck of cards complies with subsection (a).
- (2) The backs of the cards in the two decks are different colors.
- (3) One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game.
- (4) Both decks are continually alternated in and out of play, with each deck being used for every other round of play.
- (5) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in Mississippi Stud shall be changed at least:

- (1) Every 4 hours if the cards are dealt by hand.
- (2) Every 8 hours if the cards are dealt from a manual or automated dealing shoe.

**§ 571.4. Opening of the table for gaming.**

(a) Except as provided in subsection (e), after receiving the cards at the table, the dealer shall inspect the cards for defects.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with § 571.5 (relating to shuffle and cut of the cards).

(d) If a certificate holder uses an automated card shuffling device to play the game and two decks of cards are received at the table as permitted under § 571.3 (relating to cards; numbers of decks), each deck of cards

shall be separately spread, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are pre-inspected and reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), subsections (a)—(d) do not apply.

**§ 571.5. Shuffle and cut of the cards.**

(a) Immediately prior to the beginning of play, unless the cards were reshuffled in accordance with § 523.16 (u) or (v) (relating to cards; receipt, storage, inspections and removal from use), and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that they are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack, provided, however, that nothing in this section prohibits the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is being used and reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall do the following:

(1) If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with § 571.8, § 571.9 or § 571.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall:

- (1) Cut the deck, using one hand, by:
  - (i) Placing a cover card on the table in front of the deck of cards.

(ii) Taking a stack of at least ten cards from the top of the deck and placing them on top of the cover card.

(iii) Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card.

(2) Deal the cards in accordance with the procedures in § 571.8, § 571.9 or § 571.10.

(e) Notwithstanding subsection (d), after the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if he determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Mississippi Stud table that is open for gaming, the cards shall be removed from the dealing shoe and the discard rack, and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures in § 571.4(c) (relating to opening of the table for gaming) and this section shall be completed.

**§ 571.6. Mississippi Stud hand rankings.**

(a) The rank of the cards used in Mississippi Stud, for the determination of winning hands, in order of highest to lowest rank, must be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5.

(b) The permissible five-card poker hands at the game of Mississippi Stud, in order of highest to lowest rank, must be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking, except for a royal flush. An ace may be used to complete a straight flush formed with a 2, 3, 4 and 5.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank. An ace may be used to complete a straight formed with a 2, 3, 4 and 5, provided, however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, queen, king, ace, 2 and 3).

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(8) Two pairs, which is a hand consisting of two pairs.

(9) One pair, which is a hand consisting of two cards of the same rank.

**§ 571.7. Wagers.**

(a) Wagers at Mississippi Stud shall be made by placing value chips or plaques on the appropriate betting areas of the table layout. A verbal wager accompanied by cash may not be accepted.

(b) All Ante Wagers, 3rd Street, 4th Street and 5th Street Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 571.8, § 571.9 or § 571.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(c) To participate in a round of play, a player shall place an Ante Wager. A 3rd Street, 4th Street or 5th Street Wager shall be made in accordance with § 571.11 (relating to procedure for completion of each round of play; collection and payment of wagers).

(d) Only players who are seated at the Mississippi Stud table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play.

(e) A player may not simultaneously play and wager on more than one player position at a Mississippi Stud table.

**§ 571.8. Procedure for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the

Bureau of Casino Compliance. Once the procedures required under § 571.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards and prior to revealing each community card, the dealer shall announce "no more bets."

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to his left who has placed an Ante Wager and continuing around the table in a clockwise manner, deal the cards as follows:

(1) Two cards face down to each player.

(2) Three community cards face down in the designated areas.

(e) After two cards have been dealt to each player and the three community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers returned to the players and the entire deck of cards removed from the table.

**§ 571.9. Procedure for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 571.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand.

(i) After the dealer has chosen the hand in which he shall hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play.

(ii) The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.

(3) The dealer shall announce "no more bets" and then deal each card by holding the deck of cards in the chosen

hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(b) The dealer shall, starting with the player farthest to his left who has placed an Ante Wager and continuing around the table in a clockwise manner, deal the cards as follows:

(1) Two cards face down to each player.

(2) Three community cards face down in the designated areas.

(c) After two cards have been dealt to each player and the three community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers returned to the players and the entire deck of cards removed from the table.

**§ 571.10. Procedure for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 571.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) The dealer shall then announce “no more bets” prior to dispensing any stacks of cards.

(b) The dealer shall deal the first stack of two cards dispensed by the automated dealing shoe face down to the player farthest to his left who has placed an Ante Wager. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed an Ante Wager.

(c) After each stack of two cards has been dispensed and delivered in accordance with this section, the dealer shall remove the remaining cards from the automated dealing shoe and, following the procedures in § 571.9(a)(2) and (3) (relating to procedure for dealing the cards from the hand), deal from his hand the three community cards in accordance with § 571.11 (relating to procedure for completion of each round of play; collection and payment of wagers). After all three community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present

is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers returned to the players and the entire deck of cards removed from the table.

**§ 571.11. Procedure for completion of each round of play; collection and payment of wagers.**

(a) After the dealing procedures required under § 571.8, § 571.9 or § 571.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards without exposing them to any other person and replace the cards face down on the layout. The dealer shall then, starting with the player farthest to his left and proceeding in a clockwise manner around the table, ask each player if the player wishes to place a 3rd Street Wager in an amount equal to one, two or three times the amount of the player’s Ante Wager in the designated 3rd Street betting area or fold. If a player folds, the Ante Wager shall be immediately collected and placed in the table inventory container and the folded hand collected and placed in the discard rack.

(b) Once all players have either placed a 3rd Street Wager or folded, the dealer shall turn over and reveal the first community card.

(c) Each player shall then either place a 4th Street Wager in an amount equal to one, two or three times the amount of the player’s Ante Wager in the designated 4th Street betting area or fold. If a player folds, the Ante Wager and 3rd Street Wager shall be immediately collected and placed in the table inventory container and the folded hand collected and placed in the discard rack.

(d) Once all remaining players have either placed a 4th Street Wager or folded, the dealer shall turn over and reveal the second community card.

(e) Each player shall then either place a 5th Street Wager in an amount equal to one, two or three times the amount of the player’s Ante Wager in the designated 5th Street betting area or fold. If a player folds, the Ante Wager and the 3rd Street and 4th Street Wagers shall be immediately collected and placed in the table inventory container and the folded hand collected and placed in the discard rack.

(f) Once all remaining players have either placed a 5th Street Wager or folded, the dealer shall turn over and reveal the third community card.

(g) Starting with the player farthest to the dealer’s right and proceeding in a counterclockwise manner around the table, the dealer shall turn over and reveal the two player cards. The dealer shall then evaluate and announce the best possible five-card poker hand that can be formed using the two player cards and three community cards. The wagers of each remaining player shall be



resolved one player at a time regardless of outcome. All wagers shall be settled as follows:

(1) All losing wagers shall immediately be collected by the dealer and placed in the table inventory container and the player's cards collected and placed in the discard rack.

(2) If the player's five-card hand is a pair of 6s, 7s, 8s, 9s or 10s, the player's hand is a push. The dealer may not collect or pay the wagers, but shall immediately collect the cards of that player.

(3) All winning wagers shall be paid in accordance with the payout odds in § 571.12 (relating to payout odds). A player's winning hand shall remain face up on the layout until the winning wagers are paid. After paying the winning wagers, the dealer shall immediately collect the cards of all winning players.

(h) All cards collected by the dealer shall be picked up in order and placed in the discard rack in a way that the cards can be readily arranged to reconstruct each hand in the event of a question or dispute.

(i) Each player shall be responsible for his own hand and another individual, other than the dealer, may not touch the cards of that player. Each player shall be required to keep the two cards in full view of the dealer at all times.

(j) A player may not exchange or communicate information regarding his hand prior to the dealer revealing all of the community cards. Any violation shall result in a forfeiture of all wagers on that round by that person.

#### § 571.12. Payout odds.

(a) A certificate holder shall pay each winning wager in accordance with the following odds:

<i>Hand</i>	<i>Payout</i>
Royal flush	500 to 1
Straight flush	100 to 1
Four-of-a-kind	40 to 1
Full house	10 to 1
Flush	6 to 1
Straight	4 to 1
Three-of-a-kind	3 to 1
Two Pair	2 to 1
Pair of Jacks or better	1 to 1
Pair of 6s to 10s	Push

(b) Notwithstanding the payout odds in subsection (a), the aggregate payout limit for any hand may not exceed \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater.

#### § 571.13. Irregularities.

(a) If a community card is exposed prior to the dealer announcing "no more bets" under § 571.8, § 571.9 or § 571.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in the game and shall be placed in the discard rack. If more

than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(c) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(d) If a player or the dealer is dealt an incorrect number of cards, the round of play shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

[Pa.B. Doc. No. 11-963. Filed for public inspection June 10, 2011, 9:00 a.m.]

### PENNSYLVANIA GAMING CONTROL BOARD [ 58 PA. CODE CHS. 541, 543, 557, 559, 569 AND 571 ]

#### Table Game Amendments; Rules of Play; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 13A03 (relating to temporary table game regulations), enacted by the act of January 7, 2010 (P.L. 1, No. 1) (Act 1) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), amends temporary regulations in Chapters 541, 543, 557, 559, 569 and 571 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 Subpart K (relating to table games).

#### *Purpose of the Temporary Rulemaking*

This temporary rulemaking amends the rules of Minibaccarat, Midibaccarat, Let it Ride Poker, Four Card Poker, Texas Hold 'Em Poker and Mississippi Stud to add additional side wagers and in response to comments received from certificate holders.

#### *Explanation of Chapters 541, 543, 557, 559, 569 and 571*

In Chapters 541 and 543 (relating to Minibaccarat; and Midibaccarat), EZ Baccarat was added as a variation of Minibaccarat and Midibaccarat with no vigorish collected on a winning Banker's Hand. When playing EZ Baccarat, the Banker's Hand is considered a push instead of a win if it has a Point Count of 7 and the Player's Hand has a

Point Count of less than 7 with three cards drawn. The Dragon 7 Insurance Wager was added as an optional side wager for EZ Baccarat.

In Chapters 557, 569 and 571 (relating to Four Card Poker; Ultimate Texas Hold 'Em Poker; and Mississippi Stud), progressive side wagers were added to the games. In addition to the progressive payouts, players may also win an envy bonus if another player at the table has a qualifying hand. Definitions were added in the definition section of each chapter. Table layout and wagering device requirements, dealing procedures and payout odds and amounts were updated to reflect the addition of the progressive payout wager and the envy bonus.

Lastly, in § 559.14(e) (relating to payout odds; payout limitation), the payouts in tables A—C for the three-card bonus wager were corrected to reflect that the mini-royal pays out at odds of 40 to 1.

*Affected Parties*

The amendments in this temporary rulemaking will allow certificate holders additional options on how to conduct table games at their licensed facilities.

*Fiscal Impact*

*Commonwealth.* The Board does not expect that the amendments in this temporary rulemaking will have any fiscal impact on the Board or any other Commonwealth agency. Internal control procedures submitted by certificate holders regarding table games rules submissions will be reviewed by existing Board staff.

*Political subdivisions.* This temporary rulemaking will not have 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.* The amendments in this temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games.

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

*Paperwork Requirements*

If a certificate holder selects different options for the play at table games, the certificate holder shall submit an updated rules submission reflecting the changes.

*Effective Date*

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

*Public Comments*

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-150.

*Contact Person*

The contact person for questions about this temporary rulemaking is Susan A. Yocum, Assistant Chief Counsel, (717) 265-8356.

*Regulatory Review*

Under 4 Pa.C.S. § 13A03, the Board is authorized to adopt temporary regulations which are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

*Findings*

The Board finds that:

(1) Under 4 Pa.C.S. § 13A03, the temporary regulations are exempt from the Regulatory Review Act, sections 201—205 of the CDL 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:

(a) The regulations of the Board, 58 Pa. Code Chapters 541, 543, 557, 559, 569 and 571, are amended by amending §§ 541.1, 541.2, 541.8, 541.12, 541.13, 543.1, 543.2, 543.8, 543.12, 543.13, 557.1, 557.2, 557.7—557.12, 559.14, 569.1, 569.2, 569.7—569.12, 571.1, 571.2 and 571.7—571.12 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The temporary regulations are effective June 11, 2011.

(c) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

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

(e) 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*

*(Editor's Note: See 41 Pa.B. 2952 (June 11, 2011) for the temporary rulemaking adding Chapter 571.)*

**Fiscal Note:** 125-150. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart K. TABLE GAMES**

**CHAPTER 541. MINIBACCARAT**

**§ 541.1. Definitions.**

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

*Dragon 7*—A Banker's Hand which has a Point Count of 7 with a total of three cards dealt and the Player's Hand which has a Point Count of less than 7.

*Natural*—A hand which has a Point Count of 8 or 9 on the first two cards dealt.

§ 541.2. Minibaccarat table physical characteristics.

\* \* \* \* \*

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

\* \* \* \* \*

(4) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(5) An area designated for the placement of cards for the Player's Hand and Banker's Hand.

(6) If a certificate holder offers the Dragon Bonus Wager:

(i) A separate area designated for the placement of the Dragon Bonus Wager.

(ii) Inscriptions that advise patrons of the payout odds for the Dragon Bonus Wager. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for the Dragon Bonus Wager shall be posted at each Minibaccarat table.

(7) If a certificate holder offers EZ Baccarat:

(i) A separate area designated for the placement of the Dragon 7 Insurance Wager for each player.

(ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall tie and be returned to the player.

(iii) Inscriptions that advise patrons of the payout odds for the Dragon 7 Insurance Wager. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each EZ Baccarat table.

\* \* \* \* \*

§ 541.8. Wagers.

(a) The following wagers shall be permitted to be made by a player at the game of Minibaccarat:

(1) A wager on the Banker's Hand which shall:

(i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand unless EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Banker's Hand has a Point Count lower than that of the Player's Hand.

(iii) Tie if the Banker's Hand and the Player's Hand have the same Point Count and either:

(A) Be returned to the player.

(B) If the licensee charges vigorish in accordance with § 541.13(h) (relating to payout odds; vigorish), be charged a vigorish equal to 25% of the wager.

(iv) Returned to the player if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(2) A wager on the Player's Hand which shall:

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand.

(ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(iii) Tie and be returned to the player if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(3) A Tie Wager which shall:

\* \* \* \* \*

(5) A Dragon 7 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Point Counts of the Banker's Hand and the Player's Hand do not result in a Dragon 7.

(b) Wagers at Minibaccarat shall be made by placing gaming chips or plaques on the appropriate areas of the Minibaccarat layout. A verbal wager, accompanied by cash may be accepted provided the verbal wager is confirmed by the dealer calling the game and the cash is expeditiously converted into gaming chips or plaques.

(c) No wager at Minibaccarat may be made, increased or withdrawn after the dealer has announced "no more bets."

§ 541.12. Announcement of result of round; payment and collection of wagers.

(a) After each hand has received all the cards to which it is entitled under §§ 541.9, 541.10 and 541.11 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer shall announce the final Point Count of each hand indicating which hand has won the round. If the two hands have equal Point Counts, the dealer shall announce "Tie Hand." If the table is designated for play as an EZ Baccarat table and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7, the dealer shall announce "Dragon 7."

(b) After the result of the round is announced, the dealer responsible for the wagers on the table shall first collect each losing wager. After the losing wagers are collected, the dealer shall, starting at the highest numbered player position at which a winning wager is located, mark or collect the vigorish owed by that player, unless the table is designated for play as an EZ Baccarat table in which vigorish is not collected. Immediately thereafter, the dealer shall pay that player's winning wager and then, proceeding in descending order to the next highest numbered player position at which a winning wager is located, repeat this procedure until the vigorish owed by each player is either marked or collected and each winning wager is paid.

(c) At the conclusion of a round of play, all cards on the layout shall be picked up by the dealer and placed in the discard rack, in order and in a way so that they can be readily arranged to indicate the Player's Hand and the Banker's Hand in case of a question or dispute.

§ 541.13. Payout odds; vigorish.

\* \* \* \* \*

(c) Except as otherwise provided in subsection (h), a winning wager made on the Banker's Hand shall be paid off by a certificate holder at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to the amount specified in the Rules Submission under § 521.2 (relating to table

games Rules Submissions) of either 4% or 5% of the amount won unless the certificate holder is offering EZ Baccarat in which vigorish is not collected.

\* \* \* \* \*

(e) A winning Dragon 7 Insurance Wager shall be paid out by a certificate holder at odds of 40 to 1.

(f) When collecting the vigorish, the certificate holder may round off the vigorish to 5 cents or the next highest multiple of 5 cents.

(g) A dealer, in accordance with the option selected in the certificate holders Rules Submission under § 521.2, may collect the vigorish from a player at the time the winning payout is made or may defer it to a later time; provided, however, that outstanding vigorish shall be collected prior to reshuffling the cards in a dealing shoe or when the player leaves the gaming table, whichever occurs first. The amount of any vigorish not collected at the time of the winning payouts shall be tracked by placing a coin or marker button containing the amount of the vigorish owed in a rectangular space in front of the dealer on the layout imprinted with the number of the player owing the vigorish. The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(h) A certificate holder may, in its Rules Submission under § 521.2, elect to charge every player at a Minibaccarat table a vigorish equal to 25% of the player's wager on the Banker's Hand if the Point Counts of the Banker's Hand and the Player's Hand are equal. The vigorish authorized by this subsection shall be collected at the end of the round of play and prior to any cards being dealt for the next round of play. If a certificate holder elects to charge the vigorish authorized by this subsection, the vigorish otherwise required by subsection (c) may not be collected.

(i) The type and percentage of vigorish charged at a Minibaccarat table applies to all players at that table. The same type and percentage of vigorish shall be used for all Minibaccarat tables located within a licensed facility.

**CHAPTER 543. MIDIBACCARAT**

**§ 543.1. Definitions.**

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

*Dragon 7*—A Banker's Hand which has a Point Count of 7 with a total of three cards dealt and the Player's Hand which has a Point Count of less than 7.

*Natural*—A hand which has a Point Count of 8 or 9 on the first two cards dealt.

**§ 543.2. Midibaccarat table physical characteristics.**

\* \* \* \* \*

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

\* \* \* \* \*

(4) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is

made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(5) An area designated for the placement of cards for the Player's Hand and Banker's Hand.

(6) If a certificate holder offers the Dragon Bonus Wager:

(i) A separate area designated for the placement of the Dragon Bonus Wager.

(ii) Inscriptions that advise patrons of the payout odds for the Dragon Bonus Wager. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for the Dragon Bonus Wager shall be posted at each Midibaccarat table.

(7) If a certificate holder offers EZ Baccarat:

(i) A separate area designated for the placement of the Dragon 7 Insurance Wager for each player.

(ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall tie and be returned to the player.

(iii) Inscriptions that advise patrons of the payout odds for the Dragon 7 Insurance Wager. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each EZ Baccarat table.

(d) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory float container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory float container during gaming activity.

(e) Each Midibaccarat table must have a drop box and a tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer, in locations approved by the Bureau of Gaming Operations. The Bureau of Gaming Operations may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(f) Each Minibaccarat table must have a discard bucket on the dealer's side of the table in a location approved by the Bureau of Gaming Operations

**§ 543.8. Wagers.**

(a) The following wagers shall be permitted to be made by a player at the game of Midibaccarat:

(1) A wager on the Banker's Hand which shall:

(i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand unless EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Banker's Hand has a Point Count lower than that of the Player's Hand.

(iii) Tie if the Banker's Hand and the Player's Hand have the same Point Count and either:

(A) Be returned to the player.

(B) If the licensee charges vigorish in accordance with § 543.13(h) (relating to payout odds; vigorish), be charged a vigorish equal to 25% of the wager.

(iv) Returned to the player if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(2) A wager on the Player's Hand which shall:

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand.

(ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand or if EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(iii) Tie and be returned to the player if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(3) A Tie Wager which shall:

\* \* \* \* \*

(5) A Dragon 7 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7.

(ii) Lose if the Point Counts of the Banker's Hand and the Player's Hand do not result in a Dragon 7.

(b) Wagers at Midibaccarat shall be made by placing gaming chips or plaques on the appropriate areas of the Midibaccarat layout. A verbal wager, accompanied by cash may be accepted provided the verbal wager is confirmed by the dealer calling the game and the cash is expeditiously converted into gaming chips or plaques.

(c) No wager at Midibaccarat may be made, increased or withdrawn after the dealer has announced "no more bets."

**§ 543.12. Announcement of result of round; payment and collection of wagers.**

(a) After each hand has received all the cards to which it is entitled under §§ 543.9, 543.10 and 543.11 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer shall announce the final Point Count of each hand indicating which hand has won the round. If two hands have equal Point Counts, the dealer shall announce "tie hand." If the table is designated for play as an EZ Baccarat table and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7, the dealer shall announce "Dragon 7."

(b) After the result of the round is announced, the dealer responsible for the wagers on the table shall first collect each losing wager. After the losing wagers are collected, the dealer shall, starting at the highest numbered player position at which a winning wager is located, mark or collect the vigorish owed by that player, unless the table is designated for play as an EZ Baccarat table in which vigorish is not collected. Immediately thereafter, the dealer shall pay that player's winning wager and then, proceeding in descending order to the next highest numbered player position at which a winning wager is located, repeat this procedure until the vigorish owed by each player is either marked or collected and each winning wager is paid.

(c) At the conclusion of a round of play, all cards on the layout shall be picked up by the dealer and placed in the discard bucket.

**§ 543.13. Payout odds; vigorish.**

\* \* \* \* \*

(c) Except as otherwise provided in subsection (h), a winning wager made on the Banker's Hand shall be paid

off by a certificate holder at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to the amount specified in the Rules Submission under § 521.2 (relating to table games Rules Submissions) of either 4% or 5% of the amount won unless the certificate holder is offering EZ Baccarat in which vigorish is not collected.

\* \* \* \* \*

(e) A winning Dragon 7 Insurance Wager shall be paid out by a certificate holder at odds of 40 to 1.

(f) When collecting the vigorish, the certificate holder may round off the vigorish to 5 cents or the next highest multiple of 5 cents.

(g) A dealer, in accordance with the option selected in the certificate holders Rules Submission under § 521.2, may collect the vigorish from a player at the time the winning payout is made or may defer it to a later time; provided, however, that outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first. The amount of any vigorish not collected at the time of the winning payouts shall be tracked by placing a coin or marker button containing the amount of the vigorish owed in a rectangular space in front of the dealer on the layout imprinted with the number of the player owing the vigorish. The coin or marker button shall not be removed from the layout until the vigorish owed is collected.

(h) A certificate holder may, in its Rules Submission under § 521.2, elect to charge every player at a Midibaccarat table a vigorish equal to 25% of the player's wager on the Banker's Hand if the Point Counts of the Banker's Hand and the Player's Hand are equal. The vigorish authorized by this subsection shall be collected at the end of the round of play and prior to any cards being dealt for the next round of play. If a certificate holder elects to charge the vigorish authorized by this subsection, the vigorish otherwise required by subsection (c) may not be collected.

(i) The type and percentage of vigorish charged at a Midibaccarat table shall apply to all players at that table. The same type and percentage of vigorish shall be used for all Midibaccarat tables located within a licensed facility.

**CHAPTER 557. FOUR CARD POKER**

**§ 557.1. Definitions.**

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

*Aces Up Wager*—An optional wager that a player may make prior to any cards being dealt that the player's best Four Card Poker hand will be a pair of aces or better.

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Four Card Poker table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—A player's Four Card Poker hand with a rank of four aces, four-of-a-kind or, if included in the paytable selected by the certificate holder in its rules submission required under § 521.2 (relating to table games Rules Submissions), a straight flush, as defined in § 557.6(b) (relating to Four Card Poker rankings).

*Hand*—The best Four Card Poker hand that can be formed by each player and the dealer from the cards they are dealt.

*Play Wager*—An additional wager that a player is required to make if the player opts to remain in competition against the dealer.

*Progressive payout hand*—A player's Four Card Poker hand with a rank of a three-of-a-kind or better as defined in § 557.6(b).

*Round of play*—One complete cycle of play during which all wagers have been placed, all cards have been dealt and all remaining wagers have been settled in accordance with the rules of this chapter.

**§ 557.2. Four Card Poker table physical characteristics.**

\* \* \* \* \*

(b) The layout for a Four Card Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

\* \* \* \* \*

(5) If a certificate holder offers the Progressive Payout Wager, a separate area designated for the placement of the Progressive Payout Wager for each player.

(6) An inscription identifying the payout odds or amounts for all authorized wagers unless the payout odds are posted as required by subsection (c).

\* \* \* \* \*

(f) If a certificate holder offers the Progressive Payout Wager, in accordance with § 557.7 (relating to wagers), the Four Card Poker table shall have a progressive table game system, in accordance with § 524.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of the Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

**§ 557.7. Wagers.**

(a) The following wagers may be placed in the game of Four Card Poker:

(1) A player may compete solely against the dealer by placing an Ante Wager in an amount within the posted minimum and maximum wagers posted at the table and then placing a Play Wager in an amount from one to three times the amount of the Ante Wager.

(2) A player may compete solely against a posted payout table by placing an Aces Up Wager in any amount within the minimum and maximum wagers posted at the table.

(3) A player may compete against both the dealer and the posted payout table by placing wagers in accordance with the requirements in paragraphs (1) and (2).

(4) If the certificate holder offers the Progressive Payout Wager, after placing an Ante Wager, a player may also place a Progressive Payout Wager of \$1 or \$5, as specified in the certificate holder's rules submission under

§ 521.2 (relating to table games Rules Submissions), on whether the player is dealt a Progressive Payout Hand. A Progressive Payout Wager shall be made by placing a value chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(b) All wagers at Four Card Poker shall be made by placing gaming chips or plaques on the appropriate betting areas of the table layout or, if the certificate holder offers the Progressive Payout Wager, by placing a value chip into the progressive wagering device at the player's betting position. A verbal wager accompanied by cash may not be accepted.

(c) Only players who are seated at a Four Card Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(d) Ante Wagers, Aces Up Wagers and Progressive Payout Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 557.8, § 557.9 or § 557.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except for Play Wagers, a wager may not be made, increased or withdrawn after the dealer has announced "no more bets." All Play Wagers shall be placed in accordance with § 557.11(b) (relating to Play Wagers; procedures for completion of each round of play).

(e) A certificate holder may, if specified in the certificate holder's Rules Submission under § 521.2, permit a player to simultaneously play and place wagers at two adjacent betting positions during a round of play.

**§ 557.8. Procedures for dealing the cards from a manual dealing shoe.**

\* \* \* \* \*

(b) Prior to dealing the cards and after all Ante Wagers, Aces Up Wagers and Progressive Payout Wagers are placed, the dealer shall announce "no more bets" and, if the certificate holder offers the Progressive Payout Wager, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

\* \* \* \* \*

**§ 557.9. Procedures for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

\* \* \* \* \*

(3) The dealer shall then announce "no more bets" and, if the certificate holder offers the Progressive Payout Wager, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered

equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container. The dealer shall then deal each card by holding the deck of cards in the chosen hand and using the other hand remove the top card of the deck.

\* \* \* \* \*

**§ 557.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 557.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) The dealer shall then announce “no more bets” and, if the certificate holder offers the Progressive Payout Wager, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

\* \* \* \* \*

**§ 557.11. Play Wagers; procedures for completion of each round of play.**

\* \* \* \* \*

(c) The dealer shall, starting with the player farthest to the left of the dealer and continuing clockwise around the table, offer each player who has placed an Ante Wager the option to either make a Play Wager or forfeit his Ante Wager. A Play Wager shall be made in an amount from one to three times the amount of the player’s Ante Wager. If a player has placed an Ante Wager and an Aces Up Wager but does not make a Play Wager, the player shall forfeit the Ante Wager but does not forfeit the Aces Up Wager. If a player has placed an Ante Wager and a Progressive Payout Wager but does not make a Play Wager, the player shall forfeit the Ante Wager and the Progressive Payout Wager but may not forfeit the eligibility to receive an Envy Bonus under § 557.12 (relating to payout odds; progressive payout; Envy Bonus; rate of progression).

(d) After each player has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager, the dealer shall collect all forfeited Ante Wagers. The dealer shall collect the cards of any player who forfeited his Ante Wager and also did not make an Aces Up Wager, and place the cards in the discard rack unless the player made a Progressive Payout Wager in which the cards shall be left on the table until all wagers are resolved in accordance with subsection (e).

(e) The dealer shall then reveal the dealer’s cards and select the four cards that form the highest possible ranking hand. The dealer shall then, starting with the player farthest to the dealer’s right whose hand is still active and continuing counterclockwise around the table, reveal the cards of each player and select the four cards that form the highest possible ranking hand for each player. The dealer shall then collect all losing Ante, Play and Aces Up Wagers.

(f) The dealer shall then settle the winning wagers remaining on the table, in accordance with the payout

odds in § 557.12. All winning Progressive Payout Wagers shall be paid after the player’s other Four Card Poker wagers are settled. If a player has won the progressive payout that is 100% of the jackpot amount on the progressive meter under § 557.12(a)(4), the progressive payout shall not be paid from the table inventory container. All other winning Progressive Payout Wagers shall be paid from the table inventory container. Prior to making a payout for a Progressive Payout Wager, the dealer shall:

- (1) Verify that the hand is a winning hand.
- (2) Verify that the appropriate light on the progressive table game system has been illuminated.
- (3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder’s approved internal control procedures.

(g) A player’s winning hand shall remain face up on the layout until the winning wagers are paid. After paying the winning wagers, the dealer shall immediately collect the cards of all winning players. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(h) All cards collected by the dealer shall be picked up in order and placed in the discard rack in a way so that the cards can be readily arranged to reconstruct each hand in the event of a question or dispute.

**§ 557.12. Payout odds; progressive payout; Envy Bonus; rate of progression.**

The payout types are:

\* \* \* \* \*

(4) If a certificate holder offers the Progressive Payout Wager, the certificate holder shall pay each winning Progressive Payout Wager at the odds specified in the certificate holder’s Rules Submission under § 521.2, which shall be no less than the odds in one of the following pay tables:

<i>Hand</i>	<i>Table A</i>	<i>Table B</i>
Four Aces	100% of meter	100% of meter
Four-of-a-kind	300 for 1	300 for 1
Straight Flush	100 for 1	100 for 1
Three-of-a-kind	9 for 1	15 for 1

(i) A player shall receive the payout for only the highest ranking hand formed.

(ii) Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Four Card Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of an Envy Bonus Qualifying Hand provided, however, that a player is not entitled to an Envy Bonus for his own hand or the hand of the dealer. Envy Bonus payouts shall be made according to the following payout schedules for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Table A Envy Bonus</i>	<i>Table B Envy Bonus</i>
Four Aces	\$100	\$100
Four-of-a-kind	\$10	\$25
Straight Flush	\$5	N/A

*\$5 Progressive Payout Wagers*

<i>Hand</i>	<i>Table A Envy Bonus</i>	<i>Table B Envy Bonus</i>
Four Aces	\$500	\$500
Four-of-a-kind	\$50	\$125
Straight Flush	\$25	N/A

(iii) The rate of progression for the progressive meter used for the Progressive Payouts must be in the certificate holder's Rules Submission filed in accordance with § 521.2. The initial and reset amount shall also be in the certificate holder's Rules Submission and be no less than \$5,000 for Table A and \$1,000 for Table B.

(iv) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 557.11 (relating to Play Wagers; procedures for completion of each round of play).

**CHAPTER 559. LET IT RIDE POKER**

**§ 559.14. Payout odds; payout limitation.**

\* \* \* \* \*

(e) A certificate holder shall pay off each winning Three Card Bonus Wager at the odds specified in the certificate holder's Rules Submission under § 521.2, which shall be no less than the odds in one of the following alternative pay tables:

<i>Hand Type</i>	<i>Table A</i>	<i>Table B</i>	<i>Table C</i>
Mini-royal	40 to 1	40 to 1	40 to 1
Straight flush	40 to 1	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1	30 to 1
Straight	6 to 1	5 to 1	6 to 1
Flush	4 to 1	4 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1

  

<i>Hand Type</i>	<i>Table D</i>	<i>Table E</i>	<i>Table F</i>
Mini-royal	50 to 1	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1	30 to 1
Straight	6 to 1	5 to 1	6 to 1
Flush	4 to 1	4 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1

**CHAPTER 569. ULTIMATE TEXAS HOLD 'EM POKER**

**§ 569.1. Definitions.**

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

*Ante Wager*—An initial wager required to be made prior to any cards being dealt to participate in the round of play.

*Blind Wager*—An initial wager required to be made prior to any cards being dealt to participate in the round of play.

*Burn*—To remove the top or next card from the deck and place it face down in the discard rack without revealing it to anyone.

*Check*—Waiving the right to place a Play Wager but remaining in the round of play.

*Community card*—Any of the five cards dealt face up in the center of the table, all of which may be used by each player and the dealer together with the player's or dealer's own two cards to form the best possible five-card poker hand.

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Ultimate Texas Hold 'Em Poker table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—An Ultimate Texas Hold 'Em Poker hand with a rank of a royal flush or a straight flush as defined in § 569.6 (relating to Ultimate Texas Hold 'Em Poker hand rankings).

*Flop*—The first three community cards dealt face up in the area designated for the placement of the community cards.

*Fold*—The withdrawal of a player from a round of play by not making a Play Wager.

*Hand*—Five-cards formed from any combination of the five community cards and the two cards dealt to a player or the dealer.

*Play Wager*—A wager made after two cards have been dealt to each player and the dealer, and before the dealer reveals his two cards.

*Progressive Payout Hand*—An Ultimate Texas Hold 'Em Poker hand with a rank of a three-of-a-kind or better as defined in § 569.6 (relating to Ultimate Texas Hold 'Em Poker hand rankings).

*Rank or ranking*—The relative position of a card or group of cards as set forth in § 569.6 (relating to Ultimate Texas Hold 'Em Poker hand rankings).

*Round of play or round*—One complete cycle of play during which all players playing at the table have been dealt cards, have wagered or folded, and have had their wagers paid or collected in accordance with this chapter.

*Trips Wager*—An optional wager that a player may make prior to any cards being dealt, that the player's best five-card hand will be a three-of-a-kind or better.

**§ 569.2. Ultimate Texas Hold 'Em Poker table; physical characteristics.**

\* \* \* \* \*

(b) The layout for an Ultimate Texas Hold 'Em Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Four separate designated betting areas at each player position for the placement of Ante, Blind, Play and Trips Wagers, configured with the Trips Wager area closest to the dealer, the Play Wager area farthest from the dealer, the Ante Wager area arrayed between the Trips Wager area and the Play Wager area, and the Blind Wager area to the right of the Ante Wager area and separated from the Ante Wager area by an "=" symbol.

(3) If the certificate holder offers the Progressive Payout Wager, a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) A separate designated area for the placement of the five community cards, located in the center of the table between the table inventory container and the player betting areas.



(5) A separate designated area for the placement of the dealer's two cards, located between the table inventory container and the designated area for the five community cards.

(6) An inscription indicating that an Ante Wager must tie if the dealer has less than a pair.

(7) Except as permitted under subsection (c), an inscription at each player position describing the following:

- (i) The payout odds for Blind and Trips Wagers.
- (ii) A Blind Wager may not be paid unless the player's hand ranks higher than the dealer's hand.
- (iii) The rules governing the required amount of a Play Wager as a multiple of the player's Ante Wager.
- (iv) The payout odds and amounts for the Progressive Payout Wager and Envy Bonus, if offered by the certificate holder.

\* \* \* \* \*

(f) If a certificate holder offers the Progressive Payout Wager, in accordance with § 569.7 (relating to wagers), the Ultimate Texas Hold 'Em Poker table shall have a progressive table game system, in accordance with § 524.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system shall include:

- (1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.
- (2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

**§ 569.7. Wagers.**

(a) Wagers at Ultimate Texas Hold 'Em Poker shall be made by placing value chips or gaming plaques on the appropriate betting areas of the table layout or, if the certificate holder offers the Progressive Payout Wager, by placing a value chip into the progressive wagering device at the player's betting position. A verbal wager accompanied by cash may not be accepted.

(b) Ante, Blind, Trips and Progressive Payout Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 569.8, § 569.9 or § 569.10 (relating to procedure for dealing cards from a manual dealing shoe; procedure for dealing cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 569.11 (relating to procedures for completion of each round of play; collection and payment of wagers), no wager may be made, increased, or withdrawn after the dealer has announced "no more bets."

\* \* \* \* \*

(f) If the certificate holder offers the Progressive Payout Wager, after placing an Ante Wager and a Blind Wager, a player may also place a Progressive Payout Wager of \$1 or \$5, as specified in the certificate holder's rules submission under § 521.2 (relating to table games Rules Submissions), on whether the player will be dealt a Progressive Payout Hand. A Progressive Payout Wager shall be made by placing a value chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(g) Only players who are seated at the Ultimate Texas Hold 'Em Poker table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play.

(h) A player may not simultaneously play and wager on more than one player position at an Ultimate Texas Hold 'Em Poker table.

**§ 569.8. Procedure for dealing the cards from a manual dealing shoe.**

\* \* \* \* \*

(b) Prior to dealing the cards and after all Ante, Blind, Trips and Progressive Payout Wagers are placed, the dealer shall announce "no more bets" and, if the certificate holder offers the Progressive Payout Wager, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

\* \* \* \* \*

**§ 569.9. Procedure for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

\* \* \* \* \*

(3) The dealer shall announce "no more bets" and, if the certificate holder offers the Progressive Payout Wager, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container. The dealer shall then deal each card by holding the deck of cards in the chosen hand and using the other hand remove the top card of the deck and place it face down on the appropriate area of the layout.

\* \* \* \* \*

**§ 569.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 569.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) The dealer shall then announce "no more bets" prior to dispensing any stacks of cards and, if the certificate holder offers the Progressive Payout Wager, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the

progressive table game system. The dealer shall then place the value chips into the table inventory container.

\* \* \* \* \*

**§ 569.11. Procedures for completion of each round of play; collection and payment of wagers.**

\* \* \* \* \*

(e) After the final two community cards have been dealt, the dealer shall, starting with the player farthest to his left and proceeding in a clockwise manner around the table, ask each player who has not yet placed a Play Wager whether he wishes to fold or place a Play Wager equal in amount to his Ante Wager.

(1) If a player places a Play Wager, the wager shall be placed in the designated Play Wager betting area.

(2) If a player folds, the Ante and Blind Wagers of the player shall be collected by the dealer and placed in the table inventory container.

(i) If the player has also placed a Trips Wager, the dealer shall place the cards of the player face down underneath the player's Trips Wager pending its resolution at the conclusion of the round of play.

(ii) If the player has not placed a Trips Wager, the dealer shall immediately spread the cards of the folded hand face down and then place them in the discard rack unless the player made a Progressive Payout Wager in which the cards shall be left on the table until all wagers are settled in accordance with subsection (h).

(f) After each player has either folded or placed a Play Wager, the dealer shall remove the cover card from the top of the dealer's cards and place it on the table layout. The dealer shall then turn his two cards face up, position the combination of the dealer's cards and either three, four or five of the community cards that can be used to form the best possible five-card hand and announce the dealer's hand to the players.

(g) If the dealer's best possible five-card hand is lower than a pair, the dealer shall, starting with the player farthest to the dealer's right who has placed a Play Wager and proceeding in a counterclockwise manner around the table, return each player's Ante Wager and resolve all other wagers in accordance with subsection (h).

(h) If the dealer's best possible five-card hand is a pair or above, the dealer shall, starting with the player farthest to the dealer's right who has placed a Play Wager and proceeding in a counterclockwise manner around the table, turn the two cards of each player who has placed a Play Wager face up and announce the best possible five-card poker hand that can be formed using the player's two cards and the five community cards. The wagers of each player shall be resolved one player at a time regardless of outcome. After all wagers placed by a player are settled, the player's cards shall then be immediately collected by the dealer and placed in the discard rack unless the player made a Progressive Payout Wager in which the cards shall be left on the table until all wagers are resolved.

(1) If the player's five-card hand is ranked lower than the dealer's five-card hand, the player shall lose and the dealer shall immediately collect the Ante, Blind and Play Wagers made by the player and place the wagers in the table inventory container.

(2) If the player's five-card hand is ranked higher than the dealer's five-card hand, the player shall win and the dealer shall pay the Ante, Blind and Play Wagers made by the player in accordance with the payout odds in

§ 569.12 (relating to payout odds; progressive payout; Envy Bonus; rate of progression); provided, however, that the Blind Wager may not be paid unless the player's winning hand has a rank of straight or higher.

(3) If the player's five-card hand and the dealer's five-card hand are of equal rank, the hand shall be a tie. In this case, the dealer may not collect or pay the player's Ante, Blind or Play Wagers.

(4) After settling a player's Ante, Blind and Play Wagers, the dealer shall settle any Trips Wager made by the player by determining whether the player's five-card hand qualifies for a payout in accordance with § 569.12(d). A winning Trips Wager shall be paid without regard to the outcome of any other wager made by the player.

(5) All winning Progressive Payout Wagers shall be paid after the player's other Ultimate Texas Hold 'Em Poker wagers are settled. If a player has won the progressive payout that is 100% of the jackpot amount on the progressive meter under § 569.12(f), the progressive payout shall not be paid from the table inventory container. All other winning Progressive Payout Wagers shall be paid from the table inventory container. Prior to making a payout for a Progressive Payout Wager, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Verify that the appropriate light on the progressive table game system has been illuminated.

(iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(6) A player's winning hand shall remain face up on the layout until the winning wagers are paid. After paying the winning wagers, the dealer shall immediately collect the cards of all winning players. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(i) All cards collected by the dealer shall be picked up in order and placed in the discard rack in a way that the cards can be readily arranged to reconstruct each hand in the event of a question or dispute.

**§ 569.12. Payout odds; progressive payout; Envy Bonus; rate of progression.**

\* \* \* \* \*

(f) If a certificate holder offers the Progressive Payout Wager, the certificate holder shall pay each winning Progressive Payout Wager in accordance with the following odds:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(1) A player shall receive the payout for only the highest ranking hand formed.

(2) Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Ultimate Texas Hold 'Em Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of an Envy Bonus Qualifying Hand provided, however, that a player is not entitled to an Envy Bonus for his own hand or the hand of the dealer. Envy Bonus payouts shall be made according to the following payout schedules for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(3) The rate of progression for the progressive meter used for the Progressive Payouts must be in the certificate holder's Rules Submission filed in accordance with § 521.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be no less than \$10,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 557.11 (relating to Play Wagers; procedures for completion of each round of play).

**CHAPTER 571. MISSISSIPPI STUD**

**§ 571.1. Definitions.**

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

*Ante Wager*—An initial wager that shall be made by a player prior to any cards being dealt to participate in the round of play.

*Bet Wager*—A 3rd Street, 4th Street or 5th Street Wager made by a player.

*Community card*—Any of the three cards that are initially dealt face down in the designated area in front of the table inventory container and once revealed are used by each player to form a five-card hand.

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Mississippi Stud table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—A Mississippi Stud hand formed using the two player cards and three community cards with a rank of a royal flush or a straight flush as defined in § 571.6 (relating to Mississippi Stud hand rankings).

*5th Street Wager*—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the second community card is revealed by the dealer.

*Fold*—The withdrawal of a player from a round of play by discarding the player's two cards prior to placing a bet wager.

*4th Street Wager*—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the first community card is revealed by the dealer.

*Progressive Payout Hand*—A Mississippi Stud hand formed using the two player cards and three community cards with a rank of a three-of-a-kind or better as defined in § 571.6.

*Push*—A player's hand that results in neither payment on nor collection of the player's wagers.

*Rank or ranking*—The relative position of a card or group of cards as set forth in § 571.6.

*Round of play or round*—One complete cycle of play during which all players playing at the table have been dealt a hand, folded or wagered upon their hands and had their wagers paid or collected or returned in accordance with the rules of this chapter.

*3rd Street Wager*—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the player has been dealt the initial two cards.

**§ 571.2. Mississippi Stud table; physical characteristics.**

\* \* \* \* \*

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

\* \* \* \* \*

(4) If the certificate holder offers the Progressive Payout Wager, a separate area designated for the placement of the Progressive Payout Wager for each player.

(5) Except as permitted under subsection (c), an inscription at each player position describing:

(i) The payout odds or amounts for all authorized wagers.

(ii) The rules governing the required amount of the 3rd Street, 4th Street or 5th Street Wager as a multiple of the player's Ante Wager.

\* \* \* \* \*

(f) If a certificate holder offers the Progressive Payout Wager, in accordance with § 571.7 (relating to wagers), the Mississippi Stud table shall have a progressive table game system, in accordance with § 524.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system shall include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

**§ 571.7. Wagers.**

(a) Wagers at Mississippi Stud shall be made by placing value chips or plaques on the appropriate betting areas of the table layout or, if the certificate holder offers the Progressive Payout Wager, by placing a value chip

into the progressive wagering device at the player's betting position. A verbal wager accompanied by cash may not be accepted.

(b) All Ante Wagers, 3rd Street, 4th Street and 5th Street Wagers and Progressive Payout Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 571.8, § 571.9 or § 571.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(c) To participate in a round of play, a player shall place an Ante Wager. A 3rd Street, 4th Street or 5th Street Wager shall be made in accordance with § 571.11 (relating to procedure for completion of each round of play; collection and payment of wagers).

(d) If the certificate holder offers the Progressive Payout Wager, after placing an Ante Wager, a player may also place a Progressive Payout Wager of \$1 or \$5, as specified in the certificate holder's rules submission under § 521.2 (relating to table games Rules Submissions), on whether the player will be dealt a Progressive Payout Hand. A Progressive Payout Wager shall be made by placing a value chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(e) Only players who are seated at the Mississippi Stud table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play.

(f) A player may not simultaneously play and wager on more than one player position at a Mississippi Stud table.

**§ 571.8. Procedure for dealing the cards from a manual dealing shoe.**

\* \* \* \* \*

(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the certificate holder offers the Progressive Payout Wager, shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

\* \* \* \* \*

**§ 571.9. Procedure for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

\* \* \* \* \*

(3) The dealer shall announce "no more bets" and, if the certificate holder offers the Progressive Payout Wager, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container. The dealer shall then deal each card by holding the deck of cards in the chosen hand and using the other

hand remove the top card of the deck and place it face down on the appropriate area of the layout.

\* \* \* \* \*

**§ 571.10. Procedure for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 571.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) The dealer shall then announce "no more bets" prior to dispensing any stacks of cards and, if the certificate holder offers the Progressive Payout Wager, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

\* \* \* \* \*

**§ 571.11. Procedure for completion of each round of play; collection and payment of wagers.**

(a) After the dealing procedures required under § 571.8, § 571.9 or § 571.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards without exposing them to any other person and replace the cards face down on the layout. The dealer shall then, starting with the player farthest to his left and proceeding in a clockwise manner around the table, ask each player if the player wishes to place a 3rd Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager in the designated 3rd Street betting area or fold. If a player folds, the Ante Wager shall be immediately collected and placed in the table inventory container and the folded hand collected and placed in the discard rack unless the player made a Progressive Payout Wager in which the cards shall be left on the table until all wagers are resolved in accordance with subsection (h).

(b) Once all players have either placed a 3rd Street Wager or folded, the dealer shall turn over and reveal the first community card.

(c) Each player shall then either place a 4th Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager in the designated 4th Street betting area or fold. If a player folds, the Ante Wager and 3rd Street Wager shall be immediately collected and placed in the table inventory container and the folded hand collected and placed in the discard rack unless the player made a Progressive Payout Wager in which the cards shall be left on the table until all wagers are resolved in accordance with subsection (h).

(d) Once all remaining players have either placed a 4th Street Wager or folded, the dealer shall turn over and reveal the second community card.

(e) Each player shall then either place a 5th Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager in the designated 5th Street betting area or fold. If a player folds, the Ante Wager and the 3rd Street and 4th Street Wagers shall be

immediately collected and placed in the table inventory container and the folded hand collected and placed in the discard rack unless the player made a Progressive Payout Wager in which the cards shall be left on the table until all wagers are resolved in accordance with subsection (h).

(f) Once all remaining players have either placed a 5th Street Wager or folded, the dealer shall turn over and reveal the third community card.

(g) If a player has placed an Ante Wager and a Progressive Payout Wager but does not make a 3rd Street, 4th Street or 5th Street Wager, the player shall forfeit the Ante Wager, the Progressive Payout Wager and, if applicable, the 3rd Street and 4th Street Wagers but shall not forfeit the eligibility to receive an Envy Bonus under § 571.12 (relating to payout odds; progressive payout; Envy Bonus; rate of progression).

(h) Starting with the player farthest to the dealer's right and proceeding in a counterclockwise manner around the table, the dealer shall turn over and reveal the two player cards. The dealer shall then evaluate and announce the best possible five-card poker hand that can be formed using the two player cards and three community cards. The wagers of each remaining player shall be resolved one player at a time regardless of outcome. All wagers shall be settled as follows:

(1) All losing wagers shall immediately be collected by the dealer and placed in the table inventory container and the player's cards collected and placed in the discard rack.

(2) If the player's five-card hand is a pair of 6s, 7s, 8s, 9s or 10s, the player's hand is a push. The dealer may not collect or pay the wagers, but shall immediately collect the cards of that player.

(3) All winning wagers shall be paid in accordance with the payout odds in § 571.12. All winning Progressive Payout Wagers shall be paid after the player's other Mississippi Stud wagers are settled. If a player has won the progressive payout that is 100% of the jackpot amount on the progressive meter under § 571.12(c), the progressive payout shall not be paid from the table inventory container. All other winning Progressive Payout Wagers shall be paid from the table inventory container. Prior to making a payout for a Progressive Payout Wager, the dealer shall:

- (i) Verify that the hand is a winning hand.
- (ii) Verify that the appropriate light on the progressive table game system has been illuminated.
- (iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(4) A player's winning hand shall remain face up on the layout until the winning wagers are paid. After paying the winning wagers, the dealer shall immediately collect the cards of all winning players. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(i) All cards collected by the dealer shall be picked up in order and placed in the discard rack in a way that the cards can be readily arranged to reconstruct each hand in the event of a question or dispute.

(j) Each player shall be responsible for his own hand and another individual, other than the dealer, may not

touch the cards of that player. Each player shall be required to keep the two cards in full view of the dealer at all times.

(k) A player may not exchange or communicate information regarding his hand prior to the dealer revealing all of the community cards. Any violation shall result in a forfeiture of all wagers on that round by that person.

**§ 571.12. Payout odds; progressive payout; Envy Bonus; rate of progression.**

\* \* \* \* \*

(c) If a certificate holder offers the Progressive Payout Wager, the certificate holder shall pay each winning Progressive Payout Wager in accordance with the following odds:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(d) A player shall receive the payout for only the highest ranking hand formed from the two player cards and three community cards.

(e) Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Mississippi Stud table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of an Envy Bonus Qualifying Hand provided, however, that a player is not entitled to an Envy Bonus for his own hand or the hand of the dealer. Envy Bonus payouts shall be made according to the following payout schedules for every Envy Bonus Qualifying Hand based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(f) The rate of progression for the progressive meter used for the progressive payouts in subsection (c) must be in the certificate holder's Rules Submission filed in accordance with § 521.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be no less than \$10,000.

(g) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 571.11 (related to procedure for completion of each round of play; collection and payment of wagers).

[Pa.B. Doc. No. 11-964. Filed for public inspection June 10, 2011, 9:00 a.m.]

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 97 ]

### Boating; Operator Provided Equipment

The Fish and Boat Commission (Commission) proposes to amend Chapter 97 (relating to operator provided equipment). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments modify and update the Commission's boating regulations.

#### A. Effective Date

The proposed rulemaking, if approved on final-form, will go into effect on November 1, 2012, to allow adequate time for public comment and to notify the public of the new requirement.

#### B. Contact Person

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. Statutory Authority

The proposed amendment to § 97.1 (relating to personal flotation devices) is published under the statutory authority of section 5123(a)(5) of the code (relating to general boating regulations).

#### D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. On June 15, 2010, and February 8, 2011, the Commission's Boating Advisory Board considered this proposal and recommended that the Commission approve the publication of a proposed rulemaking containing the amendment.

#### E. Summary of Proposal

Since 1995, the Commission has used the United States Coast Guard's Boating Accident Report Database to submit details of recreational boating accidents that occur in this Commonwealth. This database assists the United States Coast Guard and the Commission in analyzing recreational boating accident data and identifying trends to inform boating safety decision making. In the past 15 years, the Commission has reported 1,424 accidents resulting in 187 fatalities in this Commonwealth. Approximately 8% of the accidents (117) occurred during the "off" boating season from November 1st through April 30th. While only a small percentage of the total accidents, these cold water incidents resulted in 24% of the fatalities (45) during the 15-year time frame.

Because boating safety requirements, equipment and recreational trends change over time, it is sufficient to focus a more detailed analysis on the past 10-year period of recreational boating accident records. From 2000 to 2009, boating accident records revealed a total of 125 fatalities of which 34 (27%) occurred between November

1st and April 30th. More than 82% of these fatalities (28) occurred in unpowered boats and motorboats less than 16 feet in length. These boats included canoes, rowboats, kayaks and small open motorboats.

The disproportionate number of fatalities in November through April is primarily due to the effects of coldwater immersion. When water temperatures are less than 70° F, cold water shock is a major factor in boating fatalities. Cold water shock causes an involuntary gasp (often resulting in aspiration of water), hyperventilation, breathlessness and a reduced ability to control breathing and swim. Victims who wear a personal flotation device when exposed to cold water have potentially life-saving advantages such as insulation from the cold, buoyancy for victims unable to tread water and reduced risk of aspiration of water.

The Commission therefore proposes that § 97.1 be amended to read as set forth in Annex A.

#### F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. Fiscal Impact

The proposed rulemaking will not have an adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose nominal costs on the private sector and the general public. The cost of personal flotation devices range from \$10 to \$150.

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 60 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-228. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart C. BOATING

#### CHAPTER 97. OPERATOR PROVIDED EQUIPMENT

#### § 97.1. Personal flotation devices.

\* \* \* \* \*

(i) Beginning November 1 until midnight April 30 of the following year, a person shall wear a Coast

**Guard approved Type I, II, III or V PFD while underway or at anchor on boats less than 16 feet in length or any canoe or kayak.**

[Pa.B. Doc. No. 11-965. Filed for public inspection June 10, 2011, 9:00 a.m.]

**[ 58 PA. CODE CHS. 63 AND 65 ]**

**Fishing; General and Special Fishing Regulations**

The Fish and Boat Commission (Commission) proposes to amend Chapters 63 and 65 (relating to general fishing regulations; and special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

**A. Effective Date**

The proposed rulemaking, if approved on final-form, will go into effect on January 1, 2012.

**B. Contact Person**

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

**C. Statutory Authority**

The proposed amendments to §§ 63.43 and 65.24 (relating to fishing for bass during spring season; and miscellaneous special regulations) are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

**D. Purpose and Background**

At its April 12, 2011, meeting, the Commission amended § 65.24 to impose catch and immediate release regulations on smallmouth and largemouth bass in portions of the Susquehanna River and Juniata River that were regulated under § 65.9 (relating to big bass special regulations). The Commission also amended this section to provide that tournaments are prohibited during the bass spawning period in the spring and that during the remainder of the year, catch-measure-immediate release tournaments only are permitted. These amendments to § 65.24 went into effect on June 4, 2011.

To further address declining smallmouth bass populations as described in the order adopting the amendments to § 65.24 and as a result of the public comments received in response to the prior proposed rulemaking, the Commission proposes additional changes to this section. See 40 Pa.B. 7238 (December 18, 2010).

**E. Summary of Proposal**

The proposed changes include imposing a closed season for bass during the spawning period and extending the catch and release and closed season regulations into the tributaries to the Susquehanna and Juniata Rivers. Instituting a closed season from mid-April to mid-June on the lower Susquehanna and lower Juniata Rivers will reduce angling related stress during the spawning period which will provide additional protection to the bass populations of the main rivers. Extending the catch and release and closed season regulations into the tributaries will further protect the mainstem fisheries as Commission staff have documented that some bass do move into the tributaries from the rivers from time to time. This action will also

simplify enforcement of the regulations for anglers fishing near the tributary mouths. The Commission proposes that the regulations extend to a point 1/2 river-mile upstream from the mouth of all tributaries to the affected reaches of the Susquehanna and Juniata Rivers. The proposed amendments should be relatively easy to understand by anglers. The Commission proposes that § 65.24 be amended to read as set forth in Annex A.

In light of these proposed changes, the Commission also proposes that § 63.43 be amended to clarify that it does not apply to these waters. The Commission proposes that § 63.43 be amended to read as set forth in Annex A.

**F. Paperwork**

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

**G. Fiscal Impact**

The proposed rulemaking will not have an adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the general public. Some members of the private sector have asserted that the proposed rulemaking closed season during the spring spawning period will have negative financial implications for bass fishing guides who conduct business on these rivers.

**H. Public Comments**

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

*(Editor's Note: See 41 Pa.B. 2950 (June 11, 2011) for a final-form rulemaking amending § 65.24.)*

**Fiscal Note:** 48A-230. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 63. GENERAL FISHING REGULATIONS**

**§ 63.43. Fishing for bass during spring season.**

(a) During the period from 12:01 a.m. on the first Saturday after April 11 until 12:01 a.m. on the first Saturday after June 11:

\* \* \* \* \*

(b) **This section does not apply to portions of the Susquehanna and Juniata Rivers and their tributaries that are regulated under § 65.24 (relating to miscellaneous special regulations).**

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

County	Name of Water	Special Regulations
	* * * * *	
Cumberland, Dauphin, Juniata, Lancaster, Northumberland, Perry, Snyder, York	Susquehanna River (98.0 miles) from the inflatable dam near Sunbury downstream to Holtwood Dam, <b>including all tributaries to a point 1/2 mile upstream from the confluence</b>	Bass (smallmouth and largemouth)—[ <b>No harvest year-round—catch and immediate release only;</b> ] From 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11—[ <b>No tournaments;</b> ] <b>Closed season; no tournaments. During the closed season, it is unlawful to target or attempt to catch a bass. A bass that is accidentally caught during the closed season must be immediately released unharmed without being removed from the water. It is unlawful to possess bass in, on or along these waters.</b>
		Remainder of the year—[ <b>Catch</b> ] <b>No harvest—catch and immediate release only; catch-measure-immediate release tournaments only.</b>
Dauphin, Juniata, Perry	Juniata River (31.7 miles) from SR0075 bridge at Port Royal downstream to the mouth, <b>including all tributaries to a point 1/2 mile upstream from the confluence</b>	Bass (smallmouth and largemouth)—[ <b>No harvest year-round—catch and immediate release only;</b> ] From 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11—[ <b>No tournaments;</b> ] <b>Closed season; no tournaments. During the closed season, it is unlawful to target or attempt to catch a bass. A bass that is accidentally caught during the closed season must be immediately released unharmed without being removed from the water. It is unlawful to possess bass in, on or along these waters.</b>
		Remainder of the year—[ <b>Catch</b> ] <b>No harvest—catch and immediate release only; catch-measure-immediate release tournaments only.</b>
	* * * * *	

[Pa.B. Doc. No. 11-966. Filed for public inspection June 10, 2011, 9:00 a.m.]

[ 58 PA. CODE CH. 51 ]

General Provisions; Administrative Provisions

The Fish and Boat Commission proposes to amend Chapter 51 (relating to administrative provisions). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code). The proposed amendments modify and update the Commission's regulations pertaining to public comments at meetings.

A. Effective Date

The proposed rulemaking, if approved on final-form, will go into effect upon publication of an order in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

C. Statutory Authority

The proposed amendments to § 51.7 (relating to public comments at Commission meetings) are published under the statutory authority of 65 Pa.C.S. § 710 (relating to rules and regulations for conduct of meetings) and section 506 of The Administrative Code of 1929 (71 P. S. § 186).

D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's administrative regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

In 1994, the Commission adopted its current regulation pertaining to public comments at Commission meetings. Since that time, the way in which the Commission and its committees have handled public comments has changed and the present regulation does not reflect current Com-



missioner thinking or practice. The Commission has always valued public input. Therefore, it is logical that the Commission and its committees follow a uniform method for soliciting and receiving public comments at meetings. It also is logical that the Board and committees receive and consider public comments prior to deliberating and voting. The Commission therefore proposes that § 51.7 be amended to read as set forth in Annex A.

#### F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-227. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart A. GENERAL PROVISIONS

#### CHAPTER 51. ADMINISTRATIVE PROVISIONS

#### Subchapter A. PRELIMINARY PROVISIONS

#### § 51.7. Public comments at Commission meetings.

##### (a) *Public comments at meetings of the full Board.*

(1) *General rules.* The Commission [ **may** ] will provide a brief public comment period [ **of no more than 15 minutes duration** ] at the [ **conclusion** ] beginning of each public meeting. **The Commission ordinarily will accept public comments following its committee reports and prior to its consideration of the formal agenda.** The Commission may limit comments to matters that are [ **related to fishing, boating and other matters** ] within the Commission's jurisdiction that are not repetitive or duplicative of other comments. [ **Individual comments during the public comment period may not exceed 3 minutes in duration.** ] **The Commission president or presiding officer will request members of the public wishing to comment to indicate prior to the start of the meeting that they wish to provide public comment. The Commission president or presiding officer will determine the appropriate time limit for individual comments and**

**announce that limit prior to receiving any comments. If members of the public prepare a written statement, they will be asked to provide a copy to the designated staff person. Members of the public representing a specific organization will be requested to designate one spokesperson to present their collective comments.**

[ (b) ] (2) *Consideration of agenda items.* The Commission ordinarily [ **does** ] will not permit public comments during the course of its meetings when it considers agenda items or other matters before the Commission. The Commission president or other presiding officer may invite brief public comments on items other than regulatory actions when he determines that allowing the comments will be useful in the best interests of the Commission. [ **Since regulatory actions ordinarily involve the opportunity for public comment, the Commission will not accept public comments on them during public meetings except in cases when the president or other presiding officer finds either that the regulations are being considered for approval without a formal public comment period or that extraordinary circumstances justify receipt of additional public comments.** ]

(b) *Public comments at committee meetings.* **The committee chair will provide a brief public comment period at the beginning of each committee meeting. The committee chair will determine an appropriate format for this period, including its length. The Committee chair may limit comments to matters that are related to the charge of the committee that are not repetitive or duplicative of other comments.**

[Pa.B. Doc. No. 11-967. Filed for public inspection June 10, 2011, 9:00 a.m.]

### [ 58 PA. CODE CHS. 53, 97, AND 111 ]

#### General Provisions; Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 53, 97 and 111 (relating to Commission property; operator provided equipment; and special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments modify and update the Commission's property and boating regulations.

#### A. *Effective Date*

The proposed rulemaking, if approved on final-form, will go into effect upon publication of an order in the *Pennsylvania Bulletin*.

#### B. *Contact Person*

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. *Statutory Authority*

The proposed amendment to § 53.2 (relating to camping and cooking) is published under the statutory authority of section 741 of the code (relating to control of property). The proposed amendments to §§ 97.3 and 97.5 (relating to sound producing devices; and visual distress signals) are published under the statutory authority of

section 5123(a)(5) of the code (relating to general boating regulations). The proposed amendment to §§ 111.31 and 111.43 (relating to Huntingdon County; and Mercer County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

#### D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's property and boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposals. On February 8, 2011, the Commission's Boating Advisory Board considered each of the proposals and recommended that the Commission approve the publication of a proposed rulemaking containing the amendments.

#### E. Summary of Proposals

(1) Section 53.2(b) currently provides for primitive access areas. On October 4, 1976, the Commission established the Natural Access Area Program (Program) to make available public fishing and boating opportunities to some of the most scenic and inaccessible waterways within this Commonwealth. The Program consisted of two distinct types of natural access areas: low development or mini-accesses; and primitive rest stop accesses. The Commission established regulations for access areas designated under this program and a special use permit for overnight camping at a cost of \$2 per boat.

On July 29, 1977, the Commission entered into an agreement with the Department of Environmental Resources (DER) (now the Department of Conservation and Natural Resources) to establish its recently-acquired Allegheny River State Park in Venango County as a primitive rest stop access under the Program. Although the agreement held the Commission responsible for development and maintenance of the site, improvements and maintenance has been conducted by DER personnel and funds. The Commission has never actively managed or operated the site. The site is still functional today and is known as the Kennerdell Tract of Clear Creek State Forest.

The Commission has not entered into any other agreements or established any other properties under the Program nor has it collected any permit fees from this Program. A variety of agencies and organizations currently offer primitive access opportunities across this Commonwealth with accompanying regulations, enforcement and management. The Commission will continue to provide assistance for the development of primitive access (often referred to as geo-cell ramps) for unpowered boats. Therefore, it is unnecessary for the Commission to maintain the Program and to continue the regulation regarding primitive access areas.

The Commission therefore proposes that § 53.2 be amended to read as set forth in Annex A.

(2) Section 97.3 requires sound producing devices in boats. Inland Navigation Rule 32, Part D—Sound and Light Signals, does not make a distinction in terms of required sound equipment for powered versus unpowered vessels. Length of the vessel is the characteristic that determines the type of sound producing device required. Section 97.3 is consistent with the Inland Navigation Rule and specifically refers to unpowered boats for ease of reference. However, the use of "oral" in describing the requirement for unpowered boats may be misconstrued as meaning shouting or whistling as being an acceptable sound signal. The Commission therefore proposes clarifying the requirement by adding a statement indicating

that an athletic coach's whistle is an acceptable sound producing device for unpowered boats. Additionally, the Commission proposes including a prohibition against the use of sound signals except in the case of an emergency.

The Commission proposes that § 97.3 be amended to read as set forth in Annex A.

(3) Section 97.5 requires visual distress signals (VDS) to be carried onboard boats operating on Lake Erie. This regulation is consistent with 33 CFR 175.125 (relating to serviceability) requiring that VDS must be in serviceable condition. However, there is not a definition for "serviceable" as it relates to inspecting VDS. Unlike life jacket regulations that do provide examples of "serviceable condition," VDS requirements lack these examples. Therefore, the Commission proposes adopting the standards used by the United States Coast Guard, Boating Safety Division.

The Commission proposes that § 97.5 be amended to read as set forth in Annex A.

(4) During the summer of 2010, a joint meeting was held between representatives of the Commission, the United States Army Corps of Engineers (Corps), the United States Coast Guard Auxiliary and Raystown Concessionaires concerning the current zoning on Raystown Lake. The Corps' goal for Lake Raystown is to reduce the costs of the buoy program by transferring costs to parties who benefit, eliminating buoys that are redundant to Commission regulations, replacing buoys with signage and analyzing existing lake zoning versus observed usage patterns. As a result of the meeting and subsequent discussions, the Corps developed a plan that recommends changes to enhance recreation on the lake. Specifically, the plan recommends eliminating the "slow, no wake speed" designation in the areas of Hawns Run Cove and Anderson Bay.

The narrow geography of Hawns Run Cove already restricts a portion of the cove to slow, no wake according to Commission regulations. The Corps recommends removing the regulation currently restricting the entire cove, thereby eliminating the need for the three buoys at the entrance to the cove.

The Corps' plan also states that Anderson Bay is rarely used by recreational boaters and is more frequently used by trolling anglers. Therefore, based on usage of the bay, there is not a need to designate the bay as a slow, no wake zone. This proposal would eliminate approximately 15 buoys.

The Commission proposes that § 111.31 be amended to read as set forth in Annex A.

(5) State Game Lands 270 contains approximately 300 acres of Lake Wilhelm. In 2006, electric motors were permitted on a sizeable part of Lake Wilhelm that runs through State Game Lands 270 from the old log boom to the State Propagation Area above the Sheakleyville Bridge. The area is fairly shallow and filled with stumps. Currently, the area is posted with "Electric Motors Only" posters at the boat launches, Sheakleyville Bridge and at the old boom which is now just a line of buoys. There is currently not a Commission regulation prohibiting the operation of boats powered by internal combustion motors in this area. The remainder of the lake is owned by the Department of Conservation and Natural Resources, Bureau of State Parks, and has a 20-horsepower restriction on it.

Waterways conservation officers have received numerous complaints from anglers that individuals are using

gasoline powered motors in the "Electric Motors Only" area. The Game Commission was contacted and it supports the proposed amendment. Currently, if an individual is caught running a gasoline motor in this area, the individual's information shall be turned over to the Game Commission for enforcement.

The Commission proposes that § 111.43 be amended to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this notice in the Pennsylvania Bulletin. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY, Executive Director

Fiscal Note: 48A-229. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 53. COMMISSION PROPERTY

§ 53.2. Camping and cooking.

[ (a) General. ] Except as otherwise provided in subsection (b), it is unlawful for a person to camp overnight on or in Commission-owned or -controlled property or waters, to erect a tent or other device used for or capable of being used for cooking or sleeping or to build or maintain open fires on the property.

[ (b) Primitive access areas. Overnight camping is permitted on properties designated as primitive access areas subject to the following terms and conditions:

(1) Access to the access area may be gained only by boat, which boat is properly and currently registered under applicable statutes and regulations.

(2) Small fires for cooking and warming purposes are permitted only at places where adequate precautions are taken to prevent the spread of fire which may damage adjacent areas. Fires shall be attended to at all times; unattended fires are pro-

hibited. Open fires are prohibited when the forest fire danger in the area of the primitive access area is rated high or extreme.

(3) Sanitary facilities are primitive only. Human wastes shall be deposited away from normal camp sites and water courses and shall be covered with natural materials.

(4) The following area is designated as a primitive access area—Venango County, Allegheny River, Allegheny River State Park at about mile 109. ]

Subpart C. BOATING

CHAPTER 97. OPERATOR PROVIDED EQUIPMENT

§ 97.3. Sound producing devices.

\* \* \* \* \*

(c) Unpowered boats. Unpowered boat operators are required to [ have some means of making an efficient oral or mechanical sound signal ] carry a device capable of sounding a prolonged blast for 4-6 seconds that can be heard by another boat operator in time to avoid a collision. An athletic coach's whistle is an acceptable sound producing device for unpowered boats. It is unlawful to use a sound producing device on the water under any circumstance except in the following situations:

(1) Assistance is needed because of immediate or potential danger to the persons onboard.

(2) It is necessary to attract the attention of another boat.

\* \* \* \* \*

§ 97.5. Visual distress signals.

\* \* \* \* \*

(g) It is unlawful to operate a boat unless each signal required [ by ] under subsection (b) or (c) is in serviceable condition and the service life of the signal, if indicated by a date marked on the signal, has not expired. As used in this subsection, the term "serviceable" means that the device is fully functional to carry out the purpose for which it was designed and is free of damage and defects.

\* \* \* \* \*

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.31. Huntingdon County.

(a) Lake Raystown.

(1) Boats are limited to slow, no wake speed in the following areas:

(i) [ Hawns Run Cove, ] Seven Points, Yocum Bay, [ Anderson Bay, ] Woodcock Valley Cove, James Creek Cove, Great Trough Creek Cove, Coffee Run Cove and Shy Beaver Cove.

\* \* \* \* \*

§ 111.43. Mercer County.

(a) Shenango River Lake.

\* \* \* \* \*

(b) Lake Wilhelm. The operation of boats powered by internal combustion motors is prohibited from a point approximately 200 yards north of the Interstate 79 causeway over Lake Wilhelm upstream to

**the Game Commission Propagation Area above the Sheakleyville Causeway (State Route 1018, Mill-edgeville Road).**

[Pa.B. Doc. No. 11-968. Filed for public inspection June 10, 2011, 9:00 a.m.]

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 535, 537, 539,  
621a, 623a AND 625a ]

### Table Game Rules for Pai Gow, Craps and Mini-Craps and Sic Bo

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 13A02(1)—(4) (relating to regulatory authority), proposes to rescind Chapters 535, 537 and 539 (relating to Pai Gow; Craps and Mini-Craps; and Sic Bo) and add Chapters 621a, 623a and 625a (relating to Pai Gow; Craps and Mini-Craps; and Sic Bo) to read as set forth in Annex A.

#### *Purpose of the Proposed Rulemaking*

With this rulemaking, the Board is proposing to replace the temporary regulations in Chapter 535 with the permanent regulations in Chapter 621a, temporary regulations in Chapter 537 with the permanent regulations in Chapter 623a and the temporary regulations in Chapter 539 with the permanent regulations in Chapter 625a.

#### *Explanation of Chapter 621a*

Chapter 621a contains the rules governing the play of Pai Gow, which is a game that uses dice and tiles instead of cards. Section 621a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 621a.2 (relating to Pai Gow table; Pai Gow shaker; physical characteristics), the physical characteristics of the table and Pai Gow shaker are specified. The use of a random number generator is added as a permissible way to determine the starting position for dealing the Pai Gow tiles.

The remaining sections address the following: the physical characteristics of the Pai Gow tiles and related equipment used to play the game; the ranking of the Pai Gow tiles and the procedures for comparing high and low Pai Gow hands; the number and use of dice and the Pai Gow shaker; the opening of Pai Gow tables; the procedures for shuffling and dealing tiles; wagers; procedures for completion of each round of play; payment and collection of wagers and vigorish; how irregularities in play are to be handled; and the number of additional betting positions on which a player may wager.

#### *Explanation of Chapter 623a*

Chapter 623a contains the regulatory requirements for the game of Craps. Section 623a.1 (relating to definitions) contains definitions for terms used in this chapter. Section 623a.2 (relating to Craps and Mini-Craps tables; physical characteristics) contains the requirements for tables that are used for Craps. In § 623a.3 (relating to permissible wagers), 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 623a.4 and 623a.5 (relating to making and removal of wagers; and payout odds) establish the rules for the placement of wagers and minimum payout odds that shall be used by the certificate holders. Section 623a.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 623a.7 and 623a.8 (relating to dice retention and selection; and throw of the dice; invalid roll of the dice) establish the rules governing how the dice used for the play of the game are selected, how the dice shall be thrown and detail when a throw of the dice will be voided and require that the dice be thrown again. Section 623a.9 (relating to point throw; settlement of wagers) sets forth the procedures to be followed after the dice are thrown. Section 623.10 (relating to continuation of shooter; selection of new shooter) specifies the options available to the shooter, when the shooter shall pass the dice and who the next shooter may be. Section 623a.11 (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.

#### *Explanation of Chapter 625a*

Chapter 625a contains the rules governing the play of Sic Bo, a game that uses three dice and an electronic layout which contains various combinations of the results that can occur when the dice are rolled.

Section 625a.1 (relating to Sic Bo table; Sic Bo shaker; physical characteristics) addresses the physical characteristics of Sic Bo tables, dice, Sic Bo shakers and other associated equipment. Operators may now post payout odds either on the table layout or by a sign at the table. In § 625a.2 (relating to dice; number of dice), language was added allowing operators that use dice that are specifically designed for the automated Sic Bo shakers to replace those dice that are locked in the automated Sic Bo shaker once every month instead of every day.

The remaining provisions in this chapter address the following: the permissible wagers; the opening of Sic Bo tables and procedures for completion of each round of play; payment and collection of wagers; and how irregularities in play are to be handled.

#### *Affected Parties*

Certificate holders that elect to offer the games of Pai Gow, Craps, Mini-Craps and Sic Bo will be required to comply with these chapters. The requirements for the games are standard throughout the industry, consistent with 4 Pa.C.S. Part II (relating to gaming) and necessary for the protection of the gaming public and the revenues generated from table games.

The Board has experienced increased regulatory demands resulting from the implementation of table games, including the review of Rules Submissions, table layouts, signage and gaming guides.

*Fiscal Impact*

*Commonwealth.* The Board will have to review each certificate holder's table games Rules Submissions, table layouts, signage and gaming guides to ensure compliance with the regulatory requirements in this proposed rulemaking. These reviews will be conducted by existing Bureau of Gaming Operations and the Bureau of Casino Compliance staff, so the Board does not project that it will incur significant cost increases as a result of this proposed rulemaking.

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

*Private sector.* This proposed rulemaking will result in additional costs for certificate holders that elect to offer Pai Gow, Craps, Mini-Craps and Sic Bo. Certificate holders shall be required to purchase the table games they elect to offer and to hire and train employees to operate the games. The costs for table game equipment do vary depending on the type and number of tables purchased. The costs are expected to be offset by the revenues generated from table game operations.

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

*Paperwork Requirements*

This proposed rulemaking requires certificate holders to do the following: post signs at gaming tables; have complete sets of rules for all the games they offer available for public inspection; produce a gaming guide summarizing the rules of the games they offer; and file Rules Submissions for each table game they elect to offer. The Rules Submissions are standardized checklists for each game, relatively simple to fill out and available on the Board web site.

*Effective Date*

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

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin*, to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on General Provisions, Credit and Training Standards; Regulation # 125-149.

*Contact Person*

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 265-8356.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 19, 2011, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at [www.pgcb.state.pa.us](http://www.pgcb.state.pa.us).

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

GREGORY C. FAJT,  
Chairperson

**Fiscal Note:** 125-149. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 58. RECREATION****PART VII. GAMING CONTROL BOARD****Subpart K. TABLE GAMES****CHAPTER 535. (Reserved)**

*(Editor's Note:* As part of this proposed rulemaking, the Board is proposing to rescind Chapter 535 which appears in 58 Pa. Code pages 535-1—535-17, serial pages (350963)—(350966), (354769), (354770), (356447), (356448), (349043), (349044), (356449), (356450) and (349047)—(349051).)

Sec.  
535.1—535.13. (Reserved).

**CHAPTER 537. (Reserved)**

*(Editor's Note:* As part of this proposed rulemaking, the Board is proposing to rescind Chapter 537 which appears in 58 Pa. Code pages 537-1—537-22, serial pages (350967)—(350980), (354771), (354772) and (350983)—(350988).)

Sec.  
537.1—537.5. (Reserved).  
537.5a. (Reserved).  
537.6—537.12. (Reserved).

**CHAPTER 539. (Reserved)**

*(Editor's Note:* As part of this proposed rulemaking, the Board is proposing to rescind Chapter 539 which appears in 58 Pa. Code pages 539-1—539-5, serial pages (356451), (356452), (349057)—(349059).)

Sec.  
539.1—539.7. (Reserved).

**CHAPTER 621a. PAI GOW**

- 621a.1. Definitions.
- 621a.2. Pai Gow table; Pai Gow shaker; physical characteristics.
- 621a.3. Pai Gow tiles; physical characteristics.
- 621a.4. Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand.
- 621a.5. Dice; number of dice; Pai Gow shaker.
- 621a.6. Opening of the table for gaming; shuffling procedures.
- 621a.7. Wagers.
- 621a.8. Procedures for dealing the tiles.
- 621a.9. Alternative dealing procedures.
- 621a.10. Procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish.
- 621a.11. Player bank; co-banking; selection of bank; procedures for dealing.
- 621a.12. Irregularities; invalid roll of the dice.
- 621a.13. A player wagering on more than one betting area.

**§ 621a.1. Definitions.**

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

*Copy hand*—A high hand or low hand of a player which is identical in pair rank or point value as the corresponding high hand or low hand of the dealer or bank.

*High hand*—The two tile hand formed with two of the four tiles dealt that ranks higher than the hand formed from the remaining two tiles.

*Low hand*—The two tile hand formed with two of the four tiles dealt that rank lower than the hand formed from the remaining two tiles.

*Marker*—An object used to designate the bank and the co-bank, as approved by the Bureau of Gaming Operations.

*Setting the hands*—The process of forming a high hand and a low hand from the four tiles dealt.

*Supreme Pair*—The pair of tiles that form the highest ranking hand formed with the Six (2-4) tile and the Three (1-2) tile.

*Value*—The numerical point value assigned to a pair of tiles in accordance with § 621a.4 (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand).

**§ 621a.2. Pai Gow table; Pai Gow shaker; physical characteristics.**

(a) Pai Gow shall be played at a table having betting positions for six players on one side of the table and a place for the dealer on the opposite side of the table.

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

- (1) The name or logo of the certificate holder.
- (2) Six separate betting areas for the players at the table.
- (3) A separate area, located to the left of the dealer, for the placement of four tiles which shall be referred to as the Dead Hand.

(c) Each Pai Gow table must have a drop box with a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance.

(d) Pai Gow shall be played with a Pai Gow shaker, approved by the Bureau of Gaming Operations, used to shake three dice before each hand of Pai Gow is dealt to determine the starting position for the dealing of the Pai Gow tiles. The Pai Gow shaker must be designed and constructed to maintain the integrity of the game and adhere to the following specifications:

(1) The Pai Gow shaker must be capable of housing three dice and designed to prevent the dice from being seen while being shaken by the dealer.

(2) The Pai Gow shaker must have the name or logo of the certificate holder thereon.

(e) If a certificate holder elects to use a computerized random number generator as permitted under § 621a.8 (relating to procedures for dealing the tiles), the random number generator shall be approved by the Bureau of Gaming Laboratory Operations prior to its use.

**§ 621a.3. Pai Gow tiles; physical characteristics.**

(a) Pai Gow shall be played with a set of 32 rectangular tiles. Each tile in a set must be identical in size and shading to every other tile in the set.

(b) Each tile used must:

(1) Be made of a nontransparent black material, formed in the shape of a rectangle, and be no smaller than 2.5 inches in length, 1 inch in width and 0.375 inch in thickness.

(2) Have the surface of each of its sides perfectly flat, except that the front side of each tile must contain spots which extend into the tile exactly the same distance as every other spot.

(3) Have on the back or front of each tile an identifying feature unique to each certificate holder.

(4) Have an identical texture and finish on each side, with the exception of the front side containing the spots.

(5) Have no tile within a set contain any marking, symbol or design that enables a person to know the identity of any element on the front side of the tile or that will distinguish any tile from any other tile within a set.

(6) Have identifying spots on the front side of the tiles which are either red or white, or both.

(c) Each set of tiles must be composed of 32 tiles with the identifying spots listed in § 621a.4(g) (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand).

(d) Each set of tiles shall be packaged separately and completely sealed in a manner so that tampering shall be evident.

(e) Tiles used for the play of Pai Gow shall be changed at least every 12 hours.

**§ 621a.4. Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand.**

(a) When comparing high hands or low hands to determine the higher ranking hand, the determination shall first be based upon the rank of any permissible pair of tiles which are in the hands. A hand with a permissible pair of tiles shall rank higher than a hand which does not contain a permissible pair. The permissible pairs of tiles and their rank, with the Supreme Pair being the highest or first ranking pair, are as follows:

<i>Ranking</i>	<i>Pairing</i>
	<i>Supreme Pair</i>
First	Six (2-4) and Three (1-2)
	<i>Matched Pairs</i>
Second	Twelve (6-6) and Twelve (6-6)
Third	Two (1-1) and Two (1-1)
Fourth	Eight (4-4) and Eight (4-4)
Fifth	Four (1-3) and Four (1-3)
Sixth	Ten (5-5) and Ten (5-5)
Seventh	Six (3-3) and Six (3-3)
Eighth	Four (2-2) and Four (2-2)
Ninth	Eleven (5-6) and Eleven (5-6)
Tenth	Ten (4-6) and Ten (4-6)
Eleventh	Seven (1-6) and Seven (1-6)
Twelfth	Six (1-5) and Six (1-5)

<i>Ranking</i>	<i>Pairing</i>
	<i>Mixed or Unmatched Pairs</i>
Thirteenth	Mixed Nines (3-6 and 4-5)
Fourteenth	Mixed Eights (3-5 and 2-6)
Fifteenth	Mixed Sevens (3-4 and 2-5)
Sixteenth	Mixed Fives (1-4 and 2-3)
	<i>Wongs</i>
Seventeenth	Twelve (6-6) and Nine (4-5)
	Twelve (6-6) and Nine (3-6)
Eighteenth	Two (1-1) and Nine (4-5)
	Two (1-1) and Nine (3-6)
	<i>Gongs</i>
Nineteenth	Twelve (6-6) and Eight (2-6)
	Twelve (6-6) and Eight (3-5)
	Twelve (6-6) and Eight (4-4)
Twentieth	Two (1-1) and Eight (2-6)
	Two (1-1) and Eight (3-5)
	Two (1-1) and Eight (4-4)

(b) When comparing high hands or low hands which are of identical permissible pair rank, the hand shall be considered a copy hand and the dealer or, if applicable, the bank shall win the hand.

(c) Except as provided in subsection (e), when comparing the rank of high hands or low hands which do not contain any of the pairs listed in subsection (a), the higher ranking hand shall be determined on the basis of the value of the hands. The value of a hand shall be a single digit number from zero to nine inclusive and shall be determined by adding the total number of spots which are contained on the two tiles which form the hand. If the total of the spots is a two-digit number, the left digit of the number shall be discarded and the right digit shall constitute the value of the hand. Examples of this rule are as follows:

(1) A hand composed of a Two (1-1) and a Six (3-3) has a value of 8.

(2) A hand composed of an Eleven (5-6) and a Seven (1-6) has a value of 8, because the numeric total of the hand is 18 and the left digit in the number 18 is discarded.

(d) If the tiles which form the Supreme Pair are used separately, the numeric total of the 1-2 tile may be counted as a three or a six and the numeric total of the 2-4 tile may be counted as a three or a six. When the 1-2 tile is counted as six, its individual ranking under subsection (g) shall be fifteenth instead of seventeenth and when the 2-4 tile is counted as three, its individual ranking shall be seventeenth instead of fifteenth.

(e) When comparing high hands or low hands which are of identical value, the hand with the highest ranking individual tile shall be considered the higher ranking hand. If, however, the numeric value of the tiles results in a zero-zero tie, both hands, regardless of the highest ranking tile, are equally bad and the dealer or, if applicable, the bank shall be considered the higher ranking hand.

(f) The individual ranking for each tile, from highest rank to lowest rank, is as follows:

<i>Ranking</i>	<i>Tile</i>	<i>Number of Tiles In Set</i>
First	Twelve (6-6)	2
Second	Two (1-1)	2
Third	Eight (4-4)	2
Fourth	Four (1-3)	2
Fifth	Ten (5-5)	2
Sixth	Six (3-3)	2
Seventh	Four (2-2)	2
Eighth	Eleven (5-6)	2
Ninth	Ten (4-6)	2
Tenth	Seven (1-6)	2
Eleventh	Six (1-5)	2
Twelfth	Nine (3-6)	1
Twelfth	Nine (4-5)	1
Thirteenth	Eight (2-6)	1
Thirteenth	Eight (3-5)	1
Fourteenth	Seven (2-5)	1
Fourteenth	Seven (3-4)	1
Fifteenth	Six (2-4)	1
Sixteenth	Five (1-4)	1
Sixteenth	Five (2-3)	1
Seventeenth	Three (1-2)	1

(g) If the highest ranking tile in each hand being compared is of identical rank after the application of subsection (f), the hand shall be considered a copy hand, and the hand of the dealer or, if applicable, the bank shall be considered the higher ranking hand.

#### **§ 621a.5. Dice; number of dice; Pai Gow shaker.**

(a) Pai Gow shall be played with three dice which shall be maintained at all times inside a Pai Gow shaker while at the table.

(b) The Pai Gow shaker and the dice are the responsibility of the dealer and may never be left unattended while at the table.

(c) Dice that have been placed in a Pai Gow shaker for use in gaming may not remain on a table for more than 24 hours.

#### **§ 621a.6. Opening of the table for gaming; shuffling procedures.**

(a) After receiving one set of tiles at the table, the dealer shall sort and inspect the tiles and the floorperson assigned to the table shall verify the inspection. Nothing in this section precludes a certificate holder from cleaning the tiles prior to the inspection required herein. The tiles at the gaming table shall be inspected as follows:

(1) Each set of tiles shall be sorted into pairs to assure that the Supreme Pair and all 15 matched and unmatched pairs as identified in § 621a.4 (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand) are in the set.

(2) Each tile shall be placed side by side to determine that all tiles are the same size and shading.

(3) The back and sides of each tile shall be examined to assure that it is not flawed, scratched or marked in any way.

(i) If the dealer finds that certain tiles are unsuitable for use, a floorperson or above shall bring another set of tiles to the table from the reserve in the pit stand.

(ii) The unsuitable set of tiles shall be placed in a sealed envelope or container, identified by table number, date and time and signed by the dealer and floorperson or above.

(b) Following the inspection of the tiles and the verification by the floorperson assigned to the table, the tiles shall be turned face up, placed into 16 pairs and arranged according to rank starting with the Supreme Pair. The tiles shall be left in pairs for visual inspection by the first player to arrive at the table.

(c) After the first player arriving at the table is afforded an opportunity to visually inspect the tiles, the tiles shall be turned face down on the table and mixed thoroughly by shuffling the tiles.

(d) The dealer shall mix the tiles with the heels of the palms of the hands. The dealer shall mix the tiles in a circular motion with one hand moving clockwise and the other hand moving counterclockwise. Each hand shall complete at least eight circular motions to provide a random mixing. The dealer shall then randomly pick up four tiles with each hand and place them side by side in stacks in front of the table inventory container, forming eight stacks of four tiles.

(e) If during the stacking process described in subsection (d), a tile is turned over and exposed to the players, the entire set of tiles shall be remixed.

(f) After each round of play has been completed, the dealer shall turn all of the tiles face down and mix the tiles in accordance with subsection (d).

(g) If there is no gaming activity at the Pai Gow table, the tiles shall be turned face up and placed into 16 pairs according to rank starting with the Supreme Pair. Once a player arrives at the table, the dealer shall follow the procedures in subsections (c) and (d).

#### § 621a.7. Wagers.

(a) Wagers at Pai Gow shall be made by placing value chips or plaques on the appropriate betting area of the Pai Gow layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Pai Gow table may place a wager. Once a player has placed a wager and received tiles, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and treated as losing wagers.

(c) Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 621a.8 (relating to procedures for dealing the tiles). A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

#### § 621a.8. Procedures for dealing the tiles.

(a) After the dealer has completed mixing and stacking the tiles, the dealer shall either:

(1) Announce "no more bets" and use a computerized random number generator that automatically selects and displays a number.

(2) Announce "no more bets" prior to revealing the dice in the Pai Gow shaker. The dealer shall shake the Pai Gow shaker at least three times to cause a random

mixture of the dice. After removing the lid covering the Pai Gow shaker, the dealer shall total the dice.

(b) The dealer shall then announce the total of the dice or the number displayed by the computerized random number generator. The total or number shall determine which player receives the first stack of tiles.

(c) To determine the starting position for dealing the tiles, the dealer shall count counterclockwise around the table with the position of the dealer considered number one and continuing around the table with each betting position, regardless of whether there is a wager at the position, and the Dead Hand until the count matches the total of the three dice or the number displayed by the computerized random number generator. Examples are as follows:

(1) If the dice total nine, the dealer would receive the first stack of four tiles.

(2) If the dice total 15, the sixth wagering position would receive the first stack of four tiles.

(d) The dealer shall deal the first stack of four tiles, starting from the right side of the eight stacks, to the starting position as determined in subsection (c) and, moving counterclockwise around the table, deal all other positions including the Dead Hand and the dealer a stack of tiles, regardless of whether there is a wager at the position. The dealer shall place a marker on top of his stack of tiles immediately after they are dealt.

(e) After all the stacks of tiles have been dealt, the dealer shall, without exposing the tiles, collect any stacks dealt to a position where there is no wager and place the stacks with the Dead Hand on the layout to the left of the dealer in front of the table inventory container.

(f) Once all tiles have been dealt and any tiles dealt to positions with no wagers have been collected, the dealer shall place the cover on the Pai Gow shaker and shake the shaker once. The Pai Gow shaker shall then be placed to the right of the dealer.

#### § 621a.9. Alternative dealing procedures.

As an alternative to the procedure in § 621a.8 (relating to procedures for dealing the tiles), the dealer or the player acting as the bank or co-bank may, if specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), choose any of the following dealing styles:

(*Editor's Note:* Chapter 601a will be adopted on or before the date of final adoption of this proposed rulemaking.)

(1) *House Way From the Left.* The dealer shall indicate the use of House Way From the Left by pushing forward the first stack of tiles on the dealer's left. The dealer shall deliver the stack pushed forward to the starting position. The remaining stacks of tiles shall be delivered from the dealer's left to right.

(2) *Cup Say (pick four) From the Right.* The dealer shall indicate the use of Cup Say From the Right by pushing forward the first two stacks of tiles on the dealer's right. The dealer shall deliver the top two tiles from each of the two stacks pushed forward to the starting position. The four remaining tiles pushed forward shall be delivered to the next position. The remaining stacks of tiles shall be delivered from the dealer's right to left in the same manner as the first two stacks.

(3) *Cup Say (pick four) From the Left.* The dealer shall indicate the use of Cup Say From the Left by pushing forward the first two stacks of tiles on the dealer's left.



The dealer shall deliver the top two tiles from each of the two stacks pushed forward to the starting position. The four remaining tiles pushed forward shall be delivered to the next position. The remaining stacks of tiles shall be delivered from the dealer's left to right in the same manner as the first two stacks.

(4) *Jung Quat (take the heart)*. The dealer shall indicate the use of Jung Quat by pushing forward the fourth stack of tiles from the dealer's right and the fourth stack of tiles from the dealer's left (the two center stacks of the eight). The dealer shall deliver the top two tiles from each of the two stacks pushed forward to the starting position. The four remaining tiles pushed forward shall be delivered to the next position. The remaining stacks shall be pushed together and the two new center stacks shall be pushed forward and delivered in the same manner as the first two stacks. This procedure shall be repeated until all eight stacks of tiles have been delivered.

(5) *Chee Yee (chop the ears)*. The dealer shall indicate the use of Chee Yee by pushing forward the first stack of tiles on the dealer's right and the first stack of tiles on the dealer's left. To deliver the tiles, the dealer shall center the two stacks pushed forward in front of the remaining stacks. The dealer shall deliver the top two tiles from each of the two centered stacks to the starting position. The four remaining tiles from the two centered stacks shall be delivered to the next position. The dealer shall then center and deliver the first stack remaining on the dealer's right and the first stack remaining on the dealer's left in the same manner. This procedure shall be repeated until all eight stacks of tiles have been delivered.

(6) *Pin Say (slice four) From the Right*. The dealer shall indicate the use of Pin Say From the Right by removing the top tile of the first stack of tiles on the dealer's right and placing it diagonally across the top of the second, third and fourth stacks of tiles from the dealer's right. The dealer shall deliver the top tile from each of the first four stacks on the dealer's right to the starting position (the diagonal tile plus the three tiles it covers). The top tile from each of the first four stacks on the dealer's left shall be delivered to the next position. The top tile remaining on each of the first four stacks on the dealer's right shall be delivered to the third position and the top tile remaining on each of the first four stacks on the dealer's left shall be delivered to the fourth position. This procedure shall be repeated until four tiles have been delivered to all eight positions.

(7) *Pin Say (slice four) From the Left*. The dealer shall indicate the use of Pin Say From the Left by removing the top tile of the first stack of tiles on the dealer's left and placing it diagonally across the top of the second, third and fourth stacks of tiles from the dealer's left. The dealer shall deliver the top tile from each of the first four stacks on the dealer's left to the starting position (the diagonal tile plus the three tiles it covers). The top tile from each of the first four stacks on the dealer's right shall be delivered to the next position. The top tile remaining on each of the first four stacks on the dealer's left shall be delivered to the third position and the top tile remaining on each of the first four stacks on the dealer's right shall be delivered to the fourth position. This procedure shall be repeated until four tiles have been delivered to all eight positions.

(8) *Dragon Head and Phoenix Tail From the Right*. The dealer shall indicate the use of Dragon Head and Phoenix Tail From the Right by placing all four tiles in the first and second stacks from the dealer's right directly on top

of the four tiles in the third and fourth stacks from the dealer's right and then pushing forward the top two tiles in each of the eight-tile stacks that are created (forming the dragon head). The dealer shall deliver the four tiles pushed forward to the starting position. The top tile from each of the four stacks of four tiles to the dealer's left (the phoenix tail) shall be delivered to the next position. The dealer shall deliver the top two tiles from each of the two stacks on the dealer's right to the third position and the top tile from each of the four stacks on the dealer's left to the fourth position. This procedure shall be repeated until four tiles have been delivered to all eight positions.

(9) *Dragon Head and Phoenix Tail From the Left*. The dealer shall indicate the use of Dragon Head and Phoenix Tail From the Left by placing all four tiles in the first and second stacks from the dealer's left directly on top of the four tiles in the third and fourth stacks from the dealer's left and then pushing forward the top two tiles in each of the eight-tile stacks that are created (forming the dragon head). The dealer shall deliver the four tiles pushed forward to the starting position. The top tile from each of the four stacks of four tiles to the dealer's right (the phoenix tail) shall be delivered to the next position. The dealer shall deliver the top two tiles from each of the two stacks on the dealer's left to the third position and the top tile from each of the four stacks on the dealer's right to the fourth position. This procedure shall be repeated until four tiles have been delivered to all eight positions.

**§ 621a.10. Procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish.**

(a) After the dealing of the tiles has been completed, each player shall set his hands by arranging the tiles into a high hand and low hand. After setting the hands the tiles shall be placed face down on the layout immediately behind that player's betting area and separated into two distinct hands.

(b) Each player at the table shall be responsible for setting his own hands and no other person except the dealer may touch the tiles of that player. If a player requests assistance in the setting of his hands, the dealer shall inform the requesting player of the manner in which the certificate holder requires the hands of the dealer to be set. Each player shall be required to keep the four tiles in full view of the dealer at all times. Once each player has set a high hand and low hand and placed the two hands face down on the layout, the player may not touch the tiles again.

(c) After all players have set their hands and placed the tiles on the table, the four tiles of the dealer shall be turned over and the dealer shall set his hands by arranging the tiles into a high and low hand. The high hand shall be placed on the layout face up in a vertical position and the low hand shall be placed on the layout face up perpendicular to the high hand.

(d) The dealer shall comply with the following rules when setting his hands:

(1) If the dealer has the Supreme Pair, it shall be played as the Supreme Pair.

(2) If possible, the dealer shall always play a pair, Wong or Gong as set forth in § 621a.4 (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand).

(3) If the dealer does not have any combinations in paragraph (1) or (2), the dealer shall play any two tiles together which have a value equal to nine, eight or seven.

(4) If the dealer does not have a combination in paragraph (1), (2) or (3), the dealer shall play the highest ranking tile with the lowest ranking tile.

(e) A player may surrender his wager after the hands of the dealer have been set. The player shall announce his intention to surrender prior to the dealer exposing either of the two hands of that player as provided for in subsection (g). Once the player has announced his intention to surrender, the dealer shall immediately collect the wager from that player and collect the four tiles dealt to that player and stack them face down on the right side of the table in front of the table inventory container without exposing the tiles to any other player at the table.

(f) After the dealer has set a high and low hand and collected the wagers and tiles for any wagers that are surrendered under subsection (e), the dealer shall expose both hands of each player, starting with the player farthest to the right of the dealer and proceeding counterclockwise around the table. The dealer shall always compare the high hand of the player to the high hand of the dealer and the low hand of the player to the low hand of the dealer and shall announce if the wager of that player shall win, lose or be considered a tie.

(g) A wager shall lose if the high hand of the player is identical in rank or lower in rank than the high hand of the dealer, and the low hand of the player is identical in rank or lower in rank than the low hand of the dealer, or has a value of zero. Losing wagers shall be collected immediately by the dealer and put in the table inventory container. The tiles of all losing hands shall be collected by the dealer immediately after he collects the losing wagers.

(h) A wager shall be a tie if:

(1) The high hand of the player is higher in rank than the high hand of the dealer, but the low hand of the player is identical in rank to the low hand of the dealer, lower in rank than the low hand of the dealer or has a value of zero.

(2) The high hand of the player is identical in rank to the high hand of the dealer or lower in rank than the high hand of the dealer, but the low hand of the player is higher in rank than the low hand of the dealer.

(i) If a wager is a tie, the dealer shall return the player's wager and immediately collect the tiles of that player.

(j) A wager shall win if the high hand of the player is higher in rank than the high hand of the dealer and the low hand of the player is higher in rank than the low hand of the dealer. Winning hands shall remain face up on the layout. Winning wagers shall be paid after all hands have been exposed. The dealer shall pay winning wagers beginning with the player farthest to the right of the dealer and continuing counterclockwise around the table. The tiles of all winning hands shall be collected by the dealer immediately after he pays the winning wagers.

(k) A winning Pai Gow wager shall be paid off at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning player in an amount equal to 5% of the amount won provided, however, that when collecting the vigorish, the certificate holder may round off the vigorish to 25 cents or the next highest multiple of 25 cents. A certificate holder shall collect the vigorish from a player at the time the winning payout is made.

(l) Tiles collected by the dealer shall be picked up in order and in a way so that they can be readily arranged to reconstruct each hand in case of a question or dispute

and shall be placed face up to the right of the dealer in front of the table inventory container.

**§ 621a.11. Player bank; co-banking; selection of bank; procedures for dealing.**

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to all players at a Pai Gow table the opportunity to bank the game. If the certificate holder elects this option, the provisions of this section control for any round of play in which a player is the bank and all the other provisions of this subchapter apply to the extent that they do not conflict with the provisions of this section.

*(Editor's Note: Chapter 601a will be adopted on or before the date of final adoption of this proposed rule-making.)*

(b) A player may not be the bank at the start of the game. For the purposes of this section, the start of the game means the first round of play after the dealer is required to restack and shuffle the tiles in accordance with § 621a.6 (relating to opening of the table for gaming; shuffling procedures).

(c) After the first round of play, each player at the table shall have the option to either be the bank or pass the bank to the next player. The dealer shall, starting with the player farthest to the right of the dealer, offer the bank to each player in a counterclockwise rotation around the table until a player accepts the bank. The dealer shall place a marker designating the bank in front of the player who accepts the bank. If the first player offered the bank accepts, the player seated to the right of that player shall first be offered the bank on the next round of play. The initial offer to be the bank shall rotate counterclockwise around the table until it returns to the dealer. A player may not bank two consecutive rounds of play. If no player wishes to be the bank, the round of play shall proceed in accordance with the rules of play provided in this chapter.

(d) Before a player may bank a round of play, the dealer shall confirm that:

(1) The player placed a wager against the dealer during the last round of play in which there was no player banking the game.

(2) The player has sufficient value chips on the table to cover all of the wagers placed by other players at the table for that round of play.

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer the player banking the round of play the option of having the certificate holder cover 50% of the wagers made during that round of play. If the certificate holder offers this option, it shall make it available to all players at the table. If the bank wishes to use this option, the bank must specifically request the dealer to accept responsibility for the payment of 1/2 of all winning wagers. When the certificate holder covers 50% of the winning wagers, it shall be known as co-banking and the dealer shall place a marker designating the player co-banking that round of play. When the dealer is co-banking, the dealer shall be responsible for setting the hand of the bank in the manner as submitted to the Board in the certificate holder's Rules Submission. When co-banking is in effect, the dealer may not place a wager against the bank.

(f) If a player is the bank, the player may only wager on one betting area.

(g) Once the tiles have been shuffled and formed into stacks under § 621a.6, the bank shall have the option to cut the tiles one time. If the bank does not wish to cut the tiles, there may not be a cut. Upon direction from the bank, the dealer may move the tiles in one of the following ways:

(1) One or more adjacent stacks of four tiles to the right or left end of the original eight stacks of tiles.

(2) Two or more adjacent stacks of four tiles, of which at least one stack is moved to one end and the other stacks are moved to the opposite end of the original eight stacks of tiles.

(h) Once the dealer has determined that a player may be the bank as required under subsection (d) and the tiles have been shuffled and, if applicable, cut, the dealer shall, unless co-banking is in effect, remove value chips from the table inventory container in an amount equal to the last wager made by that player against the dealer or in an amount as specified in the certificate holder's Rules Submission. This amount shall be the amount the dealer wagers against the bank. The bank may direct that the sum wagered by the dealer be a lesser amount or that the dealer place no wager during that round of play. Any amount wagered by the dealer shall be placed in front of the table inventory container. Immediately upon receipt of the four tiles dealt to the dealer under subsection (k), the dealer shall place his wager on top of these tiles, instead of the marker otherwise required under § 621a.8 (relating to procedures for dealing the tiles), before dealing the remaining tiles. If co-banking is in effect, the dealer may not remove any value chips from the table inventory container under this subsection.

(i) Once the dealer has announced "no more bets," the bank may, by issuing a verbal instruction to the dealer, choose to have the dealer deliver the stacks of tiles using any one of the styles of delivery described in § 621a.9 (relating to alternative dealing procedures). If the bank does not choose a style of delivery, the dealer shall use the procedure in § 621a.8(d). After the style of delivery has been determined, the dealer shall indicate the style of delivery to be used by verbally repeating the selected style of delivery and taking other action, as specified in the certificate holder's Rules Submission, that identifies the selected delivery style to the certificate holder's surveillance department, and moving certain stacks of tiles or individual tiles slightly forward, backward or diagonally in the manner described in § 621a.9. After the dealer has indicated the style of delivery, the bank shall shake the Pai Gow shaker. It shall be the responsibility of the dealer to ensure that the bank shakes the Pai Gow shaker at least three times to cause a random mixture of the dice. Once the bank has completed shaking the Pai Gow shaker, the dealer shall remove the lid covering the Pai Gow shaker, total the dice and announce the total. The dealer shall always remove the lid from the Pai Gow shaker and if the bank inadvertently removes the lid, the dealer shall require the Pai Gow shaker to be covered and reshaken by the bank.

(j) To determine the starting position for dealing the tiles, the dealer shall count counterclockwise around the table, with the position of the bank considered number one and continuing around the table with each betting position, including the dealer, regardless of whether there is a wager at the position, and the Dead Hand counted in order until the count matches the total of the three dice.

(k) The dealer shall deal the first four tiles, in accordance with the selected style of delivery, to the starting

position as determined in subsection (j) and, moving counterclockwise around the table, deal all other positions including the Dead Hand and the dealer, regardless of whether there is a wager at the position. The dealer shall place his wager or marker, as applicable, on top of his stack of tiles immediately after the tiles are dealt.

(l) After all the stacks of tiles have been dealt, the dealer shall, without exposing the tiles, collect any stacks dealt to a position where there is no wager and place the stacks with the Dead Hand on the layout to the left of the dealer in front of the table inventory container.

(m) Once all tiles have been dealt and any tiles dealt to positions with no wagers have been collected, the dealer shall place the cover on the Pai Gow shaker and shake the shaker once. The Pai Gow shaker shall then be placed to the right of the dealer.

(n) If the tiles dealt to the dealer have not been previously collected, after each player has set his two hands and placed them on the layout, the two hands of the dealer shall then be set. Once the dealer has formed a high and low hand, the dealer shall expose the hands of the bank and determine if the hands of the dealer are higher in rank than the hands of the bank. If the dealer wins, the tiles of the dealer shall be stacked face up to the right of the table inventory container with the amount wagered by the dealer against the bank placed on top. If the dealer's hand is a tie with the banker's hand, the dealer shall return the amount wagered by the dealer against the bank to the table inventory container. If the dealer loses, the amount wagered by the dealer against the bank shall be moved to the center of the layout.

(o) If banking is in effect, once the dealer has determined the outcome of the wager of the dealer against the bank, if any, the dealer shall expose the hands of each player starting with the player farthest to the right of the dealer and proceeding counterclockwise around the table. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and announce if the wager shall win, lose or be considered a tie. Losing wagers shall be immediately collected and placed in the center of the table. After all hands have been exposed, all winning wagers, including the dealer's wager, shall be paid by the dealer with the value chips located in the center of the table. If this amount becomes exhausted before all winning wagers have been paid, the dealer shall collect from the bank an amount equal to the remaining winning wagers and place that amount in the center of the layout. The remaining winning wagers shall be paid from the amount in the center of the layout. If, after collecting all losing wagers and paying all winning wagers, there is a surplus in the center of the table, this amount shall be charged a 5% vigorish in accordance with § 621a.10 (relating to procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish). Once the vigorish has been paid, the remaining amount shall be given to the bank.

(p) Immediately after a winning wager of the dealer is paid, this amount and the original wager shall be returned to the table inventory container.

(q) Each player who has a winning wager against the bank shall pay a 5% vigorish on the amount won to the dealer, in accordance with § 621a.10.

(r) If co-banking is in effect, once the dealer has set the co-bank hand under subsection (e), the dealer shall expose the hands of each player starting with the player farthest to the right of the dealer and proceeding counter-

clockwise around the table. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and announce if the wager shall win, lose or be considered a tie. Losing wagers shall be immediately collected and placed in the center of the table. After all hands have been exposed, all winning wagers shall be paid by the dealer with the value chips located in the center of the table. If this amount becomes exhausted before all winning wagers have been paid, the dealer shall collect from the co-bank an amount equal to 1/2 of the remaining winning wagers and place that amount in the center of the layout. The dealer shall remove an amount equal to 1/2 of the remaining winning wagers from the table inventory container and place that amount in the center of the layout. The remaining winning wagers shall be paid from the total amount in the center of the layout. If, after collecting all losing wagers and paying all winning wagers, there is a surplus in the center of the table, this amount will be counted and the dealer shall place 1/2 of this amount into the table inventory container. The dealer shall collect a 5% vigorish in accordance with § 621a.10 on the remaining amount and place the vigorish amount in the table inventory container. The remaining amount shall then be given to the co-bank.

**§ 621a.12. Irregularities; invalid roll of the dice.**

(a) If the dealer uncovers the Pai Gow shaker and all three dice have not landed flat on the bottom of the shaker, the dealer shall call a “no roll” and reshake the dice.

(b) If the dealer uncovers the Pai Gow shaker and a die or dice fall out of the shaker, the dealer shall call a “no roll” and reshake the dice.

(c) If the dealer incorrectly totals the dice and deals the tiles to the wrong positions, all hands shall be void, all wagers shall be returned to the players and the dealer shall reshuffle the tiles.

(d) If the dealer exposes any of the tiles dealt to a player, the player shall have the option of voiding the hand. Without looking at his unexposed tiles, the player shall make the decision either to play out the hand or to void the hand. If the player elects to void his hand, any wagers placed by the player shall be returned to the player.

(e) If a tile dealt to the dealer, the Dead Hand or any position where there is no wager is exposed, all hands shall be void, all wagers shall be returned to the players and the tiles shall be reshuffled.

(f) If the dealer does not set his hands in the manner as specified in the certificate holder’s Rules Submission under § 601a.2 (relating to table games Rules Submissions), the hands shall be reset in accordance with the Rules Submission and the round of play completed.

*(Editor’s Note: Chapter 601a will be adopted on or before the date of final adoption of this proposed rule-making.)*

**§ 621a.13. A player wagering on more than one betting area.**

(a) A certificate holder shall specify in its Rules Submission, required under § 601a.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.

*(Editor’s Note: Chapter 601a will be adopted on or before the date of final adoption of this proposed rule-making.)*

(b) If a certificate holder permits a player to wager on adjacent betting areas, the tiles dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall be required to rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked and set and placed face down on the layout, the hand may not be changed.

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

- Sec.
- 623a.1. Definitions.
- 623a.2. Craps and Mini-Craps tables; physical characteristics.
- 623a.3. Permissible wagers.
- 623a.4. Making and removal of wagers.
- 623a.5. Payout odds.
- 623a.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).
- 623a.7. Dice retention and selection.
- 623a.8. Throw of the dice; invalid roll of the dice.
- 623a.9. Point throw; settlement of wagers.
- 623a.10. Continuation of shooter; selection of new shooter.
- 623a.11. Additional procedures and rules for the Fire Bet.

**§ 623a.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.

*Buy Bet*—A Place Bet to Win which offers a payout of true odds.

*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.

*Lay Bet*—A Place Bet to Lose which offers a payout of true odds.

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

**§ 623a.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 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:

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

(2) Specific areas designated for the placement of wagers permitted under § 623a.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 Casino Compliance.

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

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

### § 623a.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 number 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 Four The Hardway Bet shall be inactive on the 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 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 Six The Hardway Bet shall be inactive on the 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 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. An Eight The Hardway Bet shall be inactive on the 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 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 Ten The Hardway Bet shall be inactive on the 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 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 a 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 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.

(41) In addition to Place Bets to Win on 4, 5, 6, 8, 9 and 10, a certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer players the option of placing a Buy Bet to receive true odds on the Place Bet to Win. A Buy Bet 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 Buy Bet shall be determined as follows:

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

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

(42) In addition to or in lieu of the Place Bets to Lose on 4, 5, 6, 8, 9 and 10, a certificate holder may, if

specified in its Rules Submission under § 601a.2, offer players the option of placing a Lay Bet to receive true odds on the Place Bet to Lose. A Lay Bet shall be 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 Lay Bets shall be determined as follows:

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

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

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

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

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

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

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

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

(b) Wagers shall be made by placing value 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 value 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 shall remain seated until the completion of the round of play.

**§ 623a.5. Payout odds.**

(a) The certificate holder shall pay out winning Craps and Mini-Craps wagers as follows:

<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

<i>Wager</i>	<i>Payout Odds</i>
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
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

as an Any Craps Bet (7 to 1) and 1/2 as an 11 in One Roll (15 to 1), and shall be paid as if two separate wagers were made for the one roll.

(c) 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.

(d) 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.

(e) 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.

(f) A winning Fire Bet shall be paid once for the highest number of different unique points made at no less than the odds in one of the following pay tables selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submission).

(*Editor's Note:* Chapter 601a will be adopted on or before the date of final adoption of this proposed rule-making.)

<i>Individual Unique Points Made</i>	<i>Payout A</i>	<i>Payout 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

(g) A certificate holder that offers Buy Bets and Lay Bets:

(1) Shall pay winning Buy Bet wagers as follows:

<i>Wager</i>	<i>Payout Odds</i>
Buy Bet on the 4	2 to 1
Buy Bet on the 5	3 to 2
Buy Bet on the 6	6 to 5
Buy Bet on the 8	6 to 5
Buy Bet on the 9	3 to 2
Buy Bet on the 10	2 to 1

(2) Shall pay winning Lay Bet wagers as follows:

<i>Wager</i>	<i>Payout Odds</i>
Lay Bet against the 4	1 to 2
Lay Bet against the 5	2 to 3
Lay Bet against the 6	5 to 6
Lay Bet against the 8	5 to 6
Lay Bet against the 9	2 to 3
Lay Bet against the 10	1 to 2

(3) May collect, at time the player makes the wager, a vigorish of up to 5%, as specified in the certificate holder's Rules Submission, of the amount wagered on the Buy or Lay Bet or may collect the vigorish only on a winning Buy or Lay Bet. If collecting a vigorish, the certificate holder shall specify in its Rules Submission which vigorish procedure it will utilize.

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

(i) Except as permitted under § 623a.6(e) (relating to supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets

(taking and laying odds)), a certificate holder may not accept any wager in excess of the maximum bet posted at the table.

**§ 623a.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) When 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) When 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 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) When 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) When 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 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 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.

**§ 623a.7. Dice retention and selection.**

(a) A set of 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 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.

**§ 623a.8. Throw of the dice; invalid roll of the dice.**

(a) 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.

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

(c) The individuals 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, 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.

(d) A throw of the dice which results in the dice coming into contact with any chips or plaques on the table, other than the Craps bank of chips located in front of the Boxman, will not be a cause for a call of "no roll."

(e) "No roll" may be called:

(1) In Craps, by a boxperson or stickperson.

(2) In Mini-Craps, by the dealer, stickperson or floorperson.

**§ 623a.9. 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 rethrown.

(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 rethrown.

(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 rethrown.

(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.

**§ 623a.10. 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 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 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 § 623a.8 (relating to throw of the dice; invalid roll of the dice).

(c) When 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.

**§ 623a.11. 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 § 623a.3 (relating to permissible wagers), the following additional procedures shall be observed:

(1) Each player shall, prior to a new shooter's initial come out roll, place his Fire Bet on the numbered designated area for the placement of Fire Bets that is closest to his position at the Craps table.

(2) When there is a voluntary or compulsory surrender of the dice by a shooter under § 623a.10 (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 must be visually distinguishable from and have a diameter larger than any authorized value 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 § 623a.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 625a. SIC BO

Sec.

- 625a.1. Sic Bo table; Sic Bo shaker; physical characteristics.
- 625a.2. Dice; number of dice.
- 625a.3. Permissible wagers.
- 625a.4. Placement of wagers.
- 625a.5. Procedures for opening and dealing the game.
- 625a.6. Payout odds.
- 625a.7. Irregularities.

##### § 625a.1. Sic Bo table; Sic Bo shaker; physical characteristics.

(a) Each Sic Bo table must have a drop box and tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance.

(b) Each Sic Bo table must have an electrical device, approved by the Bureau of Gaming Laboratory Operations, where the numeric value of each die shall be entered by the dealer and an area that depicts all permissible wagers under § 625a.3 (relating to permissible wagers) and which causes the winning combinations to be illuminated after the numeric value of each die has been entered by the dealer.

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

- (1) The name or logo of the certificate holder.
- (2) Specific areas designated for the placement of the wagers authorized under § 625a.3.
- (3) The payout odds currently being offered in accordance with § 625a.6 (relating to payout odds). If the payout odds are not on the layout, a sign identifying the payout odds shall be posted at each Sic Bo table.

(d) Sic Bo shall be played with a Sic Bo shaker approved by the Bureau of Gaming Operations, which shall be used to shake the dice to arrive at the winning combinations.

(1) A manual Sic Bo shaker shall be designed and constructed to maintain the integrity of the game and must, at a minimum, adhere to the following specifications:

(i) The Sic Bo shaker must have a compartment to secure the three dice and a separate cover which conceals the dice while the dealer is shaking the Sic Bo shaker. The compartment to secure the three dice must be transparent and the cover which conceals the dice must be opaque.

(ii) The Sic Bo shaker must have the capability of being sealed or locked to ensure the integrity of the dice contained inside the Sic Bo shaker.

(iii) The Sic Bo shaker must have the name or logo of the certificate holder thereon.

(2) An automated Sic Bo shaker, approved by the Bureau of Gaming Laboratory Operations, may be used in the game of Sic Bo, provided that:

(i) The shaker meets the requirements in paragraph (1)(i) and (ii).

(ii) The shaker, its location on the Sic Bo table and the procedures for shaking the dice are submitted to and approved by the Bureau of Gaming Operations.

(e) The Sic Bo shaker shall be the responsibility of the dealer and may not be left unattended while at the table.

##### § 625a.2. Dice; number of dice.

(a) Sic Bo shall be played with three dice, which shall be kept inside the Sic Bo shaker while at the Sic Bo table.

(b) The dice that have been placed in a manual Sic Bo shaker may not be used for the play of the game for more than 24 hours. Dice that have been locked in an automated Sic Bo shaker and comply with the requirements of § 603a.12(c) (relating to dice; physical characteristics) may not be used for the play of the game for more than 1 month.

*(Editor's Note: Chapter 601a will be adopted on or before the date of final adoption of this proposed rulemaking.)*

##### § 625a.3. Permissible wagers.

The following are the permissible wagers for the game of Sic Bo:

(1) *Three of a Kind.* A wager which wins if the same number is showing on all three dice and the player selected that number to appear on all three dice.

(2) *Two of a Kind.* A wager which wins if the same number is showing on two of the three dice and the player selected that number to appear on two out of the three dice.

(3) *Any Three of a Kind.* A wager which wins if the numeric value on all three dice is the same and the player wagered that any of the numbers 1 through 6 would appear on all of the three dice.

(4) *Total Value Bet.* A wager which wins if the numeric total of all three dice equals the total of the number wagered.

(5) *Two Dice Combination.* A wager which wins when the player wagered that a combination of two specific but

different numeric values would appear on at least two of the dice and the two numeric values chosen are showing.

(6) *Small Bet.* A wager which wins if the numeric total of all three dice equals any one of the following totals: 4, 5, 6, 7, 8, 9 or 10 and loses if any other numeric total is shown or if a three of a kind appears.

(7) *Big Bet.* A wager which wins if the numeric total of all three dice equals any one of the following totals: 11, 12, 13, 14, 15, 16 or 17 and loses if any other numeric total is shown or if a three of a kind appears.

(8) *One of a Kind.* A wager which wins if one or more of the three dice shows a numeric value equal to the number wagered.

**§ 625a.4. Placement of wagers.**

(a) Wagers at Sic Bo shall be made by placing value chips or plaques on the appropriate areas of the Sic Bo layout. Verbal wagers accompanied by cash may not be accepted at the game of Sic Bo.

(b) Each player shall be responsible for the correct positioning of his wagers on the Sic Bo layout regardless of whether the player is assisted by the dealer. Each player shall ensure that any instructions given to the dealer regarding the placement of wagers are correctly carried out.

(c) Each wager shall be settled in accordance with its position on the layout when the dice come to rest and the numeric value showing on each die has been entered into the electrical device and illuminated at the table.

**§ 625a.5. Procedures for opening and dealing the game.**

(a) Prior to opening the Sic Bo table for gaming activity, the floorperson assigned to the Sic Bo table shall inspect the following items to insure that each is in proper working order:

(1) The electrical device which causes the winning combinations to be illuminated when the numeric value of each die has been entered by the dealer and the area of the Sic Bo table which depicts all permissible wagers under § 625a.3 (relating to permissible wagers). At a minimum, the inspection shall be completed by entering three numeric values into the electrical device and verifying that all winning combinations are properly illuminated.

(2) The automated dice shaker, if one is in use. At a minimum, the inspection shall be completed by operating the device three times and verifying that the dice are being properly tossed.

(b) The dealer shall either:

(1) Place the cover on the manual Sic Bo shaker and shake the Sic Bo shaker at least three times to cause a random mixture of the dice.

(2) Activate the automated dice shaker to cause a random mixture of the dice.

(c) Prior to revealing the dice in the Sic Bo shaker, the dealer shall announce “no more bets.”

(d) The dealer shall then remove the cover from the Sic Bo shaker, announce the numeric value of each die and enter the numeric value of each die into the electrical device on the table. The electrical device must then cause the winning combinations to be illuminated on the Sic Bo layout.

(e) After the winning combinations have been illuminated, the dealer shall first collect all losing wagers and

then pay off all winning wagers at the odds currently being offered in accordance with § 625a.6 (relating to payout odds). A manual Sic Bo shaker shall remain uncovered until all winning wagers have been paid.

(f) After losing wagers have been collected and winning wagers paid, the dealer shall clear the previously illuminated winning combinations from the table.

**§ 625a.6. Payout odds.**

(a) The certificate holder shall pay off winning Sic Bo wagers as follows:

<i>Wager</i>	<i>Payout Odds</i>
Three of a Kind	150 to 1
Two of a Kind	8 to 1
Any Three of a Kind	24 to 1
Total Value Bet of 4	50 to 1
Total Value Bet of 5	18 to 1
Total Value Bet of 6	14 to 1
Total Value Bet of 7	12 to 1
Total Value Bet of 8	8 to 1
Total Value Bet of 9	6 to 1
Total Value Bet of 10	6 to 1
Total Value Bet of 11	6 to 1
Total Value Bet of 12	6 to 1
Total Value of Bet 13	8 to 1
Total Value of Bet 14	12 to 1
Total Value of Bet 15	14 to 1
Total Value Bet of 16	18 to 1
Total Value Bet of 17	50 to 1
Any Two Dice Combination	5 to 1
Small Bet	1 to 1
Big Bet	1 to 1

(b) One of a Kind shall be paid at:

(1) 1 to 1, if only one of the dice show the numeric value upon which the wager was placed.

(2) 2 to 1, if two of the dice show the numeric value upon which the wager was placed.

(3) 3 to 1, if all three dice show the numeric value upon which the wager was placed.

**§ 625a.7. Irregularities.**

(a) If all three dice do not land flat on the bottom of the Sic Bo shaker after being tossed, the dealer shall call a “no roll” and all wagers placed shall be returned to the players.

(b) If the electrical device which causes the winning combinations to be illuminated when the numeric value of each die has been entered by the dealer or the area of the Sic Bo table which depicts all permissible wagers under § 625a.3 (relating to permissible wagers) malfunctions after the manual Sic Bo shaker has been uncovered or the automated Sic Bo dice shaker has tossed the dice, the dealer shall, in the presence of a floorperson or above, collect losing wagers and pay winning wagers. Once the wagers on the layout have been settled, all gaming at the Sic Bo table shall cease until the electrical device which causes the winning combinations to be illuminated when the numeric value of each die has been entered by the

dealer or the area of the Sic Bo table which depicts all permissible wagers under § 625a.3 has been fixed.

(c) If the automated Sic Bo shaker fails to operate or malfunctions when activated, the round of play shall be void and wagers placed shall be returned to the players.

(d) If an automated Sic Bo shaker malfunctions or cannot be used, the dice must be removed and the automated Sic Bo shaker must be covered or have a sign placed on the device indicating that the automated Sic Bo shaker is out of order before a manual Sic Bo shaker may be utilized.

[Pa.B. Doc. No. 11-969. Filed for public inspection June 10, 2011, 9:00 a.m.]

[ 58 PA. CODE CHS. 531, 533, 567, 617a,  
619a AND 651a ]

**Table Game Rules for Roulette, Big Six Wheel and  
Casino War**

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1)—(4) (relating to regulatory authority), proposes to rescind Chapters 531, 533 and 567 (relating to Roulette; Big Six Wheel; and War) and add Chapters 617a, 619a and 651a (relating to Roulette; Big Six Wheel; and Casino War) to read as set forth in Annex A.

*Purpose of the Proposed Rulemaking*

With this proposed rulemaking, the Board is proposing to replace the temporary regulations in Chapter 531 with the permanent regulations in Chapter 617a, temporary regulations in Chapter 533 with the permanent regulations in Chapter 619a and the temporary regulations in Chapter 567 with the permanent regulations in Chapter 651a.

*Explanation of Chapter 617a*

Chapter 617a contains the rules governing the game of Roulette. Section 617a.1 (relating to Roulette ball; Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel) contains the requirements for the Roulette ball, wheel and table layouts.

Section 617a.2 (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 and that there is no evidence of tampering.

Sections 617a.3 and 617a.4 (relating to placement of wagers; and payout odds) list the permissible bets for the game of Roulette, specify how the bets are to be placed on the Roulette table and the minimum payout odds that shall be used.

Sections 617a.5 and 617a.6 (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 shall be treated.

*Explanation of Chapter 619a*

Chapter 619a contains the rules governing the game of Big Six Wheel. Section 619a.1 (relating to Big Six Wheel

layout; physical characteristics) contains the physical characteristics of the wheel and the table layout requirements. Operators have the option to use the dollar amounts in this section or to submit to the Bureau of Gaming Operations a wheel layout with other symbols or logos.

Section 619a.2 (relating to wagers and rotation of the wheel) addresses the placement of wagers on the table layout, the spin of the wheel, the collection of losing wagers and the payment of winning wagers. Lastly, § 619a.3 (relating to payout odds) addresses the minimum payout odds certificate holders are required to pay winning wagers.

*Explanation of Chapter 651a*

Chapter 651a establishes the rules of play for the game of Casino War. Section 651a.1 (relating to definitions) contains the definitions for terms used in this chapter. Section 651a.2 (relating to Casino War table; physical characteristics) contains the requirements pertaining to Casino War tables and other equipment used in the play of the game.

Section 651a.3 (relating to cards; number of decks; dealing shoe) addresses the number of decks that are used in Casino War and the use of automated card shuffling devices. Sections 651a.4 and 651a.5 (relating to opening of the 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. The procedure for removal of the cards from the dealing shoe and discard rack when there is no gaming activity was changed from the temporary regulations. At their request, operators may now leave the cards face down instead of face up on the table until a player arrives at the table at which time the cards shall be reshuffled for the next round of play.

Sections 651a.6 and 651a.7 (relating to Casino War card rankings; and wagers) set forth the rank of the cards for the purpose of determining the winning hand and specifies the permissible wagers. The restriction on the number of adjacent boxes on which a player may place a wager was changed from the temporary regulations so that operators may specify in their rules submission the number of adjacent boxes on which a player may wager.

Sections 651a.8 and 651a.9 (relating to procedure for dealing the cards; and procedures for completion of each round of play; collection and payment of wagers) specify the procedures for the initial deal of the cards to each patron, the procedure for going to war, the procedure for collecting cards, collecting losing wagers and paying out winning wagers.

Section 651a.10 (relating to payout odds) sets forth the payout odds for winning Initial, Tie and War Wagers. Section 651a.11 (relating to irregularities) provides the rules to address unusual circumstances that might arise during the play of the game.

*Affected Parties*

Certificate holders that elect to offer Roulette, Big Six Wheel or Casino War will be required to comply with these chapters. The requirements for the games are standard throughout the industry, consistent with 4 Pa.C.S. Part II (relating to gaming) and necessary for the protection of the gaming public and the revenues generated from table games.

The Board has experienced increased regulatory demands resulting from the implementation of table games including the review of rules submissions, table layouts, signage and gaming guides.

*Fiscal Impact*

*Commonwealth.* The Board will have to review each certificate holder's table games Rules Submissions, table layouts, signage and gaming guides to ensure compliance with the regulatory requirements in this proposed rulemaking. These reviews will be conducted by existing Bureau of Gaming Operations and Bureau of Casino Compliance staff, so the Board does not project that it will incur significant cost increases as a result of this proposed rulemaking.

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

*Private sector.* This proposed rulemaking will result in additional costs for certificate holders that elect to offer Roulette, Big Six Wheel and Casino War. Certificate holders will be required to purchase the table games they elect to offer and to hire and train employees to operate the games. The costs for table game equipment do vary depending on the type and number of tables purchased. The costs are expected to be offset by the revenues generated from table game operations.

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

*Paperwork Requirements*

This proposed rulemaking requires certificate holders to do the following: post signs at gaming tables; have complete sets of rules for all the games they offer available for public inspection; produce a gaming guide summarizing the rules of the games they offer; and file Rules Submissions for each table game they elect to offer. The Rules Submissions are standardized checklists for each game, relatively simple to fill out and available on the Board web site.

*Effective Date*

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

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin*, to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on General Provisions, Credit and Training Standards; Regulation # 125-148.

*Contact Person*

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 265-8356.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 12, 2011, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at [www.pgcb.state.pa.us](http://www.pgcb.state.pa.us).

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

GREGORY C. FAJT,  
*Chairperson*

**Fiscal Note:** 125-148. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart K. TABLE GAMES**

**CHAPTER 531. (Reserved)**

*(Editor's Note:* As part of this proposed rulemaking, the Board is proposing to rescind Chapter 531 which appears in 58 Pa. Code pages 531-1—531-7, serial pages (348491), (348492) and (356441)—(356445).)

Sec.  
531.1—531.7. (Reserved).

**CHAPTER 533. (Reserved)**

*(Editor's Note:* As part of this proposed rulemaking, the Board is proposing to rescind Chapter 531 which appears in 58 Pa. Code pages 533-1 and 533-2, serial pages (349033) and (349034).)

Sec.  
533.1—533.3. (Reserved).

**CHAPTER 567. (Reserved)**

*(Editor's Note:* As part of this proposed rulemaking, the Board is proposing to rescind Chapter 531 which appears in 58 Pa. Code pages 567-1—567-8, serial pages (352395)—(352397), (350095), (350096), (349115), (349116), (351051) and (351052).)

Sec.  
567.1—567.11. (Reserved).

**CHAPTER 617a. ROULETTE**

- Sec.
- 617a.1. Roulette ball; Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel.
- 617a.2. Inspection and security procedures.
- 617a.3. Placement of wagers.
- 617a.4. Payout odds.
- 617a.5. Rotation of wheel and ball.
- 617a.6. Irregularities.

**§ 617a.1. Roulette ball; Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel.**

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

(b) 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.

(c) 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 1 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.

(d) 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 1 marked zero and colored green, 1 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.

(e) 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 respun.

(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).

(f) 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.

(2) Specific areas for the placement of the wagers authorized under § 617a.3 (relating to placement of wagers).

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

(4) If the certificate holder offers the Five Adjacent Number Wager, a replica of the Roulette wheel.

(g) Each Roulette table must have a drop box and tip box attached in locations as approved by the Bureau of Casino Compliance.

#### § 617a.2. 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 ball by passing it over a magnet or compass to assure its nonmagnetic quality.

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

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

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

(5) Confirm that the layout and signage comply with § 617a.1(f) (relating to Roulette ball; 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 that 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 under subsection (a) shall 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 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, if required, was completed and the signature and Board-issued credential number of the individual 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.

#### § 617a.3. Placement of wagers.

(a) All wagers at Roulette shall be made by placing Roulette chips on the appropriate areas of the Roulette layout. Verbal wagers accompanied by cash may not be accepted.

(b) A player at a Roulette table may not play with Roulette chips that are identical in color and design to value chips or to Roulette chips being used by another player at that same table. Roulette chips shall 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 the 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 into 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 wager within the box on the Roulette layout that contains the selected number.

(i) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer the option to make five simultaneous Straight Wagers by selecting five adjacent numbers on the Roulette wheel.

*(Editor's Note: Chapter 601a will be adopted on or before the date of final adoption of this proposed rulemaking.)*

(ii) A player shall make a Five Adjacent Number Wager by placing Roulette chips on the number indicated on the Roulette wheel replica that is the center number of the five adjacent numbers being selected.

(iii) A player making a Five Adjacent Number Wager shall be deemed to have made a separate Straight Wager of equal value on each of the five numbers selected.

(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 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 contains 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 1 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 1 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 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 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 1 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 1 of 18 consecutive numbers from 19—36. The player shall make a 19 to 36 Wager by placing a wager within the box on the Roulette layout that is labeled 19—36.

**§ 617a.4. Payout odds.**

(a) A certificate holder shall pay off winning Roulette wagers at no less than the following odds:

<i>Wager</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—18	1 to 1
19—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 § 617a.1 (relating to Roulette ball; 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) If the Roulette ball comes to rest in a compartment marked double zero (00), the dealer shall announce “no spin,” declare the spin void and respin the wheel.

(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).

#### § 617a.5. 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 announce “no more bets” in a manner sufficient to be heard by all players at the table. Once “no more bets” has been announced by the dealer, players may not touch any chips that have been placed on the Roulette layout until the dealer has collected all losing wagers and paid off all winning wagers under subsection (e).

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

(d) If a certificate holder offers the Five Adjacent Number Wager, the dealer shall then move 1/5 of each winning Five Adjacent Number Wager from the Roulette wheel replica to the box on the main Roulette layout that contains the single number corresponding to the compartment in which the Roulette ball came to rest.

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

#### § 617a.6. 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 prior to it 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 or above for 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 or above for 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 Roulette ball from the wheel prior to it coming to rest in one of the compartments.

### CHAPTER 619a. BIG SIX WHEEL

Sec.

619a.1. Big Six Wheel layout; physical characteristics.

619a.2. Wagers and rotation of the wheel.

619a.3. Payout odds.

#### § 619a.1. Big Six Wheel layout; physical characteristics.

(a) Big Six Wheel gaming shall be conducted at a circular wheel at least 5 feet in diameter. Except as provided in subsection (c), 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, 8 sections containing a \$5 symbol, 4 sections containing a \$10 symbol, 2 sections containing a \$20 symbol, 1 section containing a picture of a flag, the name or logo of the certificate holder or other unique symbol and 1 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) With prior approval from the Bureau of Gaming Operations, a certificate holder may 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 in § 619a.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 on the same side of the gaming table, but on opposite sides of the dealer, as approved by the Bureau of Casino Compliance.

(g) The layout for a Big Six Wheel table shall 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.

(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 approved symbols 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 permissible wagers.

#### § 619a.2. Wagers and rotation of the wheel.

(a) Prior to the spin of the wheel, the dealer shall announce “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.

(d) 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 shall respin the wheel.

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

**§ 619a.3. Payout odds.**

A certificate holder shall pay off winning Big Six Wheel wagers at no less than the following odds:

<i>Wager</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, Logo or other unique symbol	45 to 1

**CHAPTER 651a. CASINO WAR**

- Sec. 651a.1. Definitions.
- 651a.2. Casino War table; physical characteristics.
- 651a.3. Cards; number of decks; dealing shoe.
- 651a.4. Opening of the table for gaming.
- 651a.5. Shuffle and cut of the cards.
- 651a.6. Casino War card rankings.
- 651a.7. Wagers.
- 651a.8. Procedure for dealing the cards.
- 651a.9. Procedures for completion of each round of play; collection and payment of wagers.
- 651a.10. Payout odds.
- 651a.11. Irregularities.

**§ 651a.1. Definitions.**

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

*Initial Wager*—The wager that shall be made by a player prior to any cards being dealt to participate in the round of play.

*Original deal*—The first card that is dealt to each player and the dealer to determine the result for the Initial Wager in a round of play.

*Round of play*—One complete cycle of play during which each player has placed an Initial Wager, been dealt a card, surrendered or gone to War, if appropriate, and had his wagers paid or collected in accordance with this chapter.

*Tie hand*—A hand in the original deal or War deal when the rank of a player’s card and the rank of the dealer’s card are equal.

*War*—The decision of a player, in accordance with the option offered under § 651a.9(c)(2) (relating to procedures for completion of each round of play; collection and payment of wagers), to place a War Wager when there is a tie hand on the original deal.

*War deal*—The deal of the cards that follows the placement of a War Wager.

*War Wager*—A wager that is required to be made if the player elects to go to War.

**§ 651a.2. Casino War table; physical characteristics.**

(a) Casino War shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Casino War 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.

(2) A separate designated betting area at each betting position for the placement of Initial and War Wagers.

(3) A separate designated betting area for the placement of Tie Wagers.

(4) The payout odds for a Tie Wager and War Wager. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Casino War table.

(c) Each Casino War table must have a drop box and a tip box attached on the same side of the gaming table, but on opposite sides of the dealer, as approved by the Bureau of Casino Compliance. The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

**§ 651a.3. Cards; number of decks; dealing shoe.**

(a) Casino War shall be played with six or eight decks of cards that are identical in appearance. Each deck of cards must consist of 52 cards and 2 cover cards.

(b) All cards used in Casino War shall be dealt from a manual dealing shoe. The dealing shoe must be located on the table to the left of the dealer.

(c) If an automated card shuffling device is utilized, Casino War shall be played with 12 to 16 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.

(d) The decks of cards opened for use at a Casino War table shall be changed at least once every 24 hours.

**§ 651a.4. Opening of the table for gaming.**

(a) Except as provided in subsection (e), after receiving six 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 up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked.

(d) 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 first player is afforded an opportunity to visually inspect the cards, each batch of cards shall separately be turned face down on the table and stacked.

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16 (u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

*(Editor's Note: Chapter 603a will be adopted on or before the date of final adoption of this proposed rule-making.)*

#### § 651a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each dealing shoe of cards is dealt or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack.

*(Editor's Note: Chapter 603a will be adopted on or before the date of final adoption of this proposed rule-making.)*

(b) After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to players in the following order:

(1) The first player to the table if the game is just beginning.

(2) The player on whose betting area the cover card appeared during the last round of play.

(3) The player at the farthest point to the right of the dealer if the cover 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 dealer shall offer the cut to each other player moving clockwise around the table until a player accepts the cut. If a player does not accept the cut, the dealer shall cut the cards.

(d) The player or dealer making the cut shall place a cover card in the stack at least ten cards in from the top or bottom of the stack.

(e) Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The dealer shall then insert the second cover card in the stack at a position at least approximately 1/4 of the way in from the bottom of the stack.

(f) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson or above determines that the cut was performed improv-

erly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut, at the certificate holder's option, by the player who last cut the cards or by the next player entitled to cut the cards, as determined under subsection (b)(4). The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(g) A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe as required under § 651a.8(d) (relating to procedure for dealing the cards) except that a floorperson may determine that the cards should be reshuffled after any round of play.

(h) If there is no gaming activity at the War table which is open for play, the cards shall be removed from the dealing shoe and the discard rack, and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player is afforded an opportunity to visually inspect the cards:

(1) If there is not an automated shuffling device in use, the cards shall be mixed thoroughly by a washing 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.

#### § 651a.6. Casino War card rankings.

The rank of the cards used in Casino War, for the purpose of determining a winning hand, shall be, in order from the highest to lowest rank: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. The suit of a card does not have an effect on its rank.

#### § 651a.7. Wagers.

(a) Wagers at Casino War shall be made by placing value chips or plaques on the appropriate betting area of the War layout. Verbal wagers accompanied by cash may not be accepted.

(b) To participate in a round of play, a player shall place an Initial Wager.

(c) At the same time as an Initial Wager or a War Wager is placed, each player shall have the option of placing a Tie Wager which shall win if the deal results in a tie hand.

(d) Except as provided in § 651a.9(e) (relating to procedures for completion of each round of play; collection and payment of wagers), all wagers at Casino War shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 651a.8 (relating to procedure for dealing the cards). Once a wager has been placed, a player may not handle, remove or alter any wagers until a decision has been rendered and implemented with respect to that wager.

(e) A certificate holder shall specify in its Rules Submission, required under § 601a.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.

*(Editor's Note: Chapter 601a will be adopted on or before the date of final adoption of this proposed rule-making.)*

**§ 651a.8. Procedure for dealing the cards.**

(a) All cards used to play Casino War shall be dealt from a dealing shoe. The dealer shall remove cards from the dealing shoe with his left hand and place the cards on the appropriate area of the layout with his right hand, except that the dealer shall have the option to deal cards to the first two positions with his left hand.

(b) After the cards have been cut and placed in the dealing shoe as required under § 651a.5 (relating to shuffle and cut of the cards), the dealer shall remove the first card from the dealing shoe face down and, without revealing its rank to anyone, place it in the discard rack. Each new dealer who comes to the table shall also remove the first card from the dealing shoe face down and, without revealing its rank to anyone, place it in the discard rack.

(c) Prior to dealing any cards, the dealer shall announce "no more bets." The dealer shall, starting with the player farthest to the dealer's left and continuing in a clockwise manner, deal the cards in the following order:

(1) One card face up to each player who has placed an Initial Wager in accordance with § 651a.7 (relating to wagers).

(2) One card face up to the dealer.

(d) When the cover card is the first card in the dealing shoe at the beginning of a round of play or is reached during the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed after which the cards shall be collected and reshuffled.

(e) Players and spectators may not handle, remove or alter any cards used to play Casino War.

**§ 651a.9. Procedures for completion of each round of play; collection and payment of wagers.**

(a) After the dealing procedures required under § 651a.8 (relating to procedure for dealing the cards) have been completed, the dealer shall, starting from his left and continuing around the table in a clockwise direction, compare the rank of each player's card with that of the dealer's card and settle all Initial and Tie Wagers as follows:

(1) If a player's card is lower in rank than the dealer's card, the player shall lose his Initial Wager and his Tie Wager, if applicable.

(2) If a player's card is higher in rank than the dealer's card, the player shall win his Initial Wager and lose his Tie Wager, if applicable.

(3) If the player's card and the dealer's card are of equal rank (a tie hand), the player shall select one of the options in subsection (c) as to his Initial Wager and win his Tie Wager, if applicable.

(b) Losing Initial and Tie Wagers made on the original deal shall be collected by the dealer and placed in the table inventory container. Winning Initial and Tie Wagers made on the original deal shall be paid by the dealer in accordance with the payout odds provided in § 651.10 (relating to payout odds).

(c) If a player has a tie hand, the player shall select one of the following options:

(1) The player may surrender 1/2 of his Initial Wager and end his participation in that round of play. If a player selects this option, the dealer shall collect 1/2 of the player's Initial Wager and place it in the table inventory container. The dealer shall then return the remaining 1/2 of the Initial Wager to the player. The dealer shall then proceed around the table in a clockwise direction, repeating the process for each player with a tie hand who selects this option.

(2) The player may surrender his entire Initial Wager and place a War Wager in an amount equal to the player's Initial Wager, in accordance with subsection (e).

(d) After settling Initial Wagers and Tie Wagers on the original deal, the dealer shall collect the cards of all players except for the cards of those players with a tie hand who have elected to go to War. The collected cards shall be placed in the discard rack in a manner that permits the reconstruction of each hand of the original deal in case of a question or dispute.

(e) If any player elects to place a War Wager upon the occurrence of a tie hand, the dealer shall confirm the placement of the War Wager and collect the full amount of the player's Initial Wager and place it in the table inventory container. The player's card and the dealer's card from the original deal shall remain exposed during the war deal. The dealer shall offer any player who has elected to go to War the opportunity to also place a Tie Wager on the War deal.

(f) The War deal shall begin with the dealer removing three cards from the shoe face down and, without revealing the rank of the three cards to anyone, placing them in the discard rack and then dealing the next card face up to the player farthest to the dealer's left who has placed a War Wager. The dealer shall place the player's War card on the table adjacent to the player's card from the original deal. The dealer shall then proceed around the table in a clockwise direction, repeating the process for each player who has placed a War Wager and the dealer.

(g) After the dealing procedures required under subsection (f) have been completed, the dealer shall, beginning from the dealer's left and proceeding around the table in a clockwise direction, compare the rank of each player's War card to the dealer's War card and settle all War and Tie Wagers as follows:

(1) If the player's War card is lower in rank than the dealer's War card, the player shall lose his War Wager and his Tie Wager, if applicable.

(2) If the player's War card is higher in rank than the dealer's War card, the player shall win his War Wager and lose his Tie Wager, if applicable.

(3) If the player's War card and the dealer's War card are of equal rank, the player shall win his War Wager and his Tie Wager, if applicable.

(h) Losing War and Tie Wagers shall be collected by the dealer and placed in the table inventory container. Winning War and Tie Wagers shall then be paid in accordance with the payout odds in § 651a.10. After the collection of all losing wagers and the payment of all winning wagers from the War deal, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand of the War deal in case of a question or dispute.

**§ 651a.10. Payout odds.**

The certificate holder shall pay out winning Casino War wagers as follows:

- (1) An Initial Wager shall be paid at odds of 1 to 1.
- (2) A Tie Wager shall be paid at odds of 10 to 1.
- (3) A War Wager shall be paid at odds of 2 to 1, unless the War deal results in a tie hand, in which case a War Wager shall be paid at odds of 3 to 1.

**§ 651a.11. Irregularities.**

(a) A card found face up in the dealing shoe while the cards are being dealt may not be used in the game and shall be placed in the discard rack.

(b) A card drawn in error without being exposed shall be used as though it were the next card from the dealing shoe.

(c) If a card is not dealt to a player's Initial Wager or Tie Wager in the original deal, the wager shall be void and returned to the player. The player shall be included in the next round of play.

(d) If an automated card shuffling device is being used and the device jams, stops shuffling during the shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(e) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

[Pa.B. Doc. No. 11-970. Filed for public inspection June 10, 2011, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 41 ]

[M-2011-2163034]

#### Ill or Injured Exemption to Common Carrier by Motor Vehicle Service

The Pennsylvania Public Utility Commission (Commission), on March 17, 2011, adopted a proposed policy statement which defines the scope of this exemption as it pertains to the transportation of ill or injured persons for medical treatment.

Public Meeting held  
March 17, 2011

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Tyrone J. Christy; Wayne E. Gardner; James H. Cawley

*Revision to 52 Pa. Code § 41.11 Regarding Ill or Injured Exemption to Common Carrier by Motor Vehicle Service; Doc. No. M-2011-2163034*

#### *Proposed Policy Statement*

#### *By the Commission:*

The Commission's jurisdiction over the transportation of passengers and property by motor vehicle is subject to a number of exemptions, including one that applies to the transportation of ill, injured or dead persons. The Commission has promulgated a policy statement that defines the scope of this exemption as it pertains to the transportation of ill or injured persons for medical treatment. The Commission finds that this policy statement requires revision, and seeks comments on the proposed revisions from all interested parties. After reviewing the comments, the Commission will adopt final revisions to the policy statement.

#### *Background*

The transportation of ill, injured or dead persons by a corporation or individual falls within an exemption to the definition of "common carrier by motor vehicle" service at Section 102 of the Public Utility Code, 66 Pa.C.S. § 102. Specifically, the definition of common carrier by motor vehicle does not include "any person or corporation who or which furnishes transportation to any injured, ill or dead person." This exemption has been long understood to exclude the emergency transportation of persons by ambulance from Commission jurisdiction. This exemption also appears in the definition of "transportation of passengers and property" in Section 102:

Any and all service in connection with the receiving, transportation, elevation, transfer in transit, ventilation, refrigeration, icing, storage, handling, and delivering of property, baggage or freight, as well as any and all service in connection with the transportation or carrying of passengers, but shall not mean any service in connection with the receiving, transportation, handling or delivering of voting machines to and from polling places for or on behalf of any political subdivision of this Commonwealth for use in any primary, general or special election, or the transportation of any injured, ill or dead person, or the transportation by towing of wrecked or disabled

motor vehicles, or the transportation of pulpwood or chemical wood from woodlots.

66 Pa.C.S. § 102, definition of "transportation of passengers or property." (emphasis added).<sup>1</sup> The phrase "injured, ill or dead person" is not defined in the Public Utility Code.

The Commission previously addressed the scope of this exemption in several fully litigated cases, a petition for declaratory order, and two rulemaking proceedings. Two of the Commission's decisions were reviewed by the Commonwealth Court of Pennsylvania. While the scope of this exemption to emergency transportation has been well understood, its application to non-emergency transportation of ill or injured has been problematic. A review of precedent and the Commission's policy statement is instructive.

The issue was first examined in *Chappell v. PUC*, 425 A.2d 873 (Pa. Cmwlth. 1981). In this case the Commonwealth Court reviewed the Commission's exercise of jurisdiction over a motor carrier who proposed to transport non-ambulatory injured or ill persons to physicians' offices for medical treatment using ambulances and a station wagon, which was capable of being used as an ambulance. The Commission held that the injured or ill exemption applied only to emergency medical treatment, and that it always required certificates for the non-emergency transportation of passengers.

The Commonwealth Court reversed the Commission's decision and held that the exemption did apply to some non-emergency transportation of ill or injured passengers. The Court acknowledged that the legislature did not intend for the exemption to "[A]pply with respect to all injured and ill persons, for such an interpretation would encompass persons suffering from minor ailments as well as the more seriously ill and would include transportation to non-medical as well as medical destinations." *Chappell* at 875. (emphasis in the original). The Court noted that the Commission had by its own admission chosen to adopt a narrow interpretation of the exemption. However, the Court concluded that the Statutory Construction Act did not require this provision to be interpreted strictly, and that it should be "...liberally construed to effect the objects of the statute and promote justice." *Id.*; 1 Pa.C.S. § 1928(c).

The Court concluded that the exemption should be interpreted as follows:

The exemption, therefore, must be interpreted as applying to the transportation which is afforded persons who, because they are injured and ill, require transportation for medical treatment. In other words, the statute exempts the transportation of patients for purposes of medical treatment. Such a construction is not actually at odds with PUC licensing practices, for carriers such as Reading have already been licensed to provide a medi-taxi service to the elderly and incapacitated, in addition to the ill, for non-medical as well as for medical purposes. On the other hand, *DAC's non-emergency operation is limited to providing transportation for non-ambulatory patients to and from various medical facilities for medical treatment, and it does not offer taxi service, transport ambulatory persons, or provide transportation for non-*

<sup>1</sup> This exemption was added to the Public Utility Code in 1949. Prior to that, the Commission did regulate service by ambulances and hearses. See *Re Med-Bus, Inc.*, Docket A-00101278 (Order entered July 19, 1979).



medical purposes. The DAC provides, in effect, an ambulance service which falls within the exemption afforded by Section 102(9) of the Code, as opposed to a medi-taxi service, which does not.

Id. (emphasis added). *Chappell* therefore stands for the proposition that a certificate is not required in situations where there is a “non-emergency” transport of a “non-ambulatory” patient to and from a medical facility for medical treatment.

The Commission issued a policy statement to implement the *Chappell* decision at 52 Pa. Code § 41.1, which was adopted and became effective September 12, 1981.<sup>2</sup> The policy statement provided that the exemption would apply when the following circumstances were present:

(1) The transportation is performed by a carrier providing paratransit service utilizing specialized equipment.

(2) The passengers are persons, including patients, who—because they are injured or ill—require transportation to or from health care providers as defined in Section 103 of the Health Care Facilities Act (35 P. S. § 448.103).

A patient was defined as “a natural person receiving health care from a health care provider.” “Specialized equipment,” however, was not defined.

Several weeks after this policy statement was published in the *Pennsylvania Bulletin*, the Commonwealth Court revisited the scope of this exemption in *Triage, Inc. v. Pa. Pub. Utility Commission*, 450 A.2d 790 (Pa. Cmwlth. 1982). Here, a petitioner was appealing the Commission’s finding that a certificate of public convenience was not required for the transportation of certain disabled, elderly or wheelchair bound persons to and from appointments at doctors’ offices, clinics, hospitals, etc. The Commission had concluded that a certificate was not necessary in this case under the ill or injured exemption according to the recent *Chappell* decision by the Commonwealth Court.

The Commonwealth Court, however, reversed the Commission, finding that a certificate was necessary. The Court distinguished its holding in *Chappell* as follows:

In *Chappell* we determined that an ambulance service which transports “non-ambulatory patients to and from various medical facilities,” absent concomitant taxi service, transportation of ambulatory persons, or transportation for non-medical purposes, falls within the Section 102(9) exemption. 57 Pa. Commonwealth Ct. at 23, 425 A.2d at 876. A careful examination of *Triage’s* application reveals, however, that it does not match *Chappell* in two key particulars: (1) *it is intended to be a taxi service, not an ambulance service, and* (2) *it does intend to transport ambulatory individuals.*

*Triage* at 792 (emphasis added). The Court, in reviewing the application, determined that the petitioner intended to offer a taxi-type service and would include the transport of ambulatory individuals. The Court noted that the petitioner’s service was unlike an ambulance service in that it would not be available for individual patient use. However, the Court did not address the Commission’s statement of policy, and whether it complied with *Chappell*. This was perhaps due to the fact that the case was argued before the Court prior to the policy statement’s publication in the *Pennsylvania Bulletin*.

<sup>2</sup> *Transportation of Patients to or from Medical Locations by Paratransit Operations Utilizing Specialized Equipment*, Docket M-810225 (Order issued April 4, 1981). 11 Pa.B. 3108.

This issue was next revisited some years later in the context of an enforcement proceeding over unlicensed paratransit service. *Pennsylvania Public Utility Commission v. National Medi-Vans, Inc.*, C-903059 (Order entered April 18, 1991). The Commission had instituted a complaint against a carrier for providing paratransit services without a certificate of public convenience. Specifically, the carrier had transported non-ambulatory patients to and from physician’s offices, hospitals, and nursing homes. The presiding administrative law judge dismissed the complaint, finding that the service fell within the *Chappell* exemption.

The Commission’s Law Bureau excepted to the decision, arguing that the transportation to a physician’s office did not meet the definition of “health care facility” within the Health Care Facilities Act (HCFA), and that therefore this service did not fall within the exemption. The respondent asserted that *Chappell* required the Commission to interpret the exemption broadly, and that exclusion for transport to a physician’s offices was improperly narrow. It also noted that that the Commission’s policy statement did not include a definition for “health care facility.” The Commission, while not adopting the respondent’s argument on the meaning of *Chappell*, acknowledged that its policy statement needed revision if it planned to rely on the “health care facility” definition in the HCFA.

Shortly after this, the Commission revised Section 41.11 to comply with the language of the HCFA as it was codified at that time. *Policy Statement on Transportation of Persons to or from Medical Locations by Paratransit Operations Utilizing Specialized Equipment 52 Pa. Code § 41.11*, Docket M-910291 (Order entered July 17, 1991). Section 41.11 was amended to add definitions for health care facility, health care institution, health care provider and health maintenance organization. Health care facility and health maintenance organization were defined as having the same meaning as those terms in Section 103 of the HCFA, 35 P. S. § 448.103. The modified policy statement was codified as follows:

**§ 41.11. Transportation of persons to or from medical locations by paratransit operations utilizing specialized equipment—statement of policy**

(a) The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Health care facility*—A general or special hospital, as defined in section 103 of the Health Care Facilities Act (35 P. S. § 448.103).

*Health care institution*—The major categories of health care institutions include: hospitals, nursing care institutions, home health agencies, infirmaries and behavioral health services.

*Health care provider*—A person who operates a health care facility, health care institution or health maintenance organization.

*Health maintenance organization*—An organization which provides health care services as defined in section 103 of the Health Care Facilities Act.

(b) If the following circumstances are present, the Commission will regard that operation as beyond the regulatory jurisdiction of the Commission, under 66 Pa.C.S. § 102(9) (relating to definitions):

(1) The transportation is performed by a carrier providing paratransit service utilizing specialized equipment.

(2) The passengers are persons, including patients, who—because they are injured or ill—require transportation to or from health care providers, as defined in this section.

(c) This policy statement effectuates the Commonwealth Court decision of *Chappell v. Pennsylvania Public Utility Commission*, 57 Pa. Commw. 17, 425 A.2d 873 (1981).

(d) This policy statement also incorporates the Commonwealth Court decision of *Triage, Inc. v. Pennsylvania Public Utility Commission*, 69 Pa. Commw. 230, 450 A.2d 790 (1982) and the Commission's decision of *Pennsylvania Public Utility Commission v. National MediVans, Inc.*, Docket No. C-903059 (Order entered April 18, 1991).

As codified, this policy statement did not expressly include the Commonwealth Court's holdings regarding ambulatory vs. non-ambulatory patients. It also appeared to maintain, through the definition section, the exclusion of transportation to physician's offices from this exemption.

This policy statement was applied in two cases shortly thereafter. In both, the Commission held that the exemption did not apply to the motor carrier service at issue in each case. *Connellsville Taxi Service, Inc. v. Central Cab Company*, A-101803C901 (Order entered May 22, 1992), 1992 Pa. PUC LEXIS 79; *Application of White Line Taxi and Transfer Company, Inc.*, A-00000990, F.004, (Order entered June 17, 1992), 1992 Pa. PUC LEXIS 170.

In *White Line*, the ALJ held that the Suburban wagons the applicant proposed to use for paratransit service did not meet the definition of "specialized equipment" at Section 41.11(b) of the Commission's policy statement. These vehicles were not ambulances or capable of being used as ambulances. The ALJ also noted that applicant did not state whether the service would be used for ambulatory or non-ambulatory services. Applying *Triage*, the Commission held that the service was more akin to taxi service, and did not fall within the exemption. In the *Connellsville* case, the Commission applied the policy statement to find that transportation service to a physician's private offices was not covered by the exemption. Rather, the service had to be provided to a health care facility as defined by the HCFA.

The Commission last applied this policy statement in 1996. *Petition of Tri-State Emergency Systems, Inc. d/b/a Emery Care for Declaratory Order*, Docket P-00961060 (Order entered June 10, 1996). Emery Care wished to expand its service to transport ambulatory patients needing assistance to non-hospital medical facilities, clinics and physicians offices for medical treatment. It proposed to use vans equipped with basic life support equipment and staffed by paramedics and emergency medical technicians. It asked the Commission to determine whether its proposed service fell within the ill or injured exemption.

In *Tri-State*, the Commission applied the policy statement to reaffirm its prior holdings that transportation to a physician's office was not covered by the exemption. It clarified the meaning of "specialized equipment" to require basic life support equipment and oxygen, as well as staffing of vehicle with medical attendants. The Commission also acknowledged that the policy statement was silent on the ambulatory status of the individuals to be transported.

### Discussion

#### A. Scope of the Ill or Injured Exemption to Passenger Carrier Service

We find that the current policy statement should be revised to provide greater regulatory certainty to passenger carriers and to better conform to past Commonwealth Court and Commission precedent. Our objective is to craft a policy statement that is readily understood and able to be consistently applied by Commission staff, motor carriers, and other interested parties. Our review of the current policy statement and its past application identifies the following areas that could be improved:

- The policy statement does not clearly identify which types of passengers are covered by the ill or injured exemption.
- In applying the policy statement, the Commission has maintained a distinction between non-emergency transportation to physicians' offices and other locations where medical treatment is provided. This distinction is not well grounded in law or policy.
- The policy statement is unclear as to the minimum specialized equipment standards for the vehicles used.
- The policy statement is unclear as to the minimum staff requirements for the vehicles used.

The Court in *Chappell* and *Triage* identified the following elements to the ill or injured exemption:

- The transportation is for injured or ill persons who require medical treatment.
- The Court used the HCFA definition of "patients" in clarifying who they considered to be injured or ill. The definition of "patient" in the HCFA then, as it is now, is "a natural person receiving health care in or from a health care provider."
- The exemption was limited to the transport of "non-ambulatory" patients. *Chappell* at 876.
- In *Triage*, the Court reaffirmed the "non-ambulatory" requirement. It also stated that the exempted service was more akin to ambulance than medi-taxi service. For example, the exemption applied to the transport of individuals as opposed to groups of people.

#### 1. Health Care Facility Standard

It appears that the Commission's policy statement and its past application may not be in conformity with the holdings in *Chappell* and *Triage*. Specifically, the Commission narrowed this precedent via its policy statement to exclude transportation of injured or ill persons to physicians' offices from the exemption when *Chappell* and *Triage* did not expressly include such a distinction.

We note that the HCFA was amended subsequent to the most recent revisions to the policy statement, and that the definition of "health care facility" has been expanded to include physician's offices that render "clinically related health services." 35 P. S. § 448.103. Accordingly, the HCFA in its current form conflicts with *Tri-States* and prior holdings.

It is unclear to what extent the Commonwealth Court in *Chappell* considered the scope of the various definitions of the HCFA in reaching its holding. The Court neither cited to nor quoted from the definition of "health care facility" in the HCFA in the text of its opinion. The HCFA was not referenced at all in *Triage*. The Commission, in crafting its policy statement, may have relied on the definition of "health care facility" in the HCFA as it existed at that time to exclude transportation to physi-

cians' offices from the ill or injured exemption. However, that exclusion does not appear to have been the express intent of the Commonwealth Court either in *Chappell* or *Triage*. The appellant in *Chappell* stated in its application to the Commission that it did plan to offer transport to physicians' offices, and the Court could have excluded such service from its holding if it wished.

As already noted, the definition of "health care facility" in the HCFA was amended in 1992 to include physicians' offices at which reviewable "clinically related health service" is rendered. Clinically related health service is described by the HCFA as including "diagnostic, treatment or rehabilitative services." 35 P. S. § 448.103.

We conclude that the public interest would be best served by, and relevant precedent permits, the application of this exemption to the transportation of ill or injured persons to and from physicians' offices.

#### 2. *Non-ambulatory patient, specialized equipment and staffing standard*

A more difficult element of the Court's standard to apply is the requirement that the transport be for "non-ambulatory" patients. The Court did not define or provide examples of what it meant by a "non-ambulatory person." It is not a term that appears in the Public Utility Code, and it is not elsewhere defined in Pennsylvania's Statutes and Consolidated Statutes. The Court did provide guidance that the service was more akin to ambulance than to medi-taxi service.

Merriam-Webster defines "non-ambulatory" as an adjective meaning "not able to walk." Accordingly, it may include persons who are limited to using a wheelchair due to illness or injury, or who a physician has instructed not to walk unassisted because they are convalescing from illness or injury. It might also apply to a person, though they may be able to walk with assistance, who has a medical condition for which even assisted ambulation would be medically contraindicated.

It is true that in *Chappell* and *Triage* the Court did not expressly adopt specialized equipment or staffing standards as conditions to this exemption. However, the Court in *Triage* clearly contemplated that this service was more akin to ambulance than medi-taxi service. The Court noted that ambulances are unique passenger carrying vehicles, in that they are characterized by the Pennsylvania Vehicle Code as an emergency vehicle, and enjoy associated privileges. *Triage* at 792. Accordingly, we conclude that it is within the scope of our authority and the holdings of the Court for the Commission to impose certain reasonable minimum requirements on the nature of the vehicles and their operators.

In sum, to be exempt from Commission jurisdiction, the person being transported, (1) must be non-ambulatory; (2) the vehicles used should either be an ambulance, or a vehicle that by its nature and equipment has ambulance-like characteristics; (3) the vehicle should also be operated by at least one person, in addition to the driver, with some form of first responder or medical training in the transport of ill or injured persons; and (4) the person must be transported to or from a "health care facility" or physicians' offices at which reviewable "clinically related health service" is rendered. At the same time, we note that entities falling within this exemption to Commission jurisdiction, which transport injured or ill persons via wheelchair vehicle or stretcher vehicle (as defined by 35 Pa.C.S. § 8139(a) and (b)), and which transport a person who is known or reasonably should be known by the entity to require medical assessment, monitoring, treat-

ment or observation during transportation, fall within the jurisdiction of the Department of Health.

#### B. *Proposed Revisions to the Policy Statement*

##### 1. *Section 41.11 (a) Definitions.*

We find that the current definition of "health care facility" in the HCFA is comprehensive and consistent with the holdings of the Court in *Chappell* and *Triage*. However, we are cognizant of the fact that the HCFA could be amended in the future, resulting in a definition of health care facility that may be too broad, narrow, or otherwise inconsistent with prior case precedent. While the Commission may look to the HCFA and other state laws on occasion as a useful source of regulatory language, these laws were not enacted for the purposes of public utility regulation. The Commission should not link its regulation of a particular issue to the wording of a law inapplicable to public utilities, especially when not required to do so by law.

We will make use of this particular definition because it is a thorough and accurate description of a subject that is part of our regulatory scheme, not because we are required to use it. Therefore, in amending this policy statement, the current definition of health care facility will be used without reference to the HCFA. We will incorporate language from the definition of "clinically related health service" in the HCFA to identify when transportation to physicians' offices meets the exemption.

We are also adding a definition for "basic life support services" and "basic life support equipment" to more specifically identify the level of training and equipment required of the operators and vehicles used in the provision of this service. These definitions are based on published medical literature and protocols on the subject of emergency medical treatment.

A definition of "non-ambulatory person" is proposed to provide clarity about the scope of this exception. As discussed above, this will include those unable to walk, those able to walk only with assistance, or those who may be able to walk with assistance, but for which ambulation is contrary to medical instructions.

Several other existing definitions are being removed as they are duplicative with our revision to "health care facility."

##### 2. *Section 41.11(b) Exemption Criteria*

This section will be revised to conform to applicable court precedent and to clarify the scope of the exemption. Consistent with *Chappell* and *Triage*, the proposed policy statement provides that the exemption applies to "non-ambulatory" persons transported to "facilities" as opposed to "providers." Moreover, the specialized equipment standard has been expanded to require a driver plus one additional person capable of providing basic life support care.

##### 3. *Section 41.11(c) and (d) Purpose*

These sections will be consolidated.

Accordingly, pursuant to its authority under Section 501 of the Public Utility Code, 66 Pa.C.S. § 501, the Commission proposes the attached revisions to its policy statement; *Therefore,*

#### *It Is Ordered That:*

1. This proposed statement of policy be issued to solicit comments regarding revisions to § 41.11.

2. Notice of this proposed policy statement is published in the *Pennsylvania Bulletin*.

3. A copy of this order shall be posted on the Commission's website.

4. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

5. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. Comments will be due within 30 days of publication in the *Pennsylvania Bulletin* and an original and 15 copies of any comments be served upon the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

7. The contact person for this proceeding is Adam D. Young, Law Bureau, (717) 772-8582.

8. A copy of this proposed policy statement shall be served on all licensed paratransit service providers within the meaning of § 29.13(6).

ROSEMARY CHIAVETTA,  
Secretary

**Fiscal Note:** 57-285. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

#### Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

#### CHAPTER 41. GENERAL ORDERS, POLICY STATEMENT AND GUIDELINES ON TRANSPORTATION UTILITIES

#### TRANSPORTATION

§ 41.11. Transportation of persons to or from medical locations by paratransit operations utilizing specialized equipment—statement of policy.

(a) **Definitions.** The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

**Basic life support equipment**—Equipment necessary to provide basic life support services.

**Basic life support services**—The prehospital or interhospital emergency medical care and management of illness or injury performed by specially trained, certified or licensed personnel, including automated external defibrillation, cardiopulmonary resuscitation, airway management, control and stabilization of bleeding or injuries, and first aid.

**Health care facility**—[ A general or special hospital, as defined in section 103 of the Health Care Facilities Act (35 P. S. § 448.103). ]

(i) A health care facility providing clinically related health services, including a general or special hospital, including psychiatric hospitals, rehabilitation hospitals, ambulatory surgical facilities, long-term care nursing facilities, cancer treatment cen-

ters using radiation therapy on an ambulatory basis and inpatient drug and alcohol treatment facilities, both profit and nonprofit and including those operated by an agency or State or local government.

(ii) The term includes a hospice.

(iii) The term includes an office used primarily for the private or group practice by health care practitioners where diagnostic, rehabilitative and treatment services are offered.

[ **Health care institution**—The major categories of health care institutions include: hospitals, nursing care institutions, home health agencies, infirmaries and behavioral health services.

**Health care provider**—A person who operates a health care facility, health care institution or health maintenance organization.

**Health maintenance organization**—An organization which provides health care services as defined in section 103 of the Health Care Facilities Act. ]

**Nonambulatory person**—A person who is not able to walk, not able to walk without assistance or who has a medical condition so that even assisted ambulation is medically contraindicated.

(b) **Exemption criteria.** If the following circumstances are present, the Commission will regard that operation as beyond the regulatory jurisdiction of the Commission [ , ] under the ill or injured exemption to the definition of "common carrier by motor vehicle" in 66 Pa.C.S. § 102[ (9) ] (relating to definitions):

(1) The transportation is performed by a carrier providing paratransit service utilizing [ specialized ] basic life support equipment. The vehicle shall be operated by a driver and at least one additional person with medical training, such as an emergency medical technician, sufficient to provide basic life support services.

(2) The passengers are nonambulatory persons, including patients, who—because they are injured or ill—require transportation to or from health care [ providers ] facilities, as defined in this section.

(c) **Purpose.** This policy statement effectuates the Commonwealth Court decision of *Chappell v. Pennsylvania Public Utility Commission*, 57 Pa. Commw. 17, 425 A.2d 873 (1981) and *Triage, Inc. v. Pennsylvania Public Utility Commission*, 69 Pa. Commw. 230, 450 A.2d 790 (1982).

[ (d) This policy statement also incorporates the Commonwealth Court decision of *Triage, Inc. v. Pennsylvania Public Utility Commission*, 69 Pa. Commw. 230, 450 A.2d 790 (1982) and the Commission's decision of *Pennsylvania Public Utility Commission v. National MediVans, Inc.*, Docket No. C-903059 (Order entered April 18, 1991). ]

[Pa.B. Doc. No. 11-971. Filed for public inspection June 10, 2011, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 24, 2011.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-16-2011	Warren H. Weiner WFP2, LP.  Application for approval to collectively acquire up to 138,334 of the common stock of Hyperion Bank, Philadelphia, Philadelphia County	Filed

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-19-2011	Luzerne Bank Luzerne Luzerne County  Application for approval to purchase assets and assume liabilities of one branch of First Columbia Bank & Trust Co., Bloomsburg, located at:  10 Dessen Drive Hazle Township West Hazleton Luzerne County	Approved

### Branch Applications

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-18-2011	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	<i>To:</i> 2021-2023 Sproul Road Broomall Delaware County  <i>From:</i> 1991 Sproul Road, Suite 22 Broomall Delaware County	Filed

#### Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-20-2011	S&T Bank Indiana Indiana County	<i>Into:</i> 410 Main Street Clarion Clarion County  <i>From:</i> 650 Main Street Clarion Clarion County	Filed

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-31-2011	VIST Bank Wyomissing Berks County	190 East DeKalb Pike King of Prussia Montgomery County	Closed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-23-2011	First Columbia Bank & Trust Company Bloomsburg Columbia County	10 Dressen Drive West Haxleton Luzerne County	Approved
5-20-2011	Graystone Tower Bank Lancaster Lancaster County	1109 East Baltimore Pike Kennett Square Chester County	Withdrawn
5-20-2011	Graystone Tower Bank Lancaster Lancaster County	1660 East Street Kennett Square Chester County	Withdrawn

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

##### Community Charter Conversions

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
5-20-2011	Belco Community Credit Union Harrisburg Dauphin County  Application for approval to merge LEBCO Educators Federal Credit Union, Lebanon, with and into Belco Community Credit Union, Harrisburg.	Approved

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-972. Filed for public inspection June 10, 2011, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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## I. NPDES Renewal Applications

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## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**PA0026816**, Sewage, SIC 4952, **East Norriton-Plymouth-Whitpain Joint Sewer Authority**, 200 Ross Street, Plymouth Meeting, PA 19462.

This facility is located in Plymouth Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage effluent from the East Norriton-Plymouth STP through Outfall 001. Stormwater runoff discharges through Outfall 002.

The receiving stream, the Schuylkill River, is in the State Water Plan watershed 3F and is classified for: warm water fishes, aquatic life, migratory fishes, water supply, and recreation. The nearest downstream public water supply intake for the Philadelphia Water Department is located on the Schuylkill River and is approximately 10.4 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 8.1 mgd:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (05/01-10/31)	20	30		40
CBOD <sub>5</sub> (11/01-04-30)	25	40		50
Total Suspended Solids	30	45		60
NH <sub>3</sub> -N (11/01-04-30)	20.0			40.0
NH <sub>3</sub> -N (05/01-10/31)	12.0			24.0
Fecal Coliform (col/100 ml)	200			1,000*
Dissolved Oxygen	5.0 min.			
pH (Std. units)	6.0			9.0
Total Dissolved Solids	1,000			2,500
Total Phosphorus	Monitor			Monitor
Copper	Monitor		Monitor	
Lead	Monitor		Monitor	
Zinc	Monitor		Monitor	
Free Cyanide	Monitor		Monitor	
Total Residual Chlorine	0.5			1.2

\* Not to exceed 1,000 col/100 ml as an instantaneous maximum from May through September. Not to exceed 1,000 col/100 ml in greater than 10 percent of samples tested from October through April.

The proposed effluent limits for Outfall 002 are based on an average storm event:

<i>Parameters</i>	<i>Average Annual (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	Monitor		Monitor	
COD	Monitor		Monitor	
Total Suspended Solids	Monitor		Monitor	
Oil and Grease	Monitor		Monitor	
Fecal Coliform (col/100 ml)	Monitor		Monitor	
Total Phosphorus	Monitor		Monitor	
pH (Std. Units)	Monitor		Monitor	

In addition to the effluent limits, the permit contains the following major special conditions:

1. Notification of Responsible Operator
  2. Definition of "Average Weekly"
  3. Remedial Measures if Public Nuisance
  4. No Stormwater to Sanitary Sewers
  5. Necessary Property Rights
  6. Change in Ownership
  7. Chlorine Minimization
  8. Proper Sludge Disposal
  9. TMDL/WLA Analysis
  10. Operator Training Plan
  11. WETT with Renewal
  12. Instantaneous Maximum Limitations
  13. Operations and Maintenance Plan
  14. Laboratory Certification
  15. Fecal Coliform Reporting
  16. PCB TMDL
  17. Stormwater Requirements
  18. Pretreatment Program
- EPA waiver is not in effect.

**PA0012432**, SIC Code 2033, **Sunny Dell Foods, Inc.**, 135 North 5th Street, Oxford, PA 19363-1507. Facility Name: Sunny Dell Foods, Inc. This existing facility is located in Oxford Borough, **Chester County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of non-contact cooling water.

The receiving stream(s), Unnamed Tributary to West Branch Big Elk Creek, is located in State Water Plan watershed 7-K and is classified for HQ-TSF, MF, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies. The discharge is a non-significant point source in the Chesapeake Bay watershed.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.05 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>		
Flow (MGD)	Report Avg Monthly	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
Temperature (°F)						
Jan 1-31	XXX	XXX	XXX	60	XXX	110
Feb 1-29	XXX	XXX	XXX	58	XXX	110
Mar 1-31	XXX	XXX	XXX	67	XXX	110
Apr 1-15	XXX	XXX	XXX	81	XXX	110
Apr 16-30	XXX	XXX	XXX	110	XXX	110
May 1-15	XXX	XXX	XXX	96	XXX	110
May 16-31	XXX	XXX	XXX	110	XXX	110
Jun 1-15	XXX	XXX	XXX	79	XXX	110
Jun 16-30	XXX	XXX	XXX	88	XXX	110
Jul 1-31	XXX	XXX	XXX	76	XXX	110
Aug 1-15	XXX	XXX	XXX	93	XXX	110



Parameters	Mass (lb/day)		Instant. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Total Annual		Average Monthly		
Aug 16-31	XXX	XXX	XXX	110	XXX	110
Sep 1-15	XXX	XXX	XXX	105	XXX	110
Sep 16-30	XXX	XXX	XXX	93	XXX	110
Oct 1-15	XXX	XXX	XXX	93	XXX	110
Oct 16-31	XXX	XXX	XXX	80	XXX	110
Nov 1-15	XXX	XXX	XXX	81	XXX	110
Nov 16-30	XXX	XXX	XXX	60	XXX	110
Dec 1-31	XXX	XXX	XXX	57	XXX	110
CBOD <sub>5</sub>	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Nitrate as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	XXX	XXX	XXX

In addition, the permit contains the following major special conditions:

1. Effective Disinfection
2. Remedial Measures if Unsatisfactory Effluent
3. Discharge to Small Stream
4. BAT/ELG Reopener
5. 2° F Temperature Change in One-Hour
6. Change of Ownership
7. Chlorine Minimization
8. I-Max
9. 2/Month Monitoring Requirements
10. Laboratory Certification

Appointments can be made to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**PA0026921-A1**, Sewage, **Greater Hazleton Joint Sewer Authority**, P. O. Box 651, Valmont Industrial Park, West Hazleton, PA 18201-0651.

This proposed facility is located in West Hazleton Borough, **Luzerne County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated sewage.

This proposed amendment is solely for the purpose of revising the substantial completion date contained in the compliance schedule for the Chesapeake Bay nutrient effluent limits from April 1, 2011 to December 1, 2011. The date for achieving compliance with the effluent limits, September 30, 2012, remains unchanged. There are no other changes to the permit.

*Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.*

**PA0032492**, Sewage, SIC Code 4952, **PA DCNR Bald Eagle State Park**, 149 Main Park Road, Howard, PA 16841-3508. Facility Name: Bald Eagle State Park. This existing facility is located in Liberty Township, **Centre County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Bald Eagle Creek, is located in State Water Plan watershed 9-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.45 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	94	150	XXX	25	40	50
Total Suspended Solids	113	169	XXX	30	45	60
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean Report	XXX	10,000
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	8219			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)	Report	1096			

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2013. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2014. This 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, 2013.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

**PA0043893**, Sewage, SIC Code 4952, **Western Clinton County Municipal Authority**, P. O. Box 363, Renovo, PA 17764-0363. Facility Name: Western Clinton County Municipal Authority Wastewater Treatment Plant. This existing facility is located in Renovo Borough, **Clinton County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 9-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.9 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	2.3
CBOD <sub>5</sub>	188	300	XXX	25	40	50
Total Suspended Solids	225	338	XXX	30	45	60

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1,000
Oct 1 - Apr 30				2,000		
	XXX	XXX	XXX	Geo Mean	XXX	10,000
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Average Monthly	Maximum
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	16,438			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)	Report	2,192			

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2011. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012. This facility is required to monitor and report for Total Nitrogen and Total Phosphorus from the effective date of the permit until September 30, 2011.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693. The EPA Waiver is not in effect.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0023213**, Sewage, SIC Code 4952, **Ridgway Borough**, PO Box 149, Ridgway, PA 15853-0149. Facility Name: Ridgway Borough STP. This existing facility is located in Ridgway Borough, **Elk County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage, industrial wastewater and oil & gas brine wastewater.

The receiving stream, the Clarion River, is located in State Water Plan watershed 17-A and is classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.2 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)		Report				
	Report	Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	460	735	XXX	25	40	50
Total Suspended Solids	550	825	XXX	30	45	60
Total Dissolved Solids		183,826			Report	
Osmotic Pressure (mOs/kg)	76,299	Daily Max	XXX	Report	Daily Max	XXX
	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30				2000		
	XXX	XXX	XXX	Geo Mean	XXX	10000
Ammonia-Nitrogen	1,981		XXX	108		216

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Fluoride	2,035	3,050	XXX	Report	Report	XXX
Total Barium	Report	XXX	XXX	Report	XXX	XXX
Total Strontium	Report	XXX	XXX	Report	XXX	XXX
Chloride	Report	XXX	XXX	Report	XXX	XXX
Sulfate	Report	XXX	XXX	Report	XXX	XXX
Bromide	Report	XXX	XXX	Report	XXX	XXX
Total Uranium (µg/L)	XXX	XXX	XXX	Report	XXX	XXX
Gross Alpha (pCi/L)	XXX	XXX	XXX	Report	XXX	XXX
Radium 226/228, Total (pCi/L)	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfalls 101, 006 & 007 are based on a design flow of N/A MGD.

The discharge(s) shall consist of uncontaminated stormwater runoff from the sewage treatment plant site.

In addition, the permit contains the following special conditions:

- TRC Minimization
- Pretreatment (continued implementation)
- WET testing for the renewal
- Stormwater Best Management Practices
- Sanitary Sewer Overflow condition
- eDMR Reporting Requirement
- Brine Wastewater Treatment
- Limit on quantity of wastewater associated with natural gas drilling.
- Requirement for a Radiation Protection Action Plan

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is not in effect.

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### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**WQM Permit No. WQG02151106**, Sewage, **Longwood Gardens Inc.**, Route 1, P. O. Box 501, Kennett Square, PA 19348.

This proposed facility is located in Pennsbury Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station.

**WQM Permit No. 4611404**, Sewage, **Upper Gwynedd Township, Parkside Place**, P. O. Box 1, West Point, PA 19486.

This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a 16 inch gravity sewer, pump station and 8 inch force main.

**WQM Permit No. 1511403**, Sewage, **Pennsylvania American Water**, 4 Wellington Boulevard, Wyomissing, PA 19610.

This proposed facility is located in Valley & East Fallowfield Township & City of Coatesville, **Chester County**.

Description of Action/Activity: Replacing existing sewer trunk line with larger diameter pipe, sewer trunk line realignment and sewer main extension.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**WQM Permit No. 5411403**, Industrial Waste, **Commonwealth Environmental Systems, L.P.**, P. O. Box 322, Hegers, PA 17938

This proposed facility is located in Foster Twp., **Schuylkill County**, PA.

Description of Proposed Action/Activity: The application is for construction and operation of a wastewater treatment plant to treat landfill leachate.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

**WQM Permit No. 0811201**, CAFO Operation [SIC 0213], **Van Blarcom Farms**, James Van Blarcom, 934 Besley Road, Columbia Cross Roads, PA 16914-7789.

This proposed facility is located in Columbia Township, **Bradford County**.

Description of Proposed Activity: Van Blarcom Farms, an existing dairy and swine farm, proposes construction of new and expanded swine barns with concrete under barn manure storage facilities and an additional HDPE lined manure storage facility impoundment. The proposed manure storage facilities will hold the following volumes of manure: breeding and gestation under barn storage (643,476 gallons), farrowing under barn storage (205,184 gallons) and gilt grower under barn storage (96,017 gallons) and a new manure storage facility impoundment (2,663,000 gallons). The new and existing manure storage facilities at this farm will hold a total stored volume of approximately 7,000,000 gallons of manure. All proposed facilities are designed with leak detection systems. A separate CAFO permit application was submitted with this WQM permit to amend the facility's existing NPDES permitted Animal Equivalent Units (AEUs) from 1316 to 2736.

This is a republish notice to correct an earlier publication error in the April 16, 2011 bulletin notice.

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#### IV. NPDES Applications for Stormwater Discharges from MS4

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#### V. Applications for NPDES Waiver Stormwater Discharges from MS4

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#### VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

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*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, 610-377-4894*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021311003	Jim Thorpe Area School District 410 Center Ave. Jim Thorpe, PA 18229	Carbon County	Jim Thorpe Boro.	Silkmill Run EV

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032810001(1)	Cumberland Valley Reg. Dev. Corp. (United Business Park) 100 Lincoln Way East, Suite A Chambersburg, PA 17201	Franklin	Southampton Twp.	Middle Spring Creek (HQ-CWF)

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001 (724-378-1701)*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055611003	Beth Lavalley Beaver County Airport 15 Piper Street Beaver Falls, PA 15010	Beaver	Chippewa Township	UNT to North Fork Little Beaver Creek (HQ-CWF)

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, PO Box 8554, Harrisburg, PA 17105-8554*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI144011001	Department of General Services, Bureau of Engineering and Architecture, 18th and Herr Streets, Harrisburg, PA 17125	Luzerne	Ashley Borough	HQ-CWF, MF

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#### VII. List of NOIs for NPDES and/or Other General Permit Types

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PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

### STATE CONSERVATION COMMISSION

### NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code

Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Pine Hill Farm 2543 Hickory Rd Columbia Cross Roads, PA 16914	Bradford	260	3243.9	Swine	N/A	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER MINOR AMENDMENT**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**Application No. 3511507MA**

Applicant	<b>Pennsylvania-American Water Company</b>
[Township or Borough]	Clarks Summit Borough <b>Lackawanna County</b>
Responsible Official	David R. Kaufman, VP Engineering PA-AM Water Co. 800 West Hershey Park Drive Hershey, PA 17033
Type of Facility	Community Water System
Consulting Engineer	Daniel G. Rickard, PE PA-AM Water Co. 100 North Pennsylvania Avenue Wilkes-Barre, PA 18701 570-830-6531
Application Received Date	May 20, 2011
Description of Action	Application for replacement of existing chlorine gas disinfection feed systems at seven (7) Abington well stations with liquid sodium hypochlorite systems.

### Water Allocations

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#### Actions taken on applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

**WA 53-252C**, Water Allocations. **Galeton Borough Authority**, 4 Sherman Street, Galeton, PA 16922, West Branch Township, **Potter County**. This is a request for renewal and installation of infiltration galleries on Wetmore Run and Right Branch of Wetmore Run. The Authority already has received their PWS Major Permit Modification for changing of the raw water influent from direct intakes to infiltration galleries. The Authority would like to generate revenue by utilizing the excess allocation in their current situation to supply water to the oil & gas industry within the area.

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#### Applications received under the Act of June 24, 1939 relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WA 16-1003A**, Water Allocations. **Borough of East Brady**, 502 Ferry Street, Suite 15, East Brady, PA 16028, East Brady Borough, **Clarion County**. The permittee has requested to acquire water rights to utilize 100,800 gpd from a "River Well" identified as Well #3

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

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Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Fisher Property**, 194 East Second Street, Franklin Township, **Carbon County**. John C. Lydzinski, Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 has submitted a Notice of Intent to Remediate (on behalf of his client, Kelly Fisher, 263 Pinoak Road, Lehigh, PA 18235), concerning the remediation of soil found to have been impacted by fuel oil as a result of a release due to a loose fitting running from the aboveground storage tank to the furnace. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil. It is anticipated that the property will continue to be used for residential purposes. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

**Turkey Hill 123**, 120 South Main Street, Shenandoah Borough, **Schuylkill County**. Kelly Lee Kinkaid, Liberty Environmental, Inc., 50 North 5th Street, 5th Floor, Reading, PA 19601 has submitted a Notice of Intent to Remediate (on behalf of her client, Turkey Hill, LP, 257 Centerville Road, Lancaster, PA 17603), concerning the remediation of soil and groundwater found to have been impacted by leaded gasoline as a result of a release from one or more closed-in-place underground storage tanks. The applicant proposes to remediate the site to meet the Site-Specific Standard by pathway elimination in both soil and groundwater on site and for groundwater off site. The property is intended to continue use as a commercial facility in the future. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

**Gudz Estate**, 206 N. 14th Street, Easton City, **Northampton County**. Dawn Washo, Resource Environmental Management, Inc., 37 Taylor Lane, Montrose, PA 18801 has submitted a Notice of Intent to Remediation (on behalf of her client, Clara Ulmer, 25 Hainesburg River Road, Columbia, NJ 07832), concerning the remediation of soil found to have been impacted by home heating oil, leaded gasoline and 1,1,2,2-tetrachloroethane as a result of a release from an underground storage tank during the tank's removal. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Lancaster Shopping Center**, 1605-1659 Lititz Pike, Manheim Township, **Lancaster County**. Island Environmental Inc., 4253 Old National Pike, Suite 4, Middletown, MD 21769, on behalf of Federal Realty Investment Trust, 1626 East Jefferson Street, Rockville, MD 20852 and Manheim Associates, 33 Evergreen Place, East Orange, NJ 07018, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents from historical operations of a dry cleaners. The site will be remediated to the Non-Residential Statewide Health standard, and will remain a commercial facility.

**Lancaster Family Medicine Associates**, 2850 Willow Street Pike, West Lampeter Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of WSK Partners, LLC, 2850 Willow Street Pike, Willow Street, PA 17584, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil from an unregulated underground storage tank. The site will remain a commercial/retail facility, and will be remediated to the Residential Statewide Health standard.

#### REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS

**Application(s) received for Registration 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—4000.104); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone 412-442-4000.*

**General Permit No. WMGR109SW004. US Alternative Fuels Corp.**, 432 Horner Street, Johnstown, PA 15902. A residual waste general permit for the processing and beneficial use of used restaurant oil, yellow grease, grease trap waste, oils and animal fat from food processing or rendering plants, waste from ethanol production, soybean soap stock, float grease (from wastewater treatment plants), and off-specification vegetable oils for use as biofuel and biodiesel in the City of Johnstown, **Cambria County**, was received in the Regional Office on May 11, 2011.

Comments concerning the application should be directed to Diane McDaniel, Environmental Engineering Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application may contact the DEP Southwest Regional Office, Regional Files at 412-442-4000. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 30 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 has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.



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**PLAN APPROVALS**


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**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**10-2810: II-VI, Inc.** (375 Saxonburg Boulevard, Saxonburg, PA 16056) for construction of an additional Hydrogen Selenide production process and associated scrubber in the existing DH building in Clinton Township, **Butler County**. This is a State Only facility.

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**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**09-0090B: Praxair Distribution Mid-Atlantic, LLC—dba GTS—WELCO** (One Steel Road East, Morrisville, PA 19067) to add a new automated gas cylinder coating booth and a decrease in capacity in the existing manual gas cylinder spray booths under Source ID No. 110 at their facility in Falls Township, **Bucks County**. The potential volatile organic compound emissions from the automated spray booth are expected to be 4.24 pounds per hour, 50.92 pounds per day, and 6.4 tons per year on a 12-month rolling sum basis. The automated spray booth is subject to the coating restrictions, testing, monitoring, and recordkeeping requirements from 25 Pa. Code § 129.52. The volatile organic compound emissions from Source ID No. 110 will be limited to 3 pounds per hour, 15 pounds per day, and 2.75 tons per year on a 12-month rolling sum basis, and Source ID No. 110 will no longer be subject to the coating restrictions, testing, monitoring, and recordkeeping requirements from 25 Pa. Code § 129.52. Monitoring and recordkeeping requirements were added to Source ID No. 110 to demonstrate compliance with the applicable limits on the source.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**PA-63-00922B: Robinson Power Co., LLC** (PO Box 127, 563 Route 18, Burgettstown, PA 15021) for construction of a Gas Turbine Power Generating Facility, in Robinson Township, **Washington County**.

In accordance with 25 PA Code §§ 127.44(b) and 127.45, the Pennsylvania Department of Environmental Protection (PADEP) intends to issue an Air Quality Plan Approval to Robinson Power Company LLC to authorize the construction of a Gas Turbine Power Generating Facility, in Robinson Township, Washington County.

The proposed facility will consist of: a gas-fired, combined cycle, GE frame 7EA gas turbine, a heat recovery

steam generator (HRSG) with a duct burner, a steam turbine generator, condenser, and auxiliary equipment- a diesel powered fire water pump and a cooling tower. The gas and steam turbines will generate 82.3 MW and 65.5 MW, respectively, for a total of 147.8 MW. Robinson proposes to utilize locally available Marcellus Shale gas consisting of a mixture of methane and ethane.

The proposed facility is subject to the applicable requirements of 25 PA Code, Chapters 121 through 145, 40 CFR Part 60, Subparts KKKK and IIII, (related to standards of performance for Stationary Combustion Turbines and Stationary Compression Internal Combustion Engines), 40 CFR Parts 72 through 78 (related to acid rain), and 25 PA Code Chapter 145 (related to the NOx budget program). The Department believes that the facility will meet these requirements by complying with the emission limitation, testing, monitoring, recordkeeping, reporting and work practice standards established in the proposed Plan Approval

Annual emissions from this facility will not exceed 30 tons oxides of nitrogen (NOx), 80 tons of carbon monoxide (CO), 30 tons of non-methane organic compounds (NMOCs), 5 tons of sulfur dioxide (SO<sub>2</sub>), 30 tons of particulate matter less than 10 microns in size (PM<sub>10</sub>), 0.4 tons formaldehyde, 5 tons of all HAPs (hazardous air pollutants) and 620,000 tons of carbon dioxide equivalents (CO<sub>2e</sub>).

In accordance with PA Code Title 25 § 127.1, the Department has determined that best available technology (BAT) for the turbine/HRSG/duct burner includes the use of gas as a fuel, good combustion practices, dry low NOx combustors, low NOx burners, selective catalytic reduction (SCR) and catalytic oxidation (CatOx). BAT for the diesel-fired fire water pump is the use of ultra low sulfur diesel fuel, limitations on hours of operation and compliance with 60 CFR 60, Subpart IIII. BAT for the cooling tower is the use of a source designed to minimize drift to less than 0.0005%, and control of the solids content of the cooling tower fluid through testing and appropriate purge/makeup.

Application and other supporting documentation are available at the address shown below. Any person wishing to either object to issuance of the plan approval or a proposed condition thereof, or to provide the Department with additional information that they believe should be considered prior to the issuance of the plan approval, or to request a hearing may submit the information in writing to the Department. Written comments should be mailed to the Department at the address shown below. A comment period of 30 days from the date of publication of this notice shall exist. All comments must be received within thirty days of the date of this public notice. In accordance with PA Code Title 25 § 127.46, comments shall include the following:

1. Name, address, and telephone number of the person filing the comment.
2. Identification of the proposed plan approval issuance being opposed (PA-63000922B).
3. Concise statement of the objections to the plan approval issuance, and the relevant facts upon which the objections are based

Written comments should be mailed to Barbara R. Hatch, P.E., Environmental Engineer Manager, PADEP, 400 Waterfront Drive, Pittsburgh, PA 15222, 412-442-4000.

**26-00590: Carlisle Construction Materials** (PO Box 7000, Carlisle, PA 17013) for installation and initial

temporary operation of an Insulfoam expanded polystyrene block molded product line at their Hunter Panels LLC facility in Georges Township, **Fayette County**.

In accordance with 25 Pa. Code §§ 127.44—127.46, the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval No. 26-00590 to Carlisle Construction Materials to allow the installation and initial temporary operation of an Insulfoam expanded polystyrene block molded product line at the Hunter Panels LLC facility located off of Summit View Drive in the Fayette Industrial Park, Georges Township, Fayette County. The proposed system will include collection and control of emissions of pentane released during the manufacturing process from the pre-expansion and molding process; a permanent total enclosure with capture from the bead aging process; and destruction of captured emissions via a regenerative thermal oxidizer. Emissions that escape the collection system as well as those from product storage areas will be emitted as fugitive emissions.

Annual potential emissions from the project are estimated to be 49.3 tons of volatile organic compounds (VOC), 5.5 tons of hazardous air pollutants (HAP), 3.5 tons of carbon monoxide (CO), 4.2 tons of nitrogen oxides (NO<sub>x</sub>), less than 1.0 ton of particulate matter (PM), and less than 1.0 ton of sulfur dioxide (SO<sub>x</sub>). Hunter Panels, LLC as a subsidiary (which is shared ownership with Insulfoam) of the parent corporation Carlisle Construction Materials. Neither the Hunter Panels, LLC facility nor the proposed project by Carlisle Construction Materials is major by itself. This review has been conducted considering Carlisle Construction Materials and Hunter Panels, LLC as a single facility as defined by Title 25 Pa Code Section 121.1 and as a result of the proposed project the facility will become major for Title V purposes. The project does not trigger the requirements of Title 25 PA Code Subchapters D or E. The Plan Approval has been conditioned to ensure compliance with all applicable regulatory requirements and will include federally enforceable emission limitations on allowable, visible, fugitive, and malodorous emissions, as well as, requirements for stack testing, monitoring, proper maintenance, record keeping, and emission reporting. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a Title V Operating Permit in accordance with Title 25 PA Code Subchapter G.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to: Mark Gorog, Pennsylvania Department of Environmental Protection, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Plan Approval (PA-26-00590).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

For additional information you may contact Mark Gorog at 412-442-4150.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**43-292A: Tri County Landfill, Inc.** (159 TCI Park Drive, Grove City, PA 16127) for air emission sources associated with the reopening and expansion of Tri County Landfill's municipal solid waste landfill in Pine and Liberty Townships, **Mercer County**. This will be a Title V facility.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b) the Department of Environmental Protection (DEP) intends to issue Plan Approval 43-292A to Tri-County Landfill, Inc. for air emission sources associated with the reopening and expansion of Tri County Landfill's municipal solid waste landfill in Pine and Liberty Townships, Mercer County. The Plan Approval will subsequently be incorporated into a Title V Operating Permit.

Plan Approval No. 43-292A is for air emission sources associated with the reopening and expansion of Tri County Landfill's municipal solid waste landfill in Pine and Liberty Townships, Mercer County. This project includes the relocation of approximately 1,550,000 cubic yards of waste from the previously existing landfill to the proposed disposal area, and the installation of an associated landfill gas control system, with two (2) enclosed flares. Based on the information provided by the applicant and DEP's own analysis, the proposed landfill will have potential emissions of 238.3 tons per year of particulate matter, 57.8 tons of which will be particulate matter less than 10 microns (PM-10), 31 tons per year of carbon monoxide, 22.9 tons per year of nitrogen oxides (NO<sub>x</sub>), 18.0 tons per year of volatile organic compounds (VOC), 12.8 tons per year of sulfur oxides (SO<sub>x</sub>), 12.2 tons per year of total Hazardous Air Pollutants (HAP), and 97,127 tons per year (CO<sub>2</sub> equivalent) of greenhouses gases.

The Plan Approval will contain additional testing, monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. The facility will additionally be subject to 40 CFR 60 Subpart WWW and 40 CFR 63 Subpart AAAA, the applicable requirements of which are contained in the Plan Approval, and will be required to comply with the Department's established Best Available Technology requirements for municipal solid waste landfills.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address, and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 43-292A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

#### OPERATING PERMITS

##### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00020: Superior Tube Co., Inc.** (3900 Germantown Pike, Collegeville, PA 19426) for renewal of the original Title V Operating Permit, which was issued on August 8, 2006, and amended on December 8, 2009, in Lower Providence Township, **Montgomery County**. This proposed renewal of the Title V Operating permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. Some sources have been, however, been removed from the facility. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**39-00005: Prior Coated Metals, Inc.** (2233 26th Street SW, Allentown, PA 18103) for issuance of a Title V Permit in Allentown City, **Lehigh County**. This facility consists of a coil coating operation. These sources have the potential to emit major quantities of regulated pollutants (VOC) above Title V emission thresholds. No change has taken place at this facility that were not previously permitted. The proposed Title V Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

##### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00262: Penn Color, Inc.** (2755 Bergey Road, Hatfield, PA 19440) for issuance of a State Only Operating Permit to operate pigment manufacturing equipment at their pigment manufacturing facility in Hatfield Township, **Montgomery County**. Plan Approvals, 46-313-146 and 46-0262A, are being incorporated into the facility synthetic minor initial operating permit, 46-00262. This

Operating Permit shall include monitoring and recordkeeping requirements to ensure that this facility complies with all applicable air quality regulations.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**06-03062: Theodore C. Auman, Inc.** (247 Penn Street, Reading, PA 19601) for operation of a human crematory at their funeral home in the City of Reading, **Berks County**. This is a renewal of their State-Only Operating Permit issued in 2006.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has the potential to emit 0.4 tpy of CO, 0.1 tpy NO<sub>x</sub>, 0.4 tpy PM<sub>10</sub>, 0.1 tpy SO<sub>x</sub>, & 0.7 tpy VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests.

Tom Hanlon, Chief, East Permitting Section, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**26-00488: Laurel Aggregates, Inc.—Wymps Gap—Lake Lynn Quarry** (2480 Springhill Furnace Road, Lake Lynn, PA 15451) for operation of a limestone processing facility in Springhill Township, **Fayette County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of the portable processing equipment including six crushers, eight screens, and various conveyors and stackers. The facility has the potential to emit 26.13 tpy PM<sub>10</sub>. The facility is required to conduct weekly surveys of the site for fugitive emissions and malodors, and must take all actions to prevent particulate matter from becoming airborne. The proposed authorization is subject to State and Federal Regulations (OOO). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Operating Permit (26-00488).

Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. This is an Intent to renew the SOOP.

**56-00011: New Enterprise Stone and Lime Co.—Central City Sand Plant** (417 Sand Plant Road, Cairnbrook, PA 15924) for operation of a san processing plant locate in Shade Township, **Somerset County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of the following processing equipment: six crushers, four screens, one sand classifier and transfer belts. The facility is limited to 1,000,000 tons of product per consecutive 12-month period. The facility also operates two diesel generators: Caterpillar 3508, rated at 1089 bhp and a Caterpillar D398 rated at 939 bhp. The 939 bhp engine is limited to 3,500 hours per consecutive 12-month period. The facility has the potential to emit: 98.9 tpy NO<sub>x</sub>; 18.3 tpy SO<sub>x</sub>; 8.0 tpy CO; 1.10 tpy VOC; 66.61 tpy PM and 23.91 PM-10. The facility is required to conduct daily inspections of the site, as well as maintain records of throughput, fuel usage, hours of operation, and actual emissions to ensure compliance with the operating permit limitations. The proposed authorization is subject to State and Federal Regulations (40 CFR Part 60, Subpart OOO). The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Operating Permit (56-00011).

Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. This is an Intent to renew the SOOP.

**30-00131: Johnston The Florist** (14179 Lincoln Way, North Huntingdon, PA 15642-2138) for operation of oil boiler, coal fired boiler and emergency diesel generator at Lincoln Way Greenhouse in North Huntingdon Township, **Westmoreland County**. This is a State Only Operating Permit Renewal submittal.

**30-00116: Columbia Gas Transmission Corp.** (1700 MacCorkle, Avenue., S.E. Charleston, WV 25314) for operation of Waynesburg Compressor Station in Waynesburg Borough, **Greene County**. This is a State Only Operating Permit Renewal submittal.

**11-00377: New Enterprise Stone and Lime Co.—Ebensburg Pulverizing Plant** (235 Rubisch Road, Ebensburg, PA 15931) for the operation of a limestone processing facility in Cambria Township, **Cambria County**.

In accordance with 25 Pa Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of the portable processing equipment including three crushers, three screens, 3 roll mills and four storage silos. The facility also consists of a natural gas rotary dryer. The facility has the potential to emit less than the major thresholds: 9.48 tpy NO<sub>x</sub>, 7.94 tpy CO, 5.0 tpy PM, 2.0 tpy PM<sub>10</sub> and less than 1 tpy for all other criteria pollutants. The facility is required to conduct weekly surveys of the site for fugitive emissions and malodors, and must take all actions to prevent particulate matter from becoming airborne. The proposed authorization is subject to State and Federal Regulations (OOO). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Operating Permit (11-00377).

Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Operating Permit (03-00194).

Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. This is a State Only Operating Permit Renewal submittal.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**33-00144: National Fuel Gas Supply Corp.—Heath Station** (17447 Route 949, Heath Township, PA 15860) has applied for a Natural Minor Permit to operate a natural gas compressor station and gas processing plant in Heath Township, **Jefferson County**.

**42-00184: Keystone Powdered Metal Co.—Lewis Run Plant** (8 Hanley Drive, Lewis Run, PA 16738) for the re-issuance of a Natural Minor Operating Permit to operate a powdered metal part manufacturing facility, in the Borough of Lewis Run, **McKean County**. The facility's primary emission sources include Sintering and Heat Treating Furnaces. The emissions of criteria pollutants from this facility are below major source levels.

#### PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**66-310-024: Noxen Sand and Materials** (2162 Chase Road, Shavertown, PA 18708-9771) for operation of a new non-coal mineral processing plant with water sprays at their facility in Noxen Borough, **Wyoming County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Noxen Sand and Materials (2162 Chase Road, Shavertown, PA 18708-9771) for their facility located in Noxen Borough, Wyoming County. This Plan Approval No. 66-310-024 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 66-310-024 is for operation of a new non-coal mineral processing plant with water sprays. The crushing operation is subject to NSPS Subpart OOO requirements. The company shall be subject to and comply with 25 PA Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code §§ 123.1 and 123.2 for fugitive emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain

additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No.: 66-310-024.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

#### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or

objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

#### *Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**17101601 and NPDES No. PA0236055, Victor, LLC**, (3056 Washington Avenue, P. O. Box 128, Clearfield, PA 16830), to operate the Victor Tipple in Greenwood Township, **Clearfield County** and related NPDES permit. Surface Acres Proposed 25.56. Receiving stream: West Branch of Susquehanna River, classified for the following use: WWF. Application received: November 19, 2010.

**32111601 and NPDES No. PA0236039, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to operate the Blairsville Preparation Tipple in Burrell Township, **Indiana County** a new coal preparation plant and related NPDES permit with three NPDES outfalls. Surface Acres Proposed 44.4. Receiving streams: Unnamed Tributaries to Conemaugh River, classified for the following use: CWF. Application received: January 13, 2011.

**30101302 and NPDES No. PA0236047, Dana Mining Company of PA, LLC**, (308 Dents Run Road, Morgantown, WV 26501), to operator the Garards Fort Mine in Greene and Dunkard Townships, **Greene County** a new underground mine and related NPDES permit. Surface Acres Proposed 35.9, Underground Acres Proposed 1383.5, Subsidence Control Plan Acres Proposed 1383.5. Application also includes a request for a Section 401 Water Quality Certification. Written comments or objection on the permit application and the request for Section 401 Water Quality Application may be submitted to the Department. Receiving stream: Whitley Creek, classified for the following use: WWF. Application received: July 28, 2010.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**32050101. TLH Coal Company**, 4401 Pollock Road, Marion Center, PA 15759, permit renewal for reclamation only of a bituminous surface mine in East Mahoning Township, **Indiana County**, affecting 95.9 acres. Receiving stream(s): unnamed tributaries to/and Pickering Run classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 19, 2011.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**30010101 and NPDES Permit No. PA0202975. Patriot Mining Co., Inc.** (2708 Cranberry Square,

Morgantown, WV 26508). Renewal application for continued operation and reclamation to an existing bituminous surface mine, located in Dunkard Township, **Greene County**, affecting 336 acres. Receiving streams: Dooley Run to Dunkard Creek, 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: May 20, 2011.

**65050101 and NPDES Permit No. PA0250775. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687.) Renewal request for reclamation only to an existing bituminous surface mine, located in Derry & Ligonier Townships, **Westmoreland County**, affecting 450 acres. Receiving streams: unnamed tributaries to Loyalhanna Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 23, 2011.

**03980101 and NPDES Permit No. PA0202541. Walter L. Houser Coal Co., Inc.** (37 Copper Valley Road, Creekside, PA 15732). Revision application for land use change from forestland to industrial/commercial use of 7 acres to the existing bituminous surface mine, located in Kittanning Township, **Armstrong County**, affecting 207 acres. Receiving streams: Mill Run and unnamed tributaries to Mill Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: May 25, 2011

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**33110102 and NPDES Permit No. PA0259101. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Union Township and Corsica Borough, **Jefferson County** affecting 33.5 acres. Receiving streams: Unnamed tributary No. 1 to Welch Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 19, 2011.

**24010101 and NPDES Permit No. PA0241857. AMFIRE Mining Company, LLC** (One Energy Place, Suite 2800, Latrobe, PA 15650) Renewal of an existing bituminous strip, auger and clay removal operation in Horton Township, **Elk County** affecting 264.3 acres. Receiving streams: Unnamed tributary "G" to Mead Run and unnamed tributaries to Johnson Run, both classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 25, 2011.

**33110103 and NPDES Permit No. PA0259110. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Commencement, operation and restoration of a bituminous strip operation in Perry Township, **Jefferson County** affecting 99.0 acres. Receiving streams: One unnamed tributary to Mahoning Creek and Mahoning Creek, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 25, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**54111301 and NPDES Permit No. PA0225011. Little Buck Coal Company**, (57 Lincoln Road, Pine Grove, PA 17963), commencement, operation and restoration of an anthracite underground mine operation that includes an NPDES Permit for discharge of treated mine drainage in Tremont Township, **Schuylkill County** affecting 1.5

acres, receiving stream: Stumps Run, classified for the following use: cold water fishery. Application received: May 10, 2011.

**54830702R5 and NPDES Permit No. PA0613578. Swatara Coal Company**, (345 Freemans Road, Schuylkill Haven, PA 17972), renewal of an existing coal refuse disposal, refuse reprocessing and prep plant operation for reclamation activities only in Reilly Township, **Schuylkill County** affecting 180.4 acres, receiving stream: Swatara Creek, classified for the following use: cold water fishery. Application received: May 17, 2011.

*Noncoal Applications Received*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**03010407 and NPDES Permit No. PA0250040. Stitt Coal Company, Inc.** (811 Garretts Run Road, Ford City, PA 16226). NPDES renewal application for continued mining of an existing large noncoal surface mine, located in Kittanning Township, **Armstrong County**, affecting 301 acres. Receiving streams: Garretts Run to Allegheny River, 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: May 23, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**4875SM2A2C10 and NPDES Permit No. PA0119563. Glen-Gery Corporation**, (P. O. Box 7001, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Dover Township, **York County**, receiving stream: Fox Run to

Little Conewago Creek, classified for the following use: trout stock fishery. Application received: May 13, 2011.

**7475SM3C3 and NPDES Permit No. PA0612308. Keystone Cement Company**, (P. O. Box A, Route 309, Bath, PA 18014), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Allen Township, **Northampton County**, receiving stream: Monocacy Creek, classified for the following use: High Quality, cold water fishes. Application received: May 19, 2011.

**MINING ACTIVITY NPDES DRAFT PERMITS**

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act(33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

*Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

\*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

*Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapters 77 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\*The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Noncoal NPDES Draft Permits*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**NPDES Permit No. PA0613143 (Mining Permit No. 6276SM4), New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc.,** (P. O. Box 550, Blue Ball, PA 17506), renewal of an NPDES Permit for a Quartzite, phyllite and sand quarry in Honey Brook and Caernarvon Townships, **Chester and Lancaster Counties**, affecting 150.2 acres. Receiving stream: West Branch Brandywine Creek, classified for the following use: High Quality—trout stock and migratory fishes. Application received: January 13, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The stormwater outfall(s) listed below discharge to: West Branch Brandywine Creek

<i>Outfall No.</i>	<i>Average Discharge</i>	<i>New Outfall (Y/N)</i>	<i>Increased Discharge (Y/N)</i>
001	< 1.0 MGD	No	No

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person

commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.



**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**E09-954. Pennsylvania Department of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19106, Borough of Chalfont, **Bucks County**. ACOE Philadelphia District.

To remove the existing bridge, and to construct and maintain, in its place, an approximately 134.5-foot long single span bridge, with 55.5-foot span, and 10.11-foot underclearance, across the West Branch of the Neshaminy Creek (WWF-MF) associated with SR 0202, Section BBR bridge replacement project. This work includes the associated rip-rap at the abutments. The project temporarily impacts 0.14 acre, and permanently impacts 0.0013 acre of wetlands (PEM).

The project site is located approximately 364 feet north of the intersection of Butler Pike (SR 0202) and Limekiln Pike (SR 0152) in Chalfont Borough, Bucks county (Doylestown, PA USGS Quadrangle N: 6.32 inches; W: 11.67 inches).

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.*

**E64-288. Sonia & John J. Batten III**, 1349 Lexington Avenue, New York, NY 10128, in Damascus Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain 32-foot by 40-foot single family house in the floodway of the Delaware River (CWF-MF), elevated on concrete piers above the 100-yr water surface elevation. The project is located at the end of Tammany Flats Road approximately 0.4 miles southeast of its intersection with River Road (Callicoon, NY-PA Quadrangle Latitude: 41° 45' 01.0"; Longitude: -75° 03' 18.5") in Damascus Township, Wayne County.

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

**E36-883: John Smucker**, Millcreek Preservation Association, Farm and Home Center, 1383 Arcadia Road, Room 200, Lancaster, PA 17601-3149, in Leacock and Upper Leacock Townships, **Lancaster County**, ACOE Baltimore District

To: 1) remove an existing structure and to construct and maintain a 12.0 foot x 50.0 foot cattle crossing, 2) 600.0 feet of mud sills, 3) two-log cross vanes, 4) two temporary crossings to be converted to permanent 12.0-foot x 50.0-foot agricultural crossings, 5) 2,800.0 feet of streambank fencing for the purpose of restoring and stabilizing 3,065.0 feet of Mill Creek (WWF) and an unnamed tributary of Mill Creek (WWF). The project is located beginning at the North Hollander Road Bridge and continues downstream to the Centerville Road Bridge (New Holland, PA Quadrangle, N: 12.7 inches, W: 15.4 inches; Latitude: 40°04'10.1", Longitude: -76°06'30.1") in Leacock and Upper Leacock Townships, Lancaster County.

**E36-884: City of Lancaster**, 120 North Duke Street, PO Box 1599, Lancaster, PA 17608-1599, Lancaster Township, **Lancaster County**, ACOE Baltimore District

To: 1) remove an existing structure and construct and maintain a 1,070.0 square foot sewage pumping station in the floodway of the Conestoga River (WWF, MF) and 2) install and maintain a 1,397.0-square foot paved driveway in the floodway of the Conestoga River (WWF, MF) for the purpose of improving a municipal sewage pump station. The project is located on Conestoga Boulevard (Conestoga, PA Quadrangle N: 26.0", W: 17"; Latitude: 39°59'47", Longitude: -76°20'44") in Lancaster Township, Lancaster County.

**E36-885: PA Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103, in East Cocalico Township, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District

To: 1) remove the existing structure, 2) construct and maintain a single span concrete spread box beam bridge having a length of 95.00 feet, a width of 61.29 feet, and an underclearance of 11.44 feet across Cocalico Creek (WWF, MF), 3) temporarily impact 0.01 acre of PEM wetland, and 4) place and maintain fill in 0.01 acre of PEM wetland, all for the purpose of improving transportation safety and roadway standards. The project is located along SR 0272 (North Reading Road) in East Cocalico Township, Lancaster County (Ephrata, PA Quadrangle; N: 15.2 inches, W: 1.5 inches; Latitude: 40°12'32", Longitude: -76°8.0'9.0"). The amount of wetland impact is considered a de minimus impact of 0.01 acre and wetland replacement is not required.

**E67-892, PA Department of Transportation Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103, in Washington Township, **York County**, U.S. Army Corps of Engineers, Baltimore District To: 1) remove the remains of the previous structure, 2) construct and maintain a single span pre-stressed concrete spread box beam bridge skewed 90° having a clear span of 59.500 feet, a width of 27.375 feet, and an underclearance of 7.083 feet across North Branch Bermudian Creek (WWF, MF), 3) temporarily impact 0.01 acre of PEM wetland, and 4) place and maintain fill in 0.01 acre of PEM wetland, all for the purpose of improving transportation safety and roadway standards. The project is located along SR 4032 (Ridge Road) in Washington Township, York County (Dillsburg, PA Quadrangle; N: 4.9 inches, W: 0.1 inches; Latitude: 40°1.0'37", Longitude: -77°0.0'3.0"). The amount of wetland impact is considered a de minimus impact of 0.01 acre and wetland replacement is not required.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E10-469, PA DOT, District 10-0**, 2550 Oakland Ave, PO Box 429, Indiana, PA 15701. S.R. 4006, Section 250 Keister Road Bridge Across Slippery Rock Creek, in Slippery Rock Township, **Butler County**, ACOE Pittsburgh District (West Sunbury, PA Quadrangle N: 41°, 02', 51"; W: 79°, 59', 51").

To remove the existing two span steel I-beam bridge and to construct and maintain a 31.4-foot out to out steel plate girder bridge having a single normal clear span of 114.2 feet and an underclearance of 15.4 feet across Slippery Rock Creek within the flood plain and re-aligned upstream of existing structure. The roadway will also be re-aligned on both approaches of the new structure located at S.R. 4006, Segment 0010, Offset 3038 approximately 2 miles southwest of the village of Branchton.

DEP- Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554

**E4014-003, Luzerne County Flood Protection Authority**, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18642, Mill Creek Elevated Floodplain Project, Duryea Borough, **Luzerne County** and Moosic Borough, **Lackawanna County**, USACOE Baltimore District.

This permit is requested for a 1,100-foot-long x 40-foot-wide elevated floodplain project along the right overbank of Mill creek. All work will be performed above the stream's normal high water mark. Reference the USGS "Avoca" Quadrangle, North 18.0 inches, West 16.0 inches. The following activities are associated with the construction of this project:

- Clear and grub approximately 5 acres of the 12-acre project site. The remaining project site acreage is a barren, abandoned, strip mine area.
- Excavate approximately 215,000 C.Y. of earth and mine spoil material from the right overbank of Mill Creek to the property limit of the Canadian Pacific Railroad, and from 100 feet to 1,200 feet downstream of the concrete arch culvert that carries the Pocono Northeast Railroad embankment and tracks over Mill Creek.
- All non-marketable materials from clearing, grubbing, and excavation will be spoiled on-site within the excavated area and outside the elevated floodplain.
- Uniformly grade all excavated areas to allow positive sheet runoff.
- Install 8,500 S.Y. of erosion control blanket on the excavated floodplain and adjacent 3:1 slope. All disturbed areas will be seeded and mulched.

Anticipated construction time is 18 to 24 months.

*Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E4129-013: Chief Gathering, LLC**, 6051 Wallace Road, Suite 210, Wexford, PA 15090, Franklin & Jordan Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

- (1) one 12 inch gas pipeline impacting 4 linear feet of an unnamed tributary to Little Muncy Creek (CWF, MF) and 485 square feet of adjacent palustrine forested (PFO) wetland (Lairdsville Quadrangle 41°14'16"N 76°35'57"W),
- (2) one 12 inch gas pipeline across an unnamed tributary to Little Muncy Creek (CWF, MF) impacting 4 linear feet (Lairdsville Quadrangle 41°14'1"N 76°35'12"W),
- (3) one 12 inch gas pipeline across an unnamed tributary to Little Muncy Creek (CWF, MF) impacting 11 linear feet (Lairdsville Quadrangle 41°13'36"N 76°34'16"W),
- (4) one 12 inch gas pipeline across an unnamed tributary to Little Muncy Creek (CWF, MF) impacting 9 linear feet (Lairdsville Quadrangle 41°13'29"N 76°34'16"W),
- (5) one 12 inch gas pipeline across an unnamed tributary to German Run (CWF, MF) impacting 9 linear feet (Lairdsville Quadrangle 41°12'15"N 76°35'9"W),
- (6) one 12 inch gas pipeline impacting 352 square feet of a palustrine emergent (PEM) wetland adjacent to an unnamed tributary to German Run (Lairdsville Quadrangle 41°12'14"N 76°35'8.94"W),

(7) one 12 inch gas pipeline across an unnamed tributary to German Run (CWF, MF) impacting 8 linear feet (Lairdsville Quadrangle 41°12'11"N 76°35'16"W),

(8) one 12 inch gas pipeline impacting 3562 square feet of a palustrine emergent (PEM) wetland adjacent to an unnamed tributary to German Run (Lairdsville Quadrangle 41°12'28"N 76°35'52"W),

(9) one 12 inch gas pipeline across an unnamed tributary to German Run (CWF, MF) impacting 4 linear feet (Lairdsville Quadrangle 41°12'30"N 76°35'52"W),

(10) one 12 inch gas pipeline across an unnamed tributary to German Run (CWF, MF) impacting 15 linear feet (Lairdsville Quadrangle 41°12'34"N 76°36'9"W),

(11) one 12 inch gas pipeline across an unnamed tributary to Little Muncy Creek (CWF, MF) impacting 4 linear feet (Lairdsville Quadrangle 41°13'12"N 76°34'7"W),

(12) one 12 inch gas pipeline across an unnamed tributary to West Branch Run (CWF, MF) impacting 4 linear feet (Lairdsville Quadrangle 41°12'51"N 76°32'53"W).

The project will result in 72 linear feet of temporary stream impacts and 4399 square feet of wetland impacts from utility line crossings. These crossings will accumulate a total of 0.09 acres of watercourse impacts and 0.10 acres of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

**E4129-014 Anadarko E&P Company, LP**, P. O. Box 1330, Houston, Texas 77251-1330, Cummings Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain 3600 cubic yards of gravel within the floodway of an unnamed tributary to Second Fork Larrys Creek (EV) (Salladasburg Quadrangle 41°21'15"N 77°15'3"W). The project proposes to place approximately 16 inches of gravel over an existing roadway and to widen the roadway all for the purpose of providing access to Marcellus Shale well pads. DEP permit number E4129-006 is also associated with this project.

**E4129-015 Southwestern Energy Production Company**, 2350 North Sam Houston Parkway East, Suite 125, Houston, Texas 77032, Jackson Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain a surface water withdrawal along Blockhouse Creek (EV) adjacent to Route 284 west of Route 15 (White Pine Quadrangle 41°29'48"N 77°10'6"W). The proposed withdrawal will include the construction of an 18 inch diameter T-intake set below the stream bed and a temporary cofferdam. The project will result in 737 square feet of temporary stream impacts all for the purpose of obtaining water to use to develop multiple Marcellus Shale wells.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D39-123EA. Essroc Italcementi Group**, 3251 Bath Pike, Nazareth, PA 18064. Whitehall Township, **Lehigh County**. ACOE Philadelphia District.

Project proposes to breach and remove Essroc Dam across Coplay Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approxi-

mately 300 feet of stream channel. The dam is located approximately 3800 feet southeast of the intersection of SR329 and Reliance Street (Cementon, PA Quadrangle; Latitude: 40° 40' 25", Longitude: -75° 32' 06").

**D52-204EA. John Dziedzina**, 223 Chamonix Drive, St. Davids, PA 19087, Lackawaxen Township **Pike County**, ACOE Philadelphia District.

To rehabilitate and maintain Lord's Creek Dam across Lord's Creek (HQ-CWF) for recreational use. Modifications include embankment reconstruction, overtopping protection and outlet structure replacement. The dam is located approximately 1850-feet northwest of the intersection of Campen Road and SR 590 (Rowland, PA Quadrangle, Latitude: 41°27'48"; Longitude: -75°00'16"). The project proposes temporary impacts to 0.23-acre of PEM wetland and permanent impacts to 45 lineal feet of Lord's Creek and 0.02-acre of associated PEM wetland. The permanent wetland impact is considered de minimus and replacement is not required.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, PO Box 8554, Harrisburg, PA 17105-8554.*

**D52-093. William B. Troy**, 393 Rt 2001, Milford, PA 18337. Description: To operate and maintain Beaver Lake Lodge Dam across Raymondskill Creek (HQ-CWF), for the purpose of obtaining the required permit for continued operation and maintenance of this dam in (Milford, PA Quadrangle N: 9.4 inches; W: 15.1 inches) in Dingman Township, **Pike County**.

**D54-002. Lower Owl Creek Dam**, Borough of Tamaqua, 320 East Broad Street, Tamaqua PA 18252. To modify, operate, and maintain the Lower Owl Creek Dam across Owl Creek (HQ-CWF), impacting 0.0 acres of wetlands and 0 feet of stream for the purpose of raising the dam four feet, constructing a new drop box spillway and constructing an articulated concrete block emergency spillway to meet the current Department Regulations. (Tamaqua, PA Quadrangle N: 7.7 inches; W: 6.6 inches) in Tamaqua Borough, **Schuylkill County**.

**D65-141. Kale Partners, LP**, 615 Shale Lane, P. O. Box 66, Youngstown, PA, 15696. To modify, operate, and maintain to Breskin No. 1 Dam across a Tributary to Four Mile Run, TSF impacting 0 acres of wetlands and 0 feet of stream for the purpose of upgrading the dam's spillway and performing rehabilitation work to the dam. (Stahlstown, PA Quadrangle N: 19.4 inches; W: 10 inches) in Ligonier Township, **Westmoreland County**.

**D10-125. David McFayden**, 116 Lakeland Drive, Mars, PA 16046. To modify, operate and maintain Lakeland Country Estates Green Lake Dam across a tributary to Wolfe Run (WWF), for the purpose of recreation in Mars, PA Quadrangle in Adams Township, **Butler County**.

**D10-082B. AK Steel Corporation-Butler Works**, P. O. Box 832, 210 Pittsburgh Road, Butler PA 16003-0832. To operate and maintain No. 4 Sludge Bed Landfill across watershed of Connoquenessing Creek (WWF) impacting 0 acres of wetlands and 0 feet of stream in Butler PA Quadrangle N: 16.4 inches; E: 10 inches) in Butler Township, **Butler County**.

## 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 has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board

within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### I. NPDES Renewal Permit Actions

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0028371	Youngsville Borough 40 Railroad Street Youngsville, PA 16371	Warren County Youngsville Borough	Brokenstraw Creek 16-B	Y
PA0022608 (Industrial Waste)	Molded Fiber Glass Tray Company 6175 U.S. Highway 6 Linesville, PA 16424	Crawford County Pine Township	Unnamed tributary of Pymatuning Reservoir (Shenango River) 20-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. PA0052728**, Sewage, **Turkey Hill Minit Market No. 177 STP**, 257 Centerville Road, Lancaster, PA 17603.

This proposed facility is located in City of Coatesville, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 400 gpd of treated sewage from a small flow STP from a facility known as Turkey Hill Minit Market STP to an Unnamed Tributary to West Branch Brandywine Creek in Watershed 3-H.

**NPDES Permit No. PA0031887**, Sewage, **Green Hill MHC LLC**, PO Box 677, Morgantown, PA 19543.

This proposed facility is located in Marlborough Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.03 MGD of treated sewage from a facility known as Green Hill MHP to Perkiomen Creek in Watershed 3-E.

**NPDES Permit No. PA0029530**, Sewage, **Palisades School District**, Kintnersville, PA 18930, Nockamixon Township, **Bucks County**.

The following notice reflects changes to the notice published in the March 26, 2011, *Pennsylvania Bulletin*:

Effluent limits for Ammonia-Nitrogen (May 1—October 31) are revised from 11 mg/l (Avg. Mo.), 22 mg/l (Inst. Max.) to 13 mg/l (Avg. Mo.), 26 mg/l (Inst. Max.). The Ammonia-Nitrogen limits (November 1—April 30), are revised from 15 mg/l (Avg. Mo.), 30 mg/l (Inst. Max.) to 20 mg/l (Avg. Mo.), 40 mg/l (Inst. Max.).

**NPDES Permit No. PAI120503**, CAFO, **Mr. Joseph Wilson, Chief Operating Officer**, Philadelphia Park, 3001 Street Road, Bensalem, PA 19020.

This proposed facility is located in Bensalem Township, **Bucks County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1500-AEU 1500 Horses in Watershed 2F.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**NPDES Permit No. PA0064378**, Industrial Waste, NAICS Codes 331492, 325188, and 331423, **Horsehead Corporation**, 900 Delaware Avenue, Palmerton, PA 18071.

This existing facility is located in Palmerton Borough, **Carbon County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial waste.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**NPDES Permit No. PA0005304**, Industrial Waste, **United Refining Company**, 15 Bradley Street, Warren, PA 16365-3299.

This existing facility is located in City of Warren, **Warren County**.

Description of Proposed Action/Activity: Issuance of a renewal NPDES permit for an existing discharge of treated Industrial Waste, non-contact cooling water, steam condensate, groundwater, and stormwater. This is a major discharge.

**NPDES Permit No. PA0263796**, Sewage, **Robert J. Rylands Jr.**, 4849 Middle Road, Allison Park, PA 15101.

This existing facility is located in Tionesta Township, **Forest County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for an existing discharge of treated sewage.

### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA*

**WQM Permit No. 4611201**, Industrial, **Sunoco Inc.**, (R&M), 10 Industrial Highway, Lester, PA 19029.

This proposed facility is located in Norristown Township, **Montgomery County**.

Description of Action/Activity: Groundwater remediation system at retail gasoline station with discharge to on-site re-infiltration gallery.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**WQM Permit No. 5411404**, Sewage, SIC Code 4952, **Butler Township Municipal Authority**, 572 Dutchtown Road, Ashland, PA 17921.

This proposed facility is located in Butler Township, **Schuylkill County**.

Description of Proposed Action/Activity: Approval to convert the existing gas chlorination facilities at the WWTP to a liquid sodium hypochlorite feed system for disinfection purposes.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. 6110401**, Sewage, **Township of Cornplanter**, 136 Petroleum Center Road, Oil City, PA 16301.

This proposed facility is located in Cornplanter Township, **Venango County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Management Permit for construction of public sewers for Route 8 Industrial Corridor South, Clapp Farm and McClintockville. Wastewater will be routed to the Oil City STP for ultimate treatment.

**WQM Permit No. 2511401**, Sewerage, **Erie Sewer Authority c/o Knox, McLaughlin, Gornall & Sennett, P.C.**, 120 West 10th Street, Erie, PA 16501-1461.

This proposed facility is located in City of Erie, **Erie County**.

Description of Proposed Action/Activity: Issuance of a new Water Quality Management Permit that is replacing the existing, three belt filter presses with three centrifuge dewatering units.

### IV. NPDES Stormwater Discharges from MS4 Permit Actions

### V. NPDES Waiver Stormwater Discharges from MS4 Actions

### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023909015(1)	Lehigh County Authority 1053 Spruce St., PO Box 3348 Allentown PA 18106	Lehigh Co.	Upper Macungie & South Whitehall Twps. and City of Allentown	Cedar Creek (HQ-CWF, MF)
PAI024810017	Career Institute of Technology 5335 Kesslersville Road Easton PA 18040	Northampton Co.	Forks Twp.	UNT to Bushkill Creek (HQ-CWF, MF)

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717-705-4707.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI035009001	Michael R. Wise 1997 Airport Road Loysville PA 17047	Perry County	Southwest Madison Township	UNT to Sherman Creek HQ-CWF
PAI030510001	Bedford Township Municipal Authority	Bedford County	Bedford Township	Shober's Run HQ-CWF

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0610 10 006	Penn United Technologies 799 N. Pike Road Cabot PA 16023	Butler	Jefferson Township	UNT Little Buffalo Creek HQ; TSF

## 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 in 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
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	CAFOs
PAG-13	Stormwater Discharges from MS4

#### *General Permit Type—PAG-02*

#### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Scranton Lackawanna Co.	PAG02003511006	Pennsylvania American Water Company David R. Kaufman 800 Hershey Park Drive Hershey PA 17033	Keyser Creek (CWF, MF)	Lackawanna Co. Conservation District 570-281-9495
Upper Saucon Township Lehigh Co.	PAG02003910005	Kenneth Redles Strawberry Hill Associates, L.P. PO Box 304 Coopersburg, PA 18036	UNT to Saucon Creek (CWF, MF)	Lehigh Co. Conservation District 610-391-9583
Hanover Twp. Luzerne Co.	PAG02004010001	Earth Conservancy Michael Dziak 101 South Main Street Ashley PA 18706	Sugar Notch Run (CWF, MF)	Luzerne Co. Conservation District 570-674-7991
East Pennsboro Township, Cumberland County	PAG02002111005	Landspan, LLC Peter Weigher Villa Vista 3425 Market Street Camp Hill, PA 17011	UNT Conodoguinet Creek-WWF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle PA 17013 717-240-7812
Carlisle Borough, Dickinson Township, and South Middleton Township, Cumberland County	PAG02002110026	The Center at Rocky Meadows L.P. David Loring 140 Huffaker Lane, Suite 509 Reno, NV 89511	UNT to Conodoguinet Creek-WWF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle PA 17013 717-240-7812

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Paxton Township, Dauphin County	PAG02002210042	Michael Ricker Ricker Development LLC 6453 McCormick Ln Harrisburg, PA 17111	Wiconisco Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Susquehanna Township, Dauphin County	PAG02002211008	Shannon Williams Harrisburg Authority 212 Locust St Suite 302 Harrisburg, PA 17101	Paxton Creek/WWF and Asylum Run/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Halifax Township, Dauphin County	PAG02002211007	Jeff Grosser Halifax Water & Sewer Authority PO Box 443 Halifax, PA 17032	Susquehanna River/ WWF	Dauphin County Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Londonderry Township, Dauphin County	PAG02002211009	Merle Gruber 4830 E Harrisburg Pike Elizabethtown, PA 17022	Conewago Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Caernarvon Twp Lancaster County	PAG02003610059	BENCO Associates LLC 625 Todd Road Honey Brook PA 19344	UNT Conestoga River/ WWF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
West Hempfield Twp Lancaster County	PAG02003611021	Hempfield School District 200 Church St Landisville PA 17538	UNT Conestoga River/ WWF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Elizabethtown Boro Lancaster County	PAG02003611037	Conoy Crossing LLP 777 Neville Rd Elizabethtown PA 17022	Conoy Crossing/ TSF; MF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
East Hempfield Twp Lancaster County	PAG02003611038	Millfield Construction Co 2130 Marietta Pike Lancaster PA 17603	Millers Run/CWF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Manheim Twp Lancaster County	PAG02003611039	Franklin & Marshall College PO Box 3003 Lancaster PA 17604	Little Conestoga Creek/ WWF; MF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
City of DuBois Clearfield County	PAG2001708009(1)	Paris Companies 67 Hoover Ave DuBois, PA 15801	Sandy Lick Creek CWF, TSF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Rockefeller Township Northumberland County	PAG2004911001	Witmer Poultry Barn Rob Witmer 1094 Plum Creek Rd Sunbury, PA 17801	Plum Creek CWF	Northumberland County Conservation District RR 3, Box 238-C Sunbury, PA 17801 (570) 286-7114, X 4
Borough of Watsonstown Delaware Township Northumberland County	PAG2004911025	Moran Industries Watsonstown Facilities 601 Liberty Street Watsonstown, PA 17777	Spring Run WWF	Northumberland County Conservation District RR 3, Box 238-C Sunbury, PA 17801 (570) 286-7114, X 4

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Richmond Township Tioga County	PAG2005911001	C&D Real Estate 16552 Route 6 Mansfield, PA 16933	Ellen Run WWF, MF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, X 3
Lawrenceville Borough Tioga County	PAG2005911008	Lawrenceville Softball Assoc PO Box 184 Lawrenceville, PA 16929	Cowanesque River CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, X 3
Summit Township Erie County	PAG02 0025 11 002	Pennsylvania Dept. of Transportation 255 Elm Street PO Box 398 Oil City, PA 16301	Walnut Creek; CWF; MF	Erie Conservation District 814-825-6403
Millcreek Township Erie County	PAG02 0025 11 012	Millcreek Township Sewer Authority 3608 West 26th Street Erie PA 16506	Walnut Creek CWF; MF	Erie Conservation District 814-825-6403
Millcreek Township Erie County	PAG02 0025 11 013	Millcreek Township Sewer Authority 3608 West 26th Street Erie PA 16506	UNT Millcreek WWF;MF	Erie Conservation District 814-825-6403

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Chichester Township Delaware County	PAR200048	PA Machine Works, Inc. 201 Bethel Avenue Aston, PA 19401	Marcus Hook Creek—3G	Southeast Region Water Management 484.250.5970
Pine Grove Boro. Schuylkill County	PAR132201	Gold Mills, LLC 1 Penn Dye Street Pine Grove PA 17963	Wideawake Creek (CWF, MF)	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Washington Township Clarion County	PAR228333	Allegheny Wood Products International, Inc. P. O. Box 30 Marble, PA 16334	Unnamed tributary to East Sandy Creek 16-G	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Horton Township Elk County	PAR608302	Cristina Auto Wrecking Inc. 8234 Route 153 Brockport, PA 15823	Bear Run (Outfall 001) 16-G and an unnamed tributary to the Little Toby Creek (Outfall 002) 16-G	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-7*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Upper Hanover Township Montgomery County	PAG07-0010	Upper Montgomery Joint Authority P. O. Box 6 Pennsburg, PA 18073	Upper Montgomery Joint Authority 1100 Mensch Dam Road Pennsburg, PA 18073	DEP Southeast Regional Office Water Management 2 East Main Street Norristown, PA 19401 (484) 250-5970



*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County*Canton Borough  
Bradford County*Permit No.*

PAG 084822

*Applicant Name &  
Address*Canton Borough  
Authority  
PO Box 237  
Canton, PA 17724*Site Name &  
Location*Owen Farm  
Canton Township  
Bradford County*Contact Office &  
Phone No.*NCRO  
570-327-0526*General Permit Type—PAG-9**Facility Location:  
Municipality &  
County*Union Township  
Adams County*Permit No.*

PAG09351

*Applicant Name &  
Address*Herrick Building &  
Excavating  
1685 Whitehall Rd.  
Littlestown, PA 17340*Site Name &  
Location*Herrick Building &  
Excavating  
1685 Whitehall Rd.  
Littlestown, PA 17340*Contact Office &  
Phone No.*DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707*General Permit Type—PAG-12**Facility Location:  
Municipality &  
County*Woodland  
View Farm  
133 Woodland Road  
Oxford, PA 19363  
East Nottingham  
Township  
Chester County*Permit No.*

PAG120006

*Applicant Name &  
Address*Mr. Paul Smoker  
305 Barnsley Road  
Oxford, PA 19363*Receiving  
Water/Use*

Northeast Creek

*Contact Office &  
Phone No.*Southeast Region  
Water Management  
484-250-5970**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

<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>
McMichael Farm 791 Street Road Oxford, PA 19363	Chester	59.9	432.8	Swine	NA	Update
Hickory Hollow Farms 491 Barnsley Road Oxford, PA 19363	Chester	561	620.25	Swine	HQ	Approved

## PUBLIC WATER SUPPLY (PWS) PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

##### *Change of Ownership*

**WA 06-127A. Succession to Water Rights.** The Department has acknowledged that Reading Area Water Authority, Reading, **Berks County**, has given notice that it succeeded to all rights and obligations under the permit, issued to the former City of Reading, Reading, Berks County on June 1, 1994.

### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, (35 P. S. § 750.5)

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

##### *Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Tower City Borough	219 East Colliery Avenue Tower City, PA 17980	Schuylkill
Porter Township	309 West Wiconisco Street Muir, PA 17957	Schuylkill
Porter-Tower Joint Municipal Authority	860 West Grand Avenue Tower City, PA 17980	Schuylkill

*Plan Description:* The approved plan, dated November 2010, proposes an upgrade and expansion of the PTJMA's

Wastewater Treatment Plant (WWTP) to 0.722 MGD as an average annual daily flow; installation of the Fluidyne ISAM Sequencing Batch reactor (SBR) System; WWTP modifications: headworks; disinfection facilities; sludge management facilities; effluent filter; and other changes; and, wet weather flow management by converting the existing biological treatment process tanks to a wet weather flow storage facility.

The PTJMA's WWTP discharges wastewater to the Wiconisco Creek, a tributary of the Susquehanna River. The project is subject to nutrient cap loads due to the Chesapeake Bay requirements.

The Department's review of the Plan has not identified any significant environmental impacts from the proposal. Any required NPDES permits or WQM permits must be obtained in the name of the Porter-Tower Joint Municipal Authority.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Public Notice of First Modification to the January 28, 2009 Consent Order and Agreement

#### DuPont/New Castle Junk Site City of New Castle and Union Township, Lawrence County

Pursuant to Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No. 108, 35 P. S. §§ 6020.101—6020.1305 ("HSCA"), notice is hereby provided that the Pennsylvania Department of Environmental Protection ("Department") has agreed to modify the January 28, 2009 Consent Order and Agreement ("2009 CO&A") with CJLM Real Estate, L.P. ("CJLM") regarding the transfer of a certain parcel of property known as "Riverview Parcel 3" located on a portion of the DuPont/New Castle Junk Site ("Site").

In the past, wastes containing hazardous substances were disposed at the Site and these substances contaminated the environment at the Site. The Department and some of the responsible persons for the Site conducted a response action at the Site between 1992 and 2002. This response action included treatment of wastes and soils contaminated by hazardous substances, followed by placement of a soil cap on one portion of the treated wastes at a portion of the site referred to as the "Battery Property". Upon completion of the response action, the Battery Property at the Site was acquired by the Lawrence County Economic Development Corporation ("LCEDC") and made available for re-development. CJLM intends to purchase an additional 0.19 acre parcel from LCEDC and add it to Riverview Parcel 3, altering the previous definition as specified in the 2009 CO&A. The provisions in the Approved Management Plan contained in the 2009 CO&A shall apply to the additional parcel and an environmental covenant will be recorded for the additional parcel. CJLM is not a "responsible party" as defined in Section 103 of HSCA, 35 P. S. § 6020.103.

The specific terms of this settlement are set forth in the Agreement between the Department and LCEDC. The Department will receive and consider comments relating to the Agreement for sixty (60) days from the date of this Public Notice. The Department has the right to withdraw its consent to the Agreement if the comments disclose facts or considerations that indicate that the Agreement is inappropriate, improper, or not in the public interest. After the public comment period, the Department's settlement with CJLM shall be effective upon the date that the Department notifies CJLM, in writing, that this Agree-

ment is final and effective in its present form, and that the Department has filed a response to significant written comments to the Agreement, or that no such comments were received.

Copies of the Agreement are available for inspection at the Department's Northwest Regional Office. Comments may be submitted, in writing, to Mr. Gary Mechtly, Environmental Group Manager, Hazardous Sites Cleanup, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Mr. Mechtly, at 814-332-6648. TDD users may contact the Department through the Pennsylvania Relay Services at 800-645-5984.

### Notice of Interim Response

#### T.P. Corporation Site Duryea Borough, Luzerne County

The Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), under the authority of the Hazardous Sites Cleanup Act, 35 P.S. § 6020.101 et seq. ("HSCA"), has initiated a prompt interim response action at the T.P. Corporation Site ("Site"). This response has been undertaken pursuant to Sections 505(b) & (c) of HSCA, 35 P.S. § 6020.505(b) & (c). The Site is located at 620 Foote Avenue in Duryea Borough, Luzerne County, Pennsylvania.

The Site contains abandoned chemical containers within a large building and one outbuilding. A site visit was conducted by the Department on February 9, 2011. Approximately 100-150, 55-gallon drums, 50-100, 35 gallon drums and 100, 5 gallon containers were observed within the building and one out building at the Site. The following chemical classes were documented as observed from labels on the drums: Flammable Solids and Liquids, Acids (Sulfuric Acid), Potassium Hydroxide, paint and acetone.

These containers were stored in proximity to each other without any secondary containment to prevent the mixing of incompatible chemicals should they leak. Mixing of incompatible chemical could cause a fire and/or an air release that could pose a threat to nearby residential occupants and recreational area users. Although the building has been secured by the owner, it appears the building has been vandalized and the abandoned chemicals present a potential threat and pose an unacceptable risk to human health and the environment. Some of the chemical pose threats from direct contact, toxicity, flammability, or reactivity.

The Department has determined that the following hazardous substances as defined by HSCA have been abandoned and therefore, released as defined by HSCA, or present a threat of release at the Site: Sulfuric Acid (Acids) and Potassium Hydroxide (Base)—(Corrosive Hazardous Waste—D002), Paint, Acetone and other Flammable Liquids and Solids (Flammable Liquids and Ignitable Hazardous Waste—D001).

Based upon the fact that a release of a hazardous substance as defined by HSCA has occurred and that the threat of a release of hazardous substances exists and that an ongoing release is likely if no actions are taken, the Department is authorized to undertake a response action at this Site under Section 501(a) of HSCA, 35 P.S. § 6020.501(a).

A Prompt Interim Response is justified at this Site for the following reasons: Characterization and removal of the hazardous substances and wastes is needed in a time

frame that prohibits developing and closing an administrative record prior to response initiation given the condition of the building and the potential threats to public health and the environment. This prompt interim response action will cost less than \$1 million and take less than 1 year to implement.

The Department is undertaking a prompt interim response at the Site pursuant to its authority under Section 501(a) of HSCA, 35 P.S. § 6020.501(a). Prompt action is necessary to protect the public health, safety, and the environment from the release and threat of release of hazardous substances from the Site. The Department evaluated two alternatives for this proposed interim response which include:

1) No Action

2) Waste Removal and Off-Site Reuse, Recycling, or Disposal: This alternative includes the testing and classification of abandoned wastes and other materials in drums and smaller containers. After classification and lab-packing or consolidation of these chemicals, the containers will be prepared for shipment and staged and stored properly until they can be removed for reuse, recycling, or disposal at facilities approved by the Department.

Based upon an evaluation of the Alternatives using criteria including protection of human health and the environment, compliance with applicable and relevant and appropriate requirements (ARARs), feasibility, permanence, and cost-effectiveness, the Department has selected Alternative 2 as the proposed interim response for the Site.

This notice is being provided pursuant to Section 506(b) of HSCA 35 P.S. § 6020.501(b). The administrative record, which contains the information that forms the basis and documents the selection of the response action, is available for public review and comment. The administrative record is located at the Duryea Borough Municipal Office, 315 Main Street, Duryea, Pennsylvania and is available for review Monday through Friday from 9 am to 12 pm and 1 pm to 3 pm. The administrative record will be open for comment from June 11, 2011 through September 9, 2011. Persons may submit written comments into the record during this time only, by sending them to Jeremy Miller, Compliance Specialist, at the Department's Northeast Regional Office at 2 Public Square, Wilkes-Barre, PA 18701, or by delivering them to that office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing for July 27, 2011 at 10 AM at the Duryea Borough Building, 15 Main Street, Duryea. The testimony at the public hearing will be limited to the prompt interim response, which involves removal and off-site reuse, recycling, and/or disposal of the hazardous substances and waste. An informal public meeting will be held after the public hearing is concluded. Persons wishing to present testimony at the July 27, 2011 hearing regarding this prompt interim response should register with Jeremy Miller before July 15, 2011 by telephone at (570) 826-2511, or in writing to Jeremy Miller at the Department's Northeast Regional Office.

Persons with a disability who wish to attend the July 27, 2011 hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should contact Jeremy Miller or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Oak Knoll Estates**, Lot 36, 36 Oak Knoll Estates, Elizabethtown, PA 17022 Conewago Township, **Dauphin County**. Brownfield Associates, Inc., 500 Coatesville Road, West Grove, PA 19390, on behalf of PCS Chadaga (dba, Oak Knoll Estates) c/o Property Management, Inc., 1300 Market Street, Lemoyne, PA 17043, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**A&A Construction Co., Inc., Coudersport Pike Release**. Woodward Township, **Clinton County**. Groundwater Environmental Services Inc., 1350 Washington

Blvd., Williamsport, PA 17701 on behalf of A&A Construction Co., Inc., 1262 Ridge Road, Clarence, PA 16829 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with filtered flowback water and diesel fuel located at 209 German Road and adjacent to properties at 10 Berry Lane and 17 Sawmill Lane. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Calumet Lubricants Rouseville Plant 1 (PQS Company Former Rouseville Refinery—Plant 1)**, Rouseville Borough, **Venango County**. URS Corporation, 1125 Mill Mar Road, Lancaster, PA 17601 on behalf of Pennzoil-Quaker State Company, 700 Milam, Houston, TX 77002 has submitted a Cleanup Plan concerning remediation of site soil and site groundwater contaminated with separate phase liquids. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**RIDC City Center of Duquesne**, City of Duquesne, **Allegheny County**. KU Resources, 22 South Linden Street, Duquesne PA 15110 on behalf of the RIDC of Southwestern Pennsylvania, the American textile Company, Inc., MBC Properties (Miller Bros Construction), Ruttenberg Realty Company, LLC., Greater Pittsburgh Community Food Bank, and the Regional Trail Alliance has submitted a Final Report concerning the remediation of site soil and groundwater. Soil is contaminated with semi-volatile organic compounds, volatile organic compounds, metals and PCBs while groundwater is contaminated with volatile organic compounds and metals. The Final Report was noticed in the *McKeesport Daily News* on March 24, 2011.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and

cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**North Cedar Street Properties**, 135-137 North Cedar Street, Lititz Borough, **Lancaster County**. Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066, on behalf of Keith and Bena Montgomery, 748 Snyder Hill Road, Lititz, PA 17543, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on May 26, 2011.

**Wyeth-Marietta—Debris Area**, 325 North Bridge Street, East Donegal Township, **Lancaster County**. Malcolm Pirnie, Inc, 824 Market Street, Suite 820, Wilmington, DE 19801, on behalf of GlaxoSmithKline, 2200 Renaissance Boulevard, Suite 105, King of Prussia, PA 19406, Wyeth, Five Giralda Farms, Madison, NJ 07940, and Quantum Management Group, 3550 Burch Avenue, 2nd Floor, Cincinnati, OH 45208 submitted a Final Report concerning investigation of an unpermitted landfill. The Final Report demonstrated attainment of the Non-Residential Statewide Health standard for soils and groundwater contaminated with mercury, VOCs, SVOCs and Inorganics. The Final Report was approved by the Department on May 26, 2011.

**Former UGI Harrisburg Maintenance Facility**, 1500 Paxton Street, City of Harrisburg, **Dauphin County**. EPSYS LLC, 1414 North Cameron Street, Harrisburg, PA 17103, on behalf of Journal Publications, Inc., 1500 Paxton Street, Harrisburg, PA 17104, submitted a Remedial Investigation Report, Risk Assessment Report, and Cleanup Plan concerning remediation of site soils and groundwater contaminated with chlorinated solvents from the operation of a maintenance facility. The Remedial Investigation Report, Risk Assessment Report and

Cleanup Plan were approved by the Department on May 27, 2011. The site will be remediated to a Site-Specific standard.

### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Draft permits issued, revised or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701*

**PAD003043353. Cherokee Pharmaceuticals, LLC**, a Subsidiary of Merck, Sharpe and Dohme Corporation, 100 Avenue C, Riverside, PA 17868, located in Riverside Borough, **Northumberland County**. The permit was issued on May 24, 2011 for treatment, storage and disposal of their hazardous waste.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401*

**Permit No. 301220. Clean Earth Of Philadelphia, Inc.**, 3201 South 61st Street, Philadelphia PA 19153-3502, City of Philadelphia, **Philadelphia County**. This solid waste permit is being issued to allow for the short-term, continued operation of the Clean Earth of Philadelphia, Inc., an existing residual waste processing facility, during the review of the facility's 10-year renewal application. The permit was issued by the Southeast Regional Office on May 23, 2011.

### 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.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**GP3-21-05035A: Hempt Bros., Inc.** (205 Creek Road, Camp Hill, PA 17011) on May 23, 2011, to install and operate a portable nonmetallic mineral processing plant at their Locust Point Quarry in Silver Spring Township, **Cumberland County**.

**GP11-21-05035A: Hempt Brothers, Inc.** (205 Creek Road, Camp Hill, PA 17011) on May 23, 2011, to install and operate a non-road diesel engine at their Locust Point Quarry in Silver Spring Township, **Cumberland County**.

**GP14-21-03099: Hollinger Pet Crematory, Inc.** (411 Zion Road, Carlisle, PA 17013) on May 25, 2011, to install and operate an animal crematory under GP14, in South Middleton Township, **Cumberland County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**GP5-17-28B: Caiman Penn Midstream LLC** (5949 Sherry Lane, Suite 1300, Dallas, TX 75225) on May 9, 2011, to construct and operate one (1) natural gas-fired compressor engine rated at 630 brake-horsepower and one (1) 200,000 Btu per hour glycol dehydrator under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Clearfield Compressor Station in Boggs Township, **Clearfield County**.

**GP3-08-327A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 10, 2011, to construct and operate a portable non-metallic mineral mobile scalping and conveying unit with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their North Orwell facility in Rome, Orwell and Windham Townships, **Bradford County**.

**GP3-53-111B: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 10, 2011, to construct and operate a portable non-metallic mineral jaw crusher and two portable conveyors with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Roulette facility in Roulette Township, **Potter County**.

**GP11-53-111B: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 10, 2011, to construct and operate one Caterpillar model C-9 JSC 05460 diesel-fired engine with a rating of 300 brake horsepower (bhp) pursuant to the General Plan Approval and/or General Operating Permit (BAQ-GPA/GP-11) Nonroad Engines at their Roulette facility in Roulette Township, **Potter County**.

**GP3-17-501C: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on April 5, 2011, to construct and operate a portable non-metallic mineral jaw crusher with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Grampian facility in Pike and Penn Townships, **Clearfield County**.

**GP11-17-501C: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on April 5, 2011, to construct and operate one Cummins model QSC CPL 8539 diesel-fired engine with a rating of 305 brake horsepower (bhp) pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at their Grampian facility in Pike and Penn Townships, **Clearfield County**.

**GP3-08-341: Liberty Excavators, Inc.** (4402 Gettysburg Road, Camp Hill, PA 17011) on April 5, 2011, to construct and operate a portable non-metallic mineral jaw crusher with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or

General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3): at their Rocky Forest Quarry in Wilmont Township, **Bradford County**.

**GP11-08-341: Liberty Excavators, Inc.** (4402 Gettysburg Road, Camp Hill, PA 17011) on April 5, 2011, to construct and operate three (3) diesel-fired engines (a Caterpillar model C-12 BDL03201 425 horsepower (hp) engine to power the Trakpactor crusher, a Deutz model BFM2012 109 hp engine to power the Powerscreen 2100 and a Cummins 85 hp engine to power the Powerscreen M85 stacking conveyor) pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at their Rocky Forest Quarry in Wilmont Township, **Bradford County**.

**GP3-14-319A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 18, 2011, to construct and operate a portable non-metallic mineral crushing unit with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Recycling facility located in Patton Township, **Centre County**.

**GP11-14-319A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 18, 2011, to construct and operate one Caterpillar model C-12 DITA diesel-fired engine with a rating of 425 brake horsepower (bhp) pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at their Recycling facility in Patton Township, **Centre County**.

**GP5-53-101C: Pennsylvania General Energy Company, LLC.** (120 Market Street, Warren, PA 16365) on May 12, 2011, to construct and operate a natural gas fired compressor engine pursuant to the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) in Wharton Township, **Potter County**.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**06-05036B: Cryovac, Inc.** (PO Box 295, Reading, PA 19603-0295) on May 20, 2011, to replace an existing thermoform and the establishment of a VOC PAL of 711.4 tons per year, at their polystyrene foam product manufacturing facility in Muhlenberg Township, **Berks County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**57-00003A: Sullivan County School District** (101 East Main Street, PO Box 346, Dushore, PA 18614-0346) on May 24, 2011, to construct a 4.0 million Btu per hour, biomass fired boiler at their facility in Laporte Borough, **Sullivan County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**15-0027I: Johnson Matthey, Inc.** (436 Devon Park Drive, Wayne, PA 19087) on May 26, 2011, to operate (2) two diesel catalyst production lines in Tredeffrin Township, **Chester County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**41-00080A: Chief Gathering, LLC** (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090-7386) on May 25, 2011, to modify Plan Approval 41-00080A to reflect the oxidation catalysts (IDs C101 and C102) associated with the compressor engines incorporated in Source IDs P101 and P102 in Plan Approval 41-00080A at their Canoe Run Compressor Station in Mifflin Township, **Lycoming County**.

**08-00003G: CraftMaster Manufacturing, Inc.** (PO Box 311, Shiner Road, Towanda, PA 18848) on May 26, 2011, 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 until December 22, 2011, at their facility in Wysox Township, **Bradford County**. This plan approval has been extended.

**08-00003F: CraftMaster Manufacturing, Inc.** (PO Box 311, Shiner Road, Towanda, PA 18848) on May 26, 2011, 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 until December 22, 2011, at the facility in Wysox Township, **Bradford County**. This plan approval has been extended.

**17-00001D: GenOn REMA, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on May 23, 2011, to extend the authorization to temporarily operate a carbon injection system on Units 3 & 4 at their Shawville station in Bradford Township, **Clearfield County** for an additional 180 days from June 1, 2011 until November 28, 2011. This plan approval has been extended.

**18-00011H: Croda, Inc.** (8 Croda Way, Mill Hall, PA 17751) on May 23, 2011 to extend the authorization to temporarily operate a BTMS production facility with scrubber at their McElhattan plant in Bald Eagle Township, **Clinton County** for an additional 180 days from June 3, 2011 until November 30, 2011.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**03-00229E: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on May 20, 2011, for an extension of the Plan Approval to complete the construction of the

Logansport Coal Preparation Plant. The plant is located at Bethel Township, **Armstrong County**. This is a Plan Approval Extension.

**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00051: Schlosser Steel, Inc.** (2641 Township Line Road, Hatfield, PA 19440) on May 23, 2011, for renewal of the Title V Operating Permit, in Hatfield Township, **Montgomery County**. The initial permit was issued on February 1, 1999. Schlosser Steel Incorporated is a steel coating operation for fabricated structural steel. The following insignificant sources are being added to the permit: three (3) additional forklifts and one (1) 250-gallon fuel tank. A parts washer (Source ID 202) has not been used by the facility and will be removed from the operating permit. The steel coating operation is subject to the requirements 25 Pa. Code §§ 130.601 through 130.611. The facility will be subject to the following emission limits: (a) VOC are limited to less than 71 tons/year; (b) NOx are limited to less than 3 tons/year; (c) HAP are limited to less than 2.7 tons/year; and (d) CO, PM, and SOx are limited to less than 1 ton/year. 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.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**32-00129: Dominion Transmission Inc., Rochester Mills Compressor Station** (501 Martindale St., Suite 400, Pittsburgh, PA, 15212) on May 20, 2011, for a Title V Operating Permit in East Mahoning Township, **Indiana County**. The facility's major source of emissions include four (4) internal combustion engines, a dehydration unit, storage tanks, an emergency generator, a thermal oxidizer controlling VOC emissions from the dehydration unit, and fugitive emissions. The primary pollutants emitted from this facility include NOx and CO from the combustion sources.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**20-00145: Pittsburgh Glass Works—Meadville Works 8** (PO Box 800, Kebert Industrial Park, Meadville, PA 16335) on May 25, 2011, issued an administrative amendment to the Title V Operating Permit to incorporate the plan approval 20-145B requirements for the facility located in Greenwood Township, **Crawford County**.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

**36-03020: Bachman Co.** (150 Industrial Drive, Ephrata, PA 17522-9252) on May 24, 2011, for their snack food manufacturing facility in Ephrata Borough, **Lancaster County**. This is a renewal of the State-only operating permit.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

**41-00064: Glenn O. Hawbaker, Inc.** (711 East College Ave., Bellefonte, PA 16823) on May 24, 2011, to operate their Armstrong Township Crushing Plant facility in Armstrong Township, **Lycoming County**.

**17-00050: GKN Sinter Metals, Inc.** (PO Box 493, DuBois, PA 15801) on May 25, 2011, issued a State Only operating permit for their powdered metal parts manufacturing facility in City of DuBois, **Clearfield County**. The facility's main sources include eleven (11) sintering furnaces, three (3) parts washers, and four (4) oil impregnation systems. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

**56-00230: Somerset Area School District—Friedens Elementary School** (645 South Columbia Avenue, Somerset, PA, 15501-2551) on May 20, 2011, for two (2) coal fired boilers and a small emergency generator in Somerset Township, **Somerset County**. The facility's major sources of emissions include one 2.6 mmbtu/hr coal-fired boiler, a second coal-fired boiler used for backup or auxiliary heating capacity, and a small propane fired emergency generator.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

**36-05067: C & D Technologies, Inc.** (82 East Main Street, Leola, PA 17540-1963) on May 25, 2011, for their battery manufacturing facility in Upper Leacock Township, **Lancaster County**. The State-only permit was administratively amended to incorporate the provisions of plan approval No. 36-05067K.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

**37-00302: Axion Power Battery Mfg., Inc.** (3601 Clover Lane, New Castle, PA 16105) on May 26, 2011, issued an administrative amendment to the State Operating Permit to incorporate the change in responsible

official to Philip S. Baker—COO for their facility in Neshannock Township, **Lawrence County**.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

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*Coal Applications Returned*

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

**02100301 and NPDES Permit No. PA0251909. Taylor Road Co., LLC** (P. O. Box 427, Lisbon, OH 44432). Returned application for commencement, operation and reclamation of a bituminous surface mine, located in West Mifflin Borough, **Allegheny County**, affecting 125.0 acres. Receiving streams: unnamed tributaries to Streets Run. Application received: March 24, 2010. Application returned: May 24, 2011.

*Coal Permits Actions*

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

**56841612 and GP12-56841612-R8, Svonvec, Inc.**, (150 W. Union Street, Suite 201, Somerset, PA 15501), to revise the permit for the Coal Preparation Plant No. 2 in Black Township, **Somerset County** to establish an emissions inventory for coal handling based on maximum total annual raw coal throughput at the facility of 2,336,000 tons per calendar year. Emission sources are conveyors, transfer points, raw coal truck and loader dumps, raw coal crushing, storage piles, rail car loader, truck loading, and haul roads. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-56841612-R8. No additional discharges. Application received: March 23, 2011. Permit issued: May 24, 2011.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

**11000102 and NPDES No. PA0235342. M. B. Energy, Inc.**, 175 McKnight Road, Blairsville, PA 15717, permit renewal for reclamation only of a bituminous surface and auger mine in Susquehanna and Barr Townships, **Cambria County**, affecting 450.0 acres. Receiving stream(s): unnamed tributaries to and Moss Creek; UTS to and West Branch Susquehanna River classified for the following use(s): cold water fishery; cold water fishery. There are no potable water supply intakes within 10



miles downstream. Application received: March 16, 2011. Permit issued: May 24, 2011.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**16000101 and NPDES Permit No. PA0241695. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803) Renewal of an existing bituminous strip operation in Richland & Licking Townships, **Clarion County** affecting 83.6 acres. Receiving streams: Unnamed tributaries to the Clarion River. Application received: November 12, 2010. Permit Issued: May 24, 2011.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**03060102 and NPDES Permit No. PA0250902. P & N Coal Co., Inc.** (P. O. Box 332, 240 West Mahoning Street, Punxsutawney, PA 15767). Permit renewal issued for continued reclamation only of a bituminous surface mining site located in Sugarcreek Township, **Armstrong County**, affecting 252.2 acres. Receiving streams: Patterson Creek and unnamed tributaries to Patterson Creek. Renewal application received: February 9, 2011. Renewal issued: May 26, 2011.

*Noncoal Permits Actions*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08020806. Walter A. Dickerson** (1259 Green Mountain Road, Gillett, PA 16925). Transfer of an existing small noncoal (shale) operation from Strong Excavating in Ridgebury Township, **Bradford County** affecting 1.5 acres. Receiving stream(s): Bentley Creek. Application received: March 23, 2011. Permit issued: May 18, 2011

**08020806-GP104. Walter A. Dickerson** (1259 Green Mountain Road, Gillett, PA 16925) hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with NPDES permit to the following surface water in Ridgebury Township, **Bradford County**. Receiving stream(s): Bentley Creek. Application received: March 23, 2011. Permit issued: May 18, 2011.

**ACTIONS ON BLASTING  
ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**58114016. John Brainard**, (3978 SR 2073, Kingsley, PA 18826), construction blasting for Valentine CC in Lenox Township, **Susquehanna County** with an expiration date of August 30, 2011. Permit issued: May 25, 2011.

**58114017. John Brainard**, (3978 SR 2073, Kingsley, PA 18826), construction blasting for the Belcher Well Pad in Clifford Township, **Susquehanna County** with an expiration date of August 30, 2011. Permit issued: May 25, 2011.

**52114106. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Columbia Gas to Millium Pipeline 1278 in Dingman, Westfall and Milford Townships, **Pike County** with an expiration date of May 18, 2012. Permit issued: May 24, 2011.

**64114106. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for TGP Loop 321 in Honesdale and Union Dale Boroughs, **Wayne and Susquehanna Counties** with an expiration date of December 31, 2011. Permit issued: May 24, 2011.

**64114107. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for a single dwelling in Dyberry Township, **Wayne County** with an expiration date of October 21, 2011. Permit issued: May 24, 2011.

**45114110. Pact Construction, Inc.**, (P. O. Box 74, Ringoes, NJ 08551), construction blasting for SR 611 Pocono & Hamilton Townships Sewer System Contract 5 & 7 in Pocono and Hamilton Townships, **Monroe County** with an expiration date of May 18, 2012. Permit issued: May 26, 2011.

**FEDERAL WATER POLLUTION  
CONTROL ACT SECTION 401**

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1624. Allegheny County Department of Public Works**, 542 Forbes Avenue, Room 501, Pittsburgh, PA 15219-2904. The applicant proposes to remove existing structures, construct and maintain a box culvert approximately 23 feet long, having a span of 20.0 feet with an underclearance of 6.0 feet (1.0 foot depressed below the stream bed) in the channel of Sleepy Hollow Run (TSF), to construct and maintain an outfall structure on the left bank of Piney Fork (TSF), to construct and maintain various outfall structures on the right and left banks of Sleepy Hollow Run (TSF), and to construct and maintain approximately 500 linear feet of stream bank stabilization (74. linear feet of a vegetated gabion wall and 260 linear feet of rock rip rap and 170 linear feet of live crib wall) along the right bank of Sleepy Hollow Run (TSF) and to place and maintain fill in the floodway of Sleepy Hollow Run (TSF) and Piney Fork (TSF) for the purpose of constructing a new pedestrian and bicycle trail known as the South Park to Montour Trail. The project is located approximately 1,300.0 feet north from the confluence of Sleepy Hollow Run and Piney Fork (Bridgeville, PA Quadrangle N: 7.4 inches; W: 0.4 inches; Latitude: 40° 17' 27"; Longitude: 80° 00' 10") in South Park Township, **Allegheny County**.

**E02-1648. ABARTA, Inc.**, 1000 Gamma Drive, Suite 500, Pittsburgh, PA 15238. The applicant proposes to place and maintain fill in approximately 0.096 acre of PEM wetlands and to relocate and maintain approximately 288.0 linear feet of an Unnamed Tributary to the Allegheny River (WWF) for the purpose of constructing the proposed ABARTA Office Building. A 0.096 acre replacement wetland will be constructed onsite as part of the wetland mitigation. The project is located on the north side of Alpha Drive, approximately 500.0 feet north from the intersection of Alpha Drive and Freeport Road (Braddock, PA Quadrangle N: 21.3 inches; W: 16.2 inches; Latitude: 40°-29'-32"; Longitude: 79°-51'-59") in O'Hara Township, **Allegheny County**.

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D14-109EA. Howard Borough**, P. O. Box 378, Howard, PA 16841. Marion Township, **Centre County**, ACOE Baltimore District. Project proposes to breach and remove Howard Dam across a tributary to Lick Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 250 linear feet of stream channel. The dam is located approximately 2000 feet northwest of the intersection of Walnut Street (SR26) and Slaughter House Road (T478) (Mingoville, PA Quadrangle; Latitude: 40° 59' 59", Longitude: -77° 38' 77").

**D39-020EA. John M. Gallagher and Deana M. Zosky**, 3705 Orchid Place, Emmaus, PA 18049. Lower Macungie Township, **Lehigh County**, ACOE Philadelphia District. Project proposes to breach and remove Mill Dam across Little Lehigh Creek (HQ-CWF) for the purpose of eliminating a treat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 800 feet of stream channel. The dam is located approximately 1800 feet east of the intersection of Cedar Crest Blvd (SR29) and Lower Macungie Road (SR2012) (Allentown, West, PA Quadrangle; Latitude: 40° 32' 29", Longitude: -75° 30' 49").

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

3/28/2011

ESCGP-1 No.: ESX11-125-0026

Applicant Name: Atlas America LLC

CONTACT: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Washington Township(s): Deemston

Receiving Stream(s) And Classifications: UNT to Plum Run/ Tenmile Creek Watershed, Other

4/4/11

ESCGP-1 No.: ESX11-063-0003

Applicant Name: EXCO Resources (PA)LLC

Contact Person: Larry Sanders

Address: 3000 Ericsson Drive Suite 200

City: Warrendale State: PA Zip Code: 15086

County: Indiana Township(s): Cherryhill

Receiving Stream(s) and Classifications: Dixon Run CWF Buck Run CWF, Two Lick Creek TSF, Other

4/6/11 ESCGP-1 No.: ESX11-129-0011  
 Applicant Name: EXCO Resources (PA) LLC  
 Contact Person: Larry Sanders  
 Address: 3000 Ericsson Drive, Suite 200  
 City: Warrendale State: PA Zip Code: 15086  
 County: Westmoreland Township(s): Derry  
 Receiving Stream(s) and Classifications: Spruce Run, HQ

4/7/2011

ESCGP-1 No.: ESX11-063-0005  
 Applicant Name: EQT Production Co  
 Contact Person: Todd Klaner  
 Address: 455 Racetrack Road Suite 101  
 City: Washington State: PA Zip Code: 15301  
 County: Indiana Township(s): S Mahoning and Washingt-  
 on  
 Receiving Stream(s) and Classifications: North Branch of  
 Plum Creek CWF, Other

3/28/2011

ESCGP-1 No.: ESX11-125-0027  
 Applicant Name: CNX Gas Company LLC  
 Contact Person: Daniel Bitz  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene & Washington Township(s): Morris &  
 Morris  
 Receiving Stream(s) and Classifications: UNT to Tenmile  
 Creek/ River and UNT to Bates Fork to Browns  
 Creek/Monongahela River

04/25/2011

ESCGP-1 No.: ESX11-125-0035  
 Applicant Name: Rice Drilling B LLC  
 Contact Person: Toby Rice  
 Address: 171 Hillpointe Drive Suite 301  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): North Bethlehem  
 Receiving Stream(s) and Classifications: UT to Pigeon  
 Creek WWF/ Mononaghela River Basin, Other

4/7/2011

ESCGP-1 No.: ESX10-129-0039 Subsequent Phase  
 Applicant Name: Consol Gas Company  
 Contact Person: Craig Neal  
 Address: 280 Indiana Springs Road Suite 333  
 City: Indiana State: PA Zip Code: 15701  
 County: Westmoreland Township(s): Washington/Bell  
 Receiving Stream(s) and Classifications: Beaver Run  
 Reservoir/ Poke Run/Beaver Run HQ

5/9/2011

ESCGP-1 No.: ESX10-059-0076 Minor Revision  
 Applicant Name: CNX Gas Company LLC  
 Contact Person: Dan Bitz  
 Address: 200 Evergreen Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Center/Morris  
 Receiving Stream(s) and Classifications: South Fork  
 Tenmile Creek, Scott Run, West Run, Patterson  
 Creek HQ WWF

3/25/2011

ESCGP-1 NO.: ESX11-125-0025  
 Applicant Name: Laurel Mountain Midstream LLC  
 CONTACT PERSON: Clayton Roesler  
 ADDRESS: 550 Coraoplis Heights Rd, Suite 140  
 City: Moon Township State: PA Zip Code: 15108  
 County: Washington Township(s): Amwell & West  
 Bethlehem  
 Receiving Stream(s) and Classifications: UNT to Little  
 Tenmile Ck TSE, Smith Run TSE, Lower Monongahela  
 River Watershed HUC8 05020005

4/25/2011

ESCGP-1 NO.: ESX11-129-0012  
 Applicant Name: Williams Production Appalachia LLC  
 CONTACT: David Freudenrich  
 ADDRESS: 1000 Town Center Suite 130  
 City: Canaonsburg State: PA Zip Code: 15317  
 County: Westmoreland Township(s): Donegal  
 Receiving Stream(s) and Classifications:

4/27/2011

ESCGP-1 NO.: ESX09-063-0005 Major Revision  
 Applicant Name: XTO Energy Inc  
 CONTACT: Stacey Vehovic  
 ADDRESS: 395 Airport Road  
 City: Indiana State: Pa Zip Code: 15701  
 County: Indiana Township(s): Center  
 Receiving Stream(s) and Classifications: Cherry Run  
 CWF, Other

3/28/2011

ESCGP-1 NO.: ESX10-059-0032 Major Revision  
 Applicant Name: Atlas America LLC  
 CONTACT: Jeremy Hirtz  
 ADDRESS: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Greene Township(s): Cumberland  
 Receiving Stream(s) and Classifications: UNT's to Muddy  
 Creek/Tenmile Creek, Other

4/21/2011

ESCGP-1 NO.: ESX11-125-0033  
 Applicant Name: Range Resources—Appalachia LLC  
 CONTACT: Carla Suszkowski  
 ADDRESS: 380 Southpointe Blvd.  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Hopewell  
 Receiving Stream(s) and Classifications: UNT 32919 to  
 Brush Rn/Wheeling-Buffalo Creeks Watershed, HQ

04/27/2011

ESCGP-1 No.: ESX11-059-0027  
 Applicant Name: Atlas American LLC  
 CONTACT: Jeremy Hirtz  
 Address: 800 Mt. View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Greene Township(s): Dunkard  
 Receiving Stream(s) And Classifications: UNT to Dunkard  
 Creek/Upper Monongahela

4/25/2011

ESCGP-1 No.: ESX11-111-0005  
 Applicant Name: Chief Oil & Gas LLC  
 Contact Person: Michael Hritz  
 Address: 6051 Wallace Rd, Ext Suite 210  
 City: Wexford State: PA Zip Code: 15090  
 County: Somerset Township(s): Black  
 Receiving Stream(s) and Classifications: Isers Run EV  
 UNT to Isers Run EV

04/07/2011

ESCGP-1 No.: ESX10-059-0084 Major Revision  
 Applicant Name: Energy Corporation of America  
 Contact Person: Seth Burdette  
 Address: 1380 Route 286 Highway Suite 221  
 City: Indiana State: PA Zip Code: 15701  
 County: Greene Township(s): Cumberland  
 Receiving Stream(s) and Classifications: UNT to Muddy  
 Creek WWF Upper Monongahela, Other

5/5/2011

ESCGP-1 No.: ESX11-059-0019 Major Revision  
 Applicant Name: EQT Production  
 Contact Person: Todd Klaner

Address: 455 Racetrack Road  
 City: Washington State: PA Zip Code: 15301  
 County: Greene Township(s): Center  
 Receiving Stream(s) and Classifications: UNT to Rush  
 Run HQ Rush Run HQ WWF Tenmile Creek Watershed

5/5/2011

ESCGP-1 No.: ESX11-125-0007 Major Revision  
 Applicant Name: Rice Drilling B LLC  
 Contact Person: Toby Rice  
 Address: 171 Hillpointe Drive Suite 301  
 City: Canonsburg State: PA Zip Code: 15317  
 COUNTY Washington Township(s): North Bethlehem  
 Receiving Stream(s) and Classifications: Pine Run TSF  
 Tenmile Creek, Other

03/02/2011

ESCGP-1 No.: ESX11-059-0018  
 Applicant Name: Laurel Mountain Midstream LLC  
 Contact Person: Lisa Reaves  
 Address: 1550 Coraopolis Heights Road  
 City: Moon Township State: PA Zip Code: 15108  
 County: Greene Township(s): Dunkard  
 Receiving Stream(s) and Classifications: UNT's WWF,  
 Crooked Run WWf, Dunkard Creek WWF, Bell Run  
 WWF/lower and Upper Monongahela Watershed

5/9/2011

ESCGP-1 No.: ESX11-059-0020 Major Revision  
 Applicant Name: Energy Corporation of America  
 Contact Person: Mark Fry  
 Address: 1380 Route 286 Highway East Suite 221  
 City: Indiana State: PA Zip Code: 15701  
 County: Greene Township(s): Cumberland  
 Receiving Stream(s) and Classifications: UNT to  
 Southbranch Muddy Creek WWF Muddy Creek

5/4/11

ESCGP-1 No.: ESX10-129-0022 Major Revision  
 Applicant Name: Atlas America, LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Westmoreland Township(s): South Huntingdon  
 Receiving Stream(s) and Classifications: UNT to Barren  
 Run/Lower Youghiogheny River Watershed, Other

5/2/2011

ESCGP-1 No.: ESX11-125-0002 Major Revision  
 Applicant Name: Laurel Mountain Midstream LLC  
 Contact Person: Clayton Roesler  
 Address: 1605 Coraopolis Heights Road  
 City: Moon Township State: PA Zip Code: 15108  
 County: Washington Township(s): West Bethlehem  
 Receiving Stream(s) and Classifications: Daniel's Run  
 TSF UNT to Tenmile Creek TSF UNT's to Daniel's Run  
 TSF and Horn Run TSF/ Middle Monongahela River  
 Watershed

4/18/2011

ESCGP-1 NO.: ESX10-051-0051 Major Revision  
 Applicant Name: Atlas America LLC  
 CONTACT PERSON: Jeremy Hirtz  
 ADDRESS: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Fayette Township(s): Redstone  
 Receiving Stream(s) and Classifications: UNT to Dunlap  
 Creek & UNT to Lilly run/Middle Monongahela River  
 Watershed

3/31/2011

ESCGP-1 NO.: ESX11-063-0001 Major Revision  
 Applicant Name: CNX Gas Company LLC  
 CONTACT: Craig Neal

ADDRESS: 280 Indian Springs Rd Suite 333  
 City: Indiana State: PA Zip Code: 15701  
 County: Indiana Township(s): Young  
 Receiving Stream(s) and Classifications: Nesbit Run 7  
 Trib 4321 to Whiskey Run/Nesbit & Whiskey Run  
 Watersheds, Other

5/4/2011

ESCGP-1 NO.: ESX10-125-0074 Major Revision  
 Applicant Name: MarkWest Liberty Midstream &  
 Resources LLC  
 CONTACT: Robert McHale  
 ADDRESS: 601 Technology Dr Suite 130  
 City: Canonsburg State: PA Zip Code: 15137  
 County: Washington Township(s): Chartiers, Cecil & Mt  
 Pleasant  
 Receiving Stream(s) and Classifications: Brush Run,  
 Plum Run and a UNT to Plum Run, Other

5/9/2011

ESCGP-1 NO.: ESX11-059-0026  
 Applicant Name: CNX Gas Company  
 CONTACT: Daniel Bitz  
 ADDRESS: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Morris  
 Receiving Stream(s) and Classifications: UNT to Bates  
 Fork/South Fork Tenmile Creek, High Quality

5/23/11

ESCGP-1 NO.: ESX11/021/0004  
 Applicant Name: Carrizo Marcellus LLC  
 CONTACT: Gary Byron  
 ADDRESS: 251 Drainlick Rd P O Box 321  
 City: Drifting State: PA Zip Code: 16834  
 County: Cambria Township(s): Reade  
 Receiving Stream(s) and Classifications: Fallentimber  
 Run, Other

*Northcentral Region: Oil & Gas Management Program  
 Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX11-117-0041

Applicant Name Novus Operating, LLC  
 Contact Person Jim Wood  
 Address 2963 Ruger Drive  
 City, State, Zip Royse City, TX 75189  
 County Tioga  
 Township(s) Brookfield Twp.  
 Receiving Stream(s) and Classification(s) UNT of Califor-  
 nia Br/California Br, UNT of North Br/North Br, UNT  
 of N Fork Cowanesque R, N Fork Cowanesque R—  
 HQ-CWF

ESCGP-1 # ESX11-117-0053

Applicant Name SWEPI LP  
 Contact Person Richard Lewis  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Sullivan Twp.  
 Receiving Stream(s) and Classification(s) Corey Cr/  
 Susquehanna R Basin in PA—Susquehanna R—CWF;  
 Tioga R/Susquehanna R Basin in PA—Susquehanna R

ESCGP-1 # ESX11-015-0086

Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Pike Twp.  
 Receiving Stream(s) and Classification(s) Rockwell Cr—  
 WWF

ESCGP-1 # ESX10-117-0203(01)

Applicant Name SWEPI LP  
 Contact Person Richard Lewis  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Lycoming and Tioga  
 Township(s) McNett Twp (Lycoming); Union Twp (Tioga)  
 Receiving Stream(s) and Classification(s) Lycoming Cr  
 (CWF,MF); E Br Sugar Works Run (HQ-CWF, MF); Trib  
 to Sugar Works Run (HQ-CWF, MF); Trib to Lycoming  
 Cr (CWF,MF)

ESCGP-1 # ESX11-117-0054

Applicant Name SWEPI LP  
 Contact Person Richard Lewis  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Chatham, Farmington, and Middlebury  
 Twps.  
 Receiving Stream(s) and Classification(s) Losey Cr (WWF,  
 MF) and tribs to Losey Cr (WWF, MF)

ESCGP-1 # ESX11-023-0004

Applicant Name J-W Operating Company  
 Contact Person Brenda Reed  
 Address 2200 Georgetown Dr, Ste 301  
 City, State, Zip Sewickley, PA 15143  
 County Cameron  
 Township(s) Shippen Twp.  
 Receiving Stream(s) and Classification(s) Sterling Run  
 (CWF-MF); Driftwood Br Sinnemahoning Cr

ESCGP-1 # ESX10-115-0066(01)

Applicant Name Laser Northeast Gathering Company  
 LLC  
 Contact Person I "Chip" Berthelot, II  
 Address 333 Clay, Ste 4500  
 City, State, Zip Houston, TX 77002  
 County Susquehanna  
 Township(s) Liberty, Great Bend, & Franklin Twps.  
 Receiving Stream(s) and Classification(s) Susquehanna R  
 (WWF, MF); Trowbridge Cr, Snake Cr, Trib. to Dubois  
 Cr (CWF, MF)

ESCGP-1 # ESX10-115-0035

Applicant Name Laser Northeast Gathering Company  
 LLC  
 Contact Person I "Chip" Berthelot, II  
 Address 333 Clay, Ste 4500  
 City, State, Zip Houston, TX 77002  
 County Susquehanna  
 Township(s) Liberty, Silver Lake, Franklin, Forest Lake,  
 Jessup, Middletown Twps.  
 Receiving Stream(s) and Classification(s) Middle & North  
 Br Wyalusing, Stone Street Cr, Laurel Cr (CWF, MF);  
 Silver Cr (CWF, EV)

ESCGP-1 # ESX11-115-0041

Applicant Name Cabot Oil & Gas Corp  
 Contact Person Phil Stalnaker  
 Address Five Penn Center West, Ste 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna  
 Township(s) Forest Lake Twp.  
 Receiving Stream(s) and Classification(s) Forest Lake Cr,  
 UNT to Forest Lake Cr (CWF, MF)

ESCGP-1 # ESX11-015-0084

Applicant Name Chief Oil & Gas LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road Ext, Ste 210  
 City, State, Zip Wexford, PA 15090

County Bradford

Township(s) Monroe Twp.  
 Receiving Stream(s) and Classification(s) (2) UNTs to  
 Bennetts Cr, Bennetts Cr, Susquehanna R. (WWF)

ESCGP-1 # ESX11-115-0040

Applicant Name Chief Oil & Gas LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road Ext, Ste 210  
 City, State, Zip Wexford, PA 15090  
 County Susquehanna  
 Township(s) Springville Twp.  
 Receiving Stream(s) and Classification(s) Field Br (CWF),  
 Tunkhannock Cr (TSF)

ESCGP-1 # ESX11-015-0087

Applicant Name Chief Oil & Gas LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road Ext, Ste 210  
 City, State, Zip Wexford, PA 15090  
 County Bradford  
 Township(s) Monroe Twp.  
 Receiving Stream(s) and Classification(s) UNT to South  
 Br Towanda Cr (CWF); Ellis Cr, Bennetts Cr, Towanda  
 Cr, Susquehanna R (WWF)

ESCGP-1 # ESX10-081-0088(01)

Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Carla Suszkowski  
 Address 380 Southpointe Blvd  
 City, State, Zip Canonsburg, PA 15317  
 County Lycoming  
 Township(s) Cogan House Twp.  
 Receiving Stream(s) and Classification(s) UNT 21299 to  
 Bear Run/Pine Cr watershed (HQ), Bear Run

ESCGP-1 # ESX11-015-0090

Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Sheshequin Twp.  
 Receiving Stream(s) and Classification(s) Deer Lick Cr  
 (WWF/MF), Susquehanna River (WWF/MF)

ESCGP-1 # ESX11-115-0050

Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Susquehanna  
 Township(s) Rush Twp.  
 Receiving Stream(s) and Classification(s) Deer Lick Cr (to  
 South); UNT Deer Lick Creek (to North), E. Br. Wyalus-  
 ing Cr (CWF)

ESCGP-1 # ESX11-015-0092

Applicant Name EOG Resources, Inc.  
 Contact Person Jon Jorgenson  
 Address 400 Southpointe Blvd, Plaza 1, Ste 300  
 City, State, Zip Canonsburg, PA 15317  
 County Bradford  
 Township(s) Springfield Twp.  
 Receiving Stream(s) and Classification(s) Leonard Cr,  
 Sugar Cr

ESCGP-1 # ESX11-015-0085

Applicant Name EOG Resources, Inc.  
 Contact Person Jon Jorgenson  
 Address 400 Southpointe Blvd, Plaza 1, Ste 300  
 City, State, Zip Canonsburg, PA 15317  
 County Bradford

Township(s) Burlington Twp.  
Receiving Stream(s) and Classification(s) Tomjack Cr,  
Wallace Cr, Sugar Cr

ESCGP-1 # ESX11-081-0046

Applicant Name Pennsylvania General Energy Company,  
LLC

Contact Person Douglas Kuntz  
Address 120 Market St  
City, State, Zip Warren, PA 16365  
County Lycoming

Township(s) McHenry and Cummings Twps.  
Receiving Stream(s) and Classification(s) Boone Run  
(EV), Dry Run (HQ-CWF), Pine Cr (HQ-CWF), W. Br.  
Susquehanna R (WWF)

ESCGP-1 # ESX11-081-0049

Applicant Name Pennsylvania General Energy Company,  
LLC

Contact Person Douglas Kuntz  
Address 120 Market St  
City, State, Zip Warren, PA 16365  
County Lycoming

Township(s) McHenry and Cummings Twps.  
Receiving Stream(s) and Classification(s) Boone Run  
(EV), Dry Run (HQ-CWF), Pine Cr (HQ-TSF), UNT to  
Pine Cr (HQ-CWF) W. Br. Susquehanna R (WWF)

ESCGP-1 # ESX11-081-0047

Applicant Name Pennsylvania General Energy Company,  
LLC

Contact Person Douglas Kuntz  
Address 120 Market St  
City, State, Zip Warren, PA 16365  
County Lycoming

Township(s) McHenry and Cummings Twps.  
Receiving Stream(s) and Classification(s) Boone Run  
(EV), Dry Run (HQ-CWF), Pine Cr (HQ-TSF)

ESCGP-1 # ESX11-081-0041

Applicant Name Anadarko Marcellus Midstream, LLC  
Contact Person Bertha Nefe

Address P. O. Box 1330  
City, State, Zip Houston, TX 77251-1330  
County Lycoming

Township(s) McHenry Twp.  
Receiving Stream(s) and Classification(s) Pine Cr, Trout  
Run, Lick Run—HQ-CWF, MF; Miller Run, First Big  
Fork, Robbins Run

ESCGP-1 # ESX11-081-0045

Applicant Name Anadarko E&P Company LP

Contact Person Bertha Nefe  
Address P. O. Box 1330  
City, State, Zip Houston, TX 77251-1330  
County Lycoming, Clinton

Township(s) Cummings Twp (Lycoming); Gallagher Twp  
(Clinton)  
Receiving Stream(s) and Classification(s) Veley Fork,  
Upper Pine Btm Run, 2nd Br Ott Fork, Ott Fork—  
HQ-CWF, MF; Pine Cr—HQ-TSF, MF

ESCGP-1 # ESX11-115-0049

Applicant Name Cabot Oil & Gas Corp  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Ste 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna

Township(s) Bridgewater Twp.  
Receiving Stream(s) and Classification(s) South Brank  
Wyalusing Cr, UNT to South Br Wyalusing Cr (WWF)

ESCGP-1 # ESX11-015-0094

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins  
Address 101 North Main St  
City, State, Zip Athens, PA 18810  
County Wyoming and Bradford

Township(s) Braintrim Twp (Wyoming); Tuscarora Twp  
(Bradford)

Receiving Stream(s) and Classification(s) Little Tuscarora  
Cr (CWF, MF), Tuscarora Cr (CWF, MF), Susquehanna  
River (WWF, MF)

ESCGP-1 # ESX11-015-0082

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins  
Address 101 North Main St  
City, State, Zip Athens, PA 18810  
County Bradford

Township(s) Tuscarora Twp.  
Receiving Stream(s) and Classification(s) Tuscarora Cr  
(CWF); Susquehanna River (WWF)

ESCGP-1 # ESX11-081-0048

Applicant Name Range Resources—Appalachia, LLC

Contact Person Carla Suszkowski  
Address 380 Southpointe Blvd  
City, State, Zip Canonsburg, PA 15317  
County Lycoming

Township(s) Jackson Twp.  
Receiving Stream(s) and Classification(s) UNT to  
Packhorse Cr, Steam Valley Run/Pine Cr watershed  
(EV)

ESCGP-1 # ESX11-115-0037

Applicant Name Southwestern Energy Production Co.

Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna

Township(s) New Milford Twp.  
Receiving Stream(s) and Classification(s) UNT to Meylert  
Cr (HQ-CWF), Meylert Cr (HQ-CWF), Salt Lick Cr

ESCGP-1 # ESX11-015-0097

Applicant Name Chief Oil & Gas LLC

Contact Person Michael Hritz  
Address 6051 Wallace Rd Ext., Ste 210  
City, State, Zip Wexford, PA 15090  
County Bradford

Township(s) Asylum Twp.  
Receiving Stream(s) and Classification(s) UNT to  
Susquehanna River (WWF, MF), Susquehanna River  
(WWF, MF)

ESCGP-1 # ESX11-105-0005

Applicant Name Penn Virginia Oil & Gas Corp.

Contact Person Jim Burns  
Address 1000 Town Center Way, Ste 210  
City, State, Zip Canonsburg, PA 15317  
County Potter

Township(s) Allegany Twp.  
Receiving Stream(s) and Classification(s) UNT to Alle-  
gheny R/Allegheny R—CWF

ESCGP-1 # ESG11-015-0054

Applicant Name Chief Gathering, LLC

Contact Person Ted Wurfel  
Address 6051 Wallace Rd Ext, Ste 210  
City, State, Zip Wexford, PA 15090  
County Bradford

Township(s) Granville, Franklin & West Burlington Twps.  
Receiving Stream(s) and Classification(s) UNT to N. Br.  
Towanda Cr & North Towanda Cr—CWF

ESCGP-1 # ESG11-081-0032

Applicant Name Chief Gathering, LLC

Contact Person Ted Wurfel  
Address 6051 Wallace Rd Ext, Ste 210  
City, State, Zip Wexford, PA 15090  
County Lycoming  
Township(s) Franklin and Jordan Twp.  
Receiving Stream(s) and Classification(s) UNT to Little  
Muncy Cr (CWF, MF), UNT to German Run (CWF,  
MF), W. Br. Run (CWF, MF)

ESCGP-1 # ESX10-015-0384(01)  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main St  
City, State, Zip Athens, PA 18810  
County Bradford  
Township(s) Albany Twp.  
Receiving Stream(s) and Classification(s) Ladds Cr, S. Br.  
Towanda Cr (CWF)

ESCGP-1 # ESX11-081-0050  
Applicant Name EXCO Resources (PA), LLC  
Contact Person Larry Sanders  
Address 3000 Ericsson Dr, Ste 200  
City, State, Zip Warrendale, PA 15086  
County Lycoming  
Township(s) Franklin Twp.  
Receiving Stream(s) and Classification(s) Little Muncy Cr  
(CWF), W. Br. Susquehanna R (WWF)

ESCGP-1 # ESX11-033-0013  
Applicant Name Carrizo Marcellus, LLC  
Contact Person Gary Byron  
Address 251 Drainlick Rd  
City, State, Zip Drifiting, PA 16834  
County Clearfield  
Township(s) Woodward Twp.  
Receiving Stream(s) and Classification(s) UNT to Gose  
Run, Gose Run

ESCGP-1 # ESX11-081-0033  
Applicant Name Seneca Resources Corp.  
Contact Person Michael Clinger  
Address 51 Zents Blvd  
City, State, Zip Brookville, PA 15825  
County Lycoming  
Township(s) Lewis and McIntyre Twps.  
Receiving Stream(s) and Classification(s) Long Run, Dry  
Run, Hagerman Run, and Fourmile Hollow—HQ

ESCGP-1 # ESX11-035-0001  
Applicant Name XTO Energy, Inc.  
Contact Person Stacey Vehovic  
Address 395 Airport Rd  
City, State, Zip Indiana, PA 15701  
County Clinton  
Township(s) Chapman Twp.  
Receiving Stream(s) and Classification(s) UNT to W. Br.  
Susquehanna R (HQ, CWF, MF), W. Br. Susquehanna R  
(HQ, CWF, MF)

ESCGP-1 # ESX11-015-0096  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Dr  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Wells Twp.  
Receiving Stream(s) and Classification(s) Beckwith Cr  
(CWF, MF), Seeley Cr

ESCGP-1 # ESX11-081-0051  
Applicant Name Seneca Resources Corp  
Contact Person Michael Clinger  
Address 51 Zents Blvd  
City, State, Zip Brookville, PA 15825  
County Lycoming  
Township(s) Lewis Twp.  
Receiving Stream(s) and Classification(s) Lycoming Cr—  
CWF, MF; W. Br. Susquehanna River

*Northwest Region: Oil and Gas Program Manager, 230  
Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX11-019-0071 John R Fry et ux No. 1  
Applicant Phillips Exploration Inc  
Contact Gary Clark  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Connoquenessing(s)  
Receiving Stream(s) and Classification(s) UNT of Crab  
Run/Crab Run-WWF

ESCGP-1 #ESX11-019-0070—Bluestone Gas Processing  
Plant  
Applicant Keystone Midstream Services, LLC  
Contact Mr. Mike Brinkmeyer  
Address 11400 Westmoor Circle, Suite 325  
City Westminster State CO Zip Code 80021  
County Butler Township(s) Jackson Township(s)  
Receiving Stream(s) and Classification(s) Unnamed Tribu-  
tary to Connoquenessing Creek (WWF)

ESCGP-1 #ESX11-047-0022—HM4 WT 3044 PAT  
Applicant Hunt Marcellus Operating Company, LLC  
Contact Mr. David Hulslander  
Address 106 North Michael Street, Suite 3  
City St Mary's State PA Zip Code 15857  
County Elk Township(s) Jones(s)  
Receiving Stream(s) and Classification(s) Wolf Run, HQ,  
CWF

ESCGP-1 #ESX11-019-0060A—Godfrey Unit No. 1H 2H—  
Major Modification  
Applicant Phillips Exploration, Inc.  
Contact Gary A. Clark  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Penn(s)  
Receiving Stream(s) and Classification(s) UNT of Thorn  
Creek—WWF, Thorn Creek—WWF

#### 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, 504, 1101—1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, PO Box 8763, Harrisburg, PA 17105-8763.**

SSIP Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
11-41-003	Halliburton Energy Services, Inc. 10200 Bellaire Boulevard Houston, TX 77072-5206 Attn: Brian Jernigan	Lycoming	Clinton Township	10 ASTs storing base oil and drilling fluids	315,000 gallons total

**SPECIAL NOTICES**

**DRINKING WATER STATE REVOLVING FUND**

**Special Notice Under the federal Safe Drinking Water Act**

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Indiana County Municipal Services Authority	602 Kolter Drive Indiana, PA 15701	Indiana

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Indiana County Municipal Services Authority proposes construction of a new well with disinfection, submersible water pump, a 220,000 gallon above ground water storage tank and the installation of approximately 40,000 feet of waterline to service approximately 236 homes (8" and 6") to serve the Plumville area. The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Indiana County Municipal Services Authority	602 Kolter Drive Indiana, PA 15701	Indiana

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Indiana County Municipal Services Authority proposes a waterline extension into Pine Township which will connect to the Heilwood Water Treatment Plant and construction of the 317,000 gallon Strongstown water storage tank, a waterline extension to Ernest which will provide 209 new service connections to existing customers and the Rossiter Reservoir will be dredged to restore its original design capacity as a water supply impoundment. The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Somerset Township Municipal Authority	2209 North Center Avenue Somerset, PA 15501	Somerset

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Indiana County Municipal Services Authority proposes a connection to the Somerset County General Authority pipeline, installation of a 500,000 gallon water storage tank and the replacement of the Friedens distribution system. The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

**CATEGORICAL EXCLUSION**

*Northeast Region: Water Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Project Information:*

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
City of Bethlehem	10 East Church Street Bethlehem, PA 18018	City of Bethlehem	Northampton

*Description:* The City proposes to improve the wet weather handling capabilities of their existing wastewater treatment facility by addressing current problems associated with the digester systems and waste activated sludge thickening process. Digester system improvements include installation of new mixing and heating systems in all three primary digesters; a new energy efficient boiler; new gas piping; new storage cover; structural repairs; new sludge pumps; and associated plumbing, electrical, and instrumentation upgrades. Sludge Thickening improvements include replacement of existing thickeners with two new gravity belt thickener units; new energy efficient sludge pumps; upgraded polymer feed system; and associated HVAC, electrical, and instrumentation upgrades. The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department's review of the project and the information received has not identified any significant adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

**Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs) Developed for the Potato Valley Run Watershed in Snyder County Pennsylvania**

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the Potato Valley Run Watershed in Snyder County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation from agriculture.

There currently are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed



TMDLs set allowable loadings of sediment in the Potato Valley Run Watershed. The sediment loadings were allocated among cropland, hay/pasture land, low intensity development and stream bank categories present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loadings for the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified.

*Summary of TMDL Based Load Reductions in the Potato Valley Run Watershed*

POLLUTANT	EXISTING LOAD (lbs./yr.)	EXISTING LOAD (lbs./day)	TMDL (lbs./yr.)	TMDL (lbs./day)	PERCENT REDUCTION
Sediment	1,241,600	3,402	950,872	2,605	23%

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the proposed TMDLs contact:

Gary M. Gocek, Water Program Specialist  
Watershed Protection Division, Central Office  
Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
Harrisburg, PA 17105  
Phone: 717-772-1674, e-mail: [ggocek@state.pa.us](mailto:ggocek@state.pa.us)

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 45 days after publication in the *PA Bulletin*. A public meeting to discuss the technical merits of the TMDLs will be held upon request.

**Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs) Developed for the Silver Creek Watershed in Snyder County Pennsylvania**

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the Silver Creek Watershed in Snyder County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation from grazing related agriculture.

There currently are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loadings of sediment in the Silver Creek Watershed. The sediment loadings were allocated among cropland, hay/pasture land, transitional land and stream bank categories present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loadings for the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified.

*Summary of TMDL Based Load Reductions in the Silver Creek Watershed*

POLLUTANT	EXISTING LOAD (lbs./yr.)	EXISTING LOAD (lbs./day)	TMDL (lbs./yr.)	TMDL (lbs./day)	PERCENT REDUCTION
Sediment	3,129,000	8,573	1,591,811	4,361	49%

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the proposed TMDLs contact:

Gary M. Gocek, Water Program Specialist  
Watershed Protection Division, Central Office  
Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
Harrisburg, PA 17105  
Phone: 717-772-1674, e-mail: [ggocek@state.pa.us](mailto:ggocek@state.pa.us)

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 45 days after publication in the *PA Bulletin*. A public meeting to discuss the technical merits of the TMDLs will be held upon request.

[Pa.B. Doc. No. 11-973. Filed for public inspection June 10, 2011, 9:00 a.m.]

### Alternative Fuels Incentive Grant Program; Pennsylvania Turnpike Electric Vehicle Charging Infrastructure; Solicitation

The Department of Environmental Protection (Department), Bureau of Energy, Innovations and Technology Deployment announces an opportunity to apply for the Pennsylvania Turnpike Electric Vehicle Infrastructure Grant as part of a special solicitation under the Alternative Fuels Incentive Grant Program. With the advent of new electric vehicle (EV) technology, the Department is partnering with the Pennsylvania Turnpike Commission (PTC) to establish the necessary infrastructure to support EV travel and transport along the Turnpike system. The Turnpike system includes the main east to west corridor stretching between New Jersey and Ohio as well as the northeast and southwest extensions.

This solicitation is necessary to facilitate travel by EV along the Turnpike and to eliminate the need for travelers to exit and reenter the Turnpike after charging their vehicles. The Department is interested in receiving proposals that will establish EV recharging infrastructure at each service plaza throughout the Turnpike system.

This grant solicitation provides corporations, limited liability companies and partnerships incorporated or registered in this Commonwealth with the opportunity to receive a matching reimbursement grant to install EV charging systems along the Turnpike. It is anticipated that one award of up to \$1 million will be made to meet the needs of this solicitation. Additionally, the PTC has committed \$500,000 towards increased voltage upgrades that may be necessary to facilitate the installation of EV charging equipment.

Beginning on June 11, 2011, the solicitation guidelines and application will be available on the Department's web site at <http://www.depweb.state.pa.us> (click on "DEP Programs" and then "Alternative Fuels"). Applications will be accepted from June 11, 2011, through July 29, 2011.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-974. Filed for public inspection June 10, 2011, 9:00 a.m.]

### Mining and Reclamation Advisory Board; Meeting Change

This is an update for the Mining and Reclamation Advisory Board (Board) notice which was published at 40 Pa.B. 7430 (December 25, 2010). The Board announced a meeting for July 14, 2011. The location and time of the meeting was "TBA." The location and time has been determined. The time of the meeting will be from 9 a.m. to 12 p.m. at the Elk County Visitor Center, 134 Homestead Drive, Benzette, PA 15821.

Questions concerning the meeting can be directed to James Charowsky at (717) 787-7007 or [jcharowskys@state.pa.us](mailto:jcharowskys@state.pa.us). The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact James Charowsky at (717) 787-7007 or the Pennsyl-

vania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-975. Filed for public inspection June 10, 2011, 9:00 a.m.]

### Nutrient Credit Trading Program Action

The Department of Environmental Protection (Department) provides notice of the following action under the Nutrient Credit Trading Program (Trading Program). This action was taken under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about this action or the Trading Program, contact Ann Roda, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4785, [aroda@state.pa.us](mailto:aroda@state.pa.us) or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").

The following certification request has been approved by the Department. The approval of this request is considered a final action of the Department.

**Bion Environmental Technologies and Bion PA1, LLC** (1775 Summitview Way, P. O. Box 566, Crestone, CO 81131). This approval is applicable to the nutrient reductions generated from the operation of the Bion Combustion Facility (Facility) that, as described in the certification request, will process poultry manure from Kreider Farms to reduce nutrients while producing residual ash that will be land-filled or beneficially used for its nutrient content. The Facility will be designed to accept other biomass sources, such as the cellulosic coarse solids produced by the Kreider Dairy Bion Environmental Management System. This approval states that no nutrient credits can be generated until Bion provides the final location of the Facility, Bion receives final Department approval of all required permits needed for the construction and operation of the Facility, and the applicable Nutrient Management Plans are modified to reflect the processing of the manure. This approval includes a verification plan and authorizes the generation of nitrogen credits. This certification of annual credits is valid until September 30, 2022, as long as the pollution reduction activity is implemented maintained and verified under the terms and conditions contained in the certification. After September 30, 2022, credits for the pollution reduction activity may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 39 Pa.B. 2493 (May 16, 2009).

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-976. Filed for public inspection June 10, 2011, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application for Exception to 28 Pa. Code § 127.32

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders):

Hanover Hospital  
Meyersdale Medical Center

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-977. Filed for public inspection June 10, 2011, 9:00 a.m.]

### Application of Meadville Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Meadville Medical Center has requested an exception to the requirements of 28 Pa. Code § 101.31(7) (relating to hospital requirements).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@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 previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-978. Filed for public inspection June 10, 2011, 9:00 a.m.]

### Application of The Scranton Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Scranton Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 567.2(1) (relating to committee responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@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 previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-979. Filed for public inspection June 10, 2011, 9:00 a.m.]

### Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-2.2.2.7 (relating to patient bathing facilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@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 previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-980. Filed for public inspection June 10, 2011, 9:00 a.m.]

### Draft Title V Maternal and Child Health Services Block Grant 2010 Report and 2012 Application; Public Comment Period

The Bureau of Family Health (Bureau) is accepting public comments on the Commonwealth's draft of the Title V Maternal and Child Health Services Block Grant 2010 Report (2010 Report) and 2012 Application (2012 Application) from June 3, 2011, through July 1, 2011. A draft of the 2012 Application will be electronically accessible through the Department of Health's web site at <http://www.health.state.pa.us>. Comments must be submitted in writing to Peggy Forte, pforte@state.pa.us or in hard copy to the address listed as follows. Comments must be received no later than 5 p.m. on July 1, 2011.

Persons with a disability or individuals who require an alternative format for review of the Commonwealth's 2010 Report and 2012 Application should contact the Bureau in writing or electronically at Title V Block Grant Coordinator, Bureau of Family Health, Health and Welfare Building, 7th Floor East, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2763, TDD (717) 783-6514, fax (717) 772-0323, pforte@state.pa.us; or for speech and/or

hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-981. Filed for public inspection June 10, 2011, 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 § 201.3 (relating to definitions):

Aristacare at Meadow Springs  
845 Germantown Pike  
Plymouth Meeting, PA 19462-2453  
FAC ID 393602

This request is on file with the Department of Health (Department). Persons may receive a copy of the 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 this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 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 should 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).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-982. Filed for public inspection June 10, 2011, 9:00 a.m.]

### Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, June 22, 2011, from 9 a.m. to 12 p.m. by means of webinar call. The meeting will be held at the Department of Health, Bureau of Health Promotion and Risk Reduction, Conference Room 1000, 625 Forster Street, Harrisburg, PA 17120, (717) 787-5251.

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 Kathleen A. Zitka at the address and telephone number listed previously, or for speech and/or hearing

impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-983. Filed for public inspection June 10, 2011, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Bureau of Maintenance and Operations; Access Route Approval

Under 75 Pa.C.S. § 4908 (relating to operation of certain combinations on interstate and certain other highways), the Department of Transportation approved on June 1, 2011, the following access route for use by the types of truck combinations as indicated:

1. (x) 102" wide up to 53' long trailer.
2. (x) 102" wide twin trailers (28-1/2' maximum length-each)
3. (x) 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length Miles</i>
SR 0653	From SR 0653, Rockwood, PA to SR 0219, Garret, PA	7.9

Any questions should be directed to Matt Hedge at (717) 772-5462.

BARRY J. SCHOCH, P.E.,  
*Secretary*

[Pa.B. Doc. No. 11-984. Filed for public inspection June 10, 2011, 9:00 a.m.]

### Finding Cumberland County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Project Delivery, as delegated by the Secretary of Transportation, makes the following written finding:

The Department of Transportation (Department) is planning to replace the structurally deteriorated superstructure (piers and abutments will remain) of the SR 0641 bridge over Big Spring Run in Newville Borough, Cumberland County. The structure will not be widened and the current sidewalk will be replaced on the same side of the bridge.

Permanent right-of-way (ROW) takes are required for this project to incorporate the existing wingwalls into the Department ROW and to allow for future Department maintenance. The ROW acquisitions are required from two Section 4(f) properties: the Big Spring Presbyterian Church property (0.0043 acre) located within the Newville Historic District and the Newville Water Company (0.0047 acre) which is eligible for the National

Register of Historic Places. The Newville Water Company property is also a public recreation area; therefore, two Section 4(f) documents were developed for this ROW take. The ROW takes from these two properties will constitute Section 2002 resource use.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Level-1b Environmental Document has been developed for the subject project to evaluate the potential environmental impacts caused by the subject project along with two Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties documents and one Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Recreation Area document. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System. The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed action.

BRIAN G. THOMPSON, P.E.,  
*Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 11-985. Filed for public inspection June 10, 2011, 9:00 a.m.]

### Finding Lebanon County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation, makes the following written finding:

The Department of Transportation (Department) is planning to replace the structurally deteriorated bridge on SR 4022 over Vesle Run (a tributary to Indiantown Run) in Union Township, Lebanon County. The existing bridge will be replaced with a new precast box culvert at the same location on the same alignment and the same width. Standard barriers, transitions and guiderail treatments will be installed.

The new structure will require permanent right-of-way (ROW) acquisitions on each side of the bridge to contain the structure and guiderail within the Department ROW. The ROW takes totaling 0.099 acre is contained entirely within the boundary of the Fort Indiantown Gap Historic District and will constitute Section 2002 resource use.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Level-1b Environmental Document has been developed for the subject project to evaluate the potential environmental impacts caused by the subject project along with a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties document. The Section 4(f) document also serves as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System. The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. Based upon studies, there is no

feasible and prudent alternative to the use of the Section 2002 resources for the proposed action.

BRIAN G. THOMPSON, P.E.,  
*Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 11-986. Filed for public inspection June 10, 2011, 9:00 a.m.]

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### Finding Snyder County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Project Delivery makes the following written finding:

The Federal Highway Administration and the Department of Transportation are planning the construction of a new vehicular bridge carrying SR 3007 over Middle Creek in Snyder County. The project will also include approach roadway work and guiderail installation.

Information describing the project, with the associated Categorical Exclusion Evaluation, is contained in the Programmatic Section 4(f) Evaluation that was prepared for this project.

Based upon studies, there is no prudent and feasible alternative to the proposed action.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize effects.

BRIAN G. THOMPSON, P. E.,  
*Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 11-987. Filed for public inspection June 10, 2011, 9:00 a.m.]

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### Proposed Disadvantaged Business Enterprise Goals for Participation in Federally Funded Highway and Transit Contracts for Federal Fiscal Years 2012-2014

The Department of Transportation (Department) is providing notice of its proposed goals for Federal Fiscal Years 2012-2014. The goals for Disadvantaged Business Enterprise participation cover contracts assisted with Federal highway and transit funds. The proposed 2012-2014 goals are as follows:

- The overall goal for Federally-assisted highway contracts is 6.63%.
- The overall goal for Federally-assisted transit contracts is 6.95%.

The proposed methodologies used in determining the goals are available for inspection and upon request at the Department's Bureau of Equal Opportunity during normal business hours at Department of Transportation, Bureau of Equal Opportunity, 400 North Street, 5th Floor, Harrisburg, PA 17120-0041, (717) 787-5891 or (800) 468-4201.

The documents can also be viewed online at <http://www.padbegoals.org>.

Documents will be available for inspection for 30 days from the date of this notice. The Department will also accept written comments on the methodologies and goals for 45 days from the date of this notice. Comments, questions or suggestions regarding this notice may be directed in writing to Jocelyn I. Harper, Director, at the previously listed address.

BARRY J. SCHOCH, P. E.,  
*Secretary*

[Pa.B. Doc. No. 11-988. Filed for public inspection June 10, 2011, 9:00 a.m.]

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## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The June 21, 2011, meeting of the Environmental Quality Board (Board) is cancelled. The next regularly scheduled meeting of the Board is scheduled for Tuesday, July 19, 2011, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the July 19, 2011, meeting will be available on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (Select "Public Participation" then "Public Participation Center").

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or [mtate@state.pa.us](mailto:mtate@state.pa.us).

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 11-989. Filed for public inspection June 10, 2011, 9:00 a.m.]

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## FISH AND BOAT COMMISSION

### 2011 Classification of Wild Trout Streams Additions, Adjustments and Removals

The Fish and Boat Commission (Commission) has approved the addition of 99 new waters, adjustments in the limits of 8 waters and the removal of 16 waters from its list of wild trout streams as published at 41 Pa.B. 1294 (March 5, 2011) and 41 Pa.B. 1412 (March 12, 2011).

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate man-

agement of streams. The Commission's Fisheries Management Division maintains the complete list of wild trout streams. It is available on the Commission's web site at [http://www.fish.state.pa.us/trout\\_repro.htm](http://www.fish.state.pa.us/trout_repro.htm).

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 11-990. Filed for public inspection June 10, 2011, 9:00 a.m.]

## GAME COMMISSION

### Voluntary Public Access-Habitat Incentives Program; Final Programmatic Environmental Assessment and Finding of No Significant Impact

The Game Commission (Commission) in partnership with the United States Department of Agriculture, Farm Service Agency announces the availability of a Finding of No Significant Impact (FONSI) and Final Programmatic Environmental Assessment (PEA) for the Voluntary Public Access-Habitat Incentives Program (VPA-HIP). The primary objective of the activity is to provide private landowners various incentives to open their land to public hunting and wildlife related recreation and to improve conditions for wildlife and their habitats.

The Commission is accepting comments on the FONSI and Final PEA through July 3, 2011. The FONSI and Final PEA can be reviewed either online at [www.pgc.state.pa.us](http://www.pgc.state.pa.us) and view the VPA-HIP link or in person at the Commission headquarters office in Harrisburg and its six region offices located as follows:

Game Commission  
Headquarters Office  
2001 Elmerton Avenue  
Harrisburg, PA 17110-9797

Northwest Region  
1415 Pittsburgh Road  
Franklin, PA 16323  
(814) 432-3187

Northcentral Region  
1566 South Route 44  
Highway  
P. O. Box 5038  
Jersey Shore, PA  
17740-5038  
(570) 398-4744

Northeast Region  
Intersection of Routes 415  
and 118  
P. O. Box 220  
Dallas, PA 18612-0220  
(570) 675-1143

Southwest Region  
4820 Route 711  
Bolivar, PA 15923  
(724) 238-9523

Southcentral Region  
8627 William Penn  
Highway  
Huntingdon, PA 16652  
(814) 643-1831

Southeast Region  
448 Snyder Road  
Reading, PA 19605  
(610) 926-3136

Comments should be submitted to Michael Pruss, Chief—Private Lands Section at the Harrisburg address or by e-mail to [vpahip@state.pa.us](mailto:vpahip@state.pa.us).

CARL G. ROE,  
*Executive Director*

[Pa.B. Doc. No. 11-991. Filed for public inspection June 10, 2011, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Executive Committee on Monday, June 13, 2011, at 9:30 a.m. and Tuesday, June 14, 2011, at 9 a.m. and 11 a.m.

Meetings will be accessible from the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodations due to a disability who wish to attend any meeting should contact Renee Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,  
*Executive Director*

[Pa.B. Doc. No. 11-992. Filed for public inspection June 10, 2011, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, May 19, 2011, and announced the following:

#### Action Taken—Regulation Disapproved

Pennsylvania Public Utility Commission #57-265: Standards and Billing Practices for Residential Utility Services (amends 52 Pa. Code Chapter 56)

#### Disapproval Order

Public Meeting held  
May 19, 2011

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., by phone; Lawrence J. Tabas, Esq.

*Pennsylvania Public Utility Commission—Standards and Billing Practices for Residential Utility Services;*

*Regulation No. 57-265 (#2743)*

On February 4, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 56. The proposed regulation was published in the February 14, 2009 *Pennsylvania Bulletin* with a 65-day public comment period. The final-form regulation was submitted to the Commission on April 7, 2011.

This regulation implements that portion of the law commonly known as Chapter 14 or the Responsible Utility Customer Protection Act. It includes provisions necessary to administer and enforce Chapter 14, as well as language added as a result of the PUC's review of Chapter 56 in its entirety.

On May 13, 2011, the PUC submitted a letter that asked this Commission to disapprove the rulemaking. The PUC stated that certain sections of the regulation may be inconsistent with Chapter 14. The sections of the rulemaking cited by the PUC are:

- §§ 56.2 and 56.252, pertaining to the definition of “household income”;
- §§ 56.17 and 56.267, pertaining to advance payments;
- § 56.111, pertaining to general provision;
- § 56.191, pertaining to payment and timing; and
- Appendix B, pertaining to medical emergency notice.

Without support from the promulgating agency, this regulation does not meet the reasonableness criterion set forth in the Regulatory Review Act and is not in the public interest. 71 P. S. § 745.5b(3).

In addition, we have other concerns with the rulemaking. First, in our comments on the proposed rulemaking, we asked the PUC to explain its statutory authority for promulgating Subchapters L through V. We have reviewed the PUC’s response to this comment and request further explanation of its statutory authority for Subchapters L through V. 71 P. S. § 745.5b(a).

Second, our comments on the proposed rulemaking asked for a more detailed cost-benefit and fiscal impact analysis of the regulation. We appreciate the time and effort spent by the PUC in preparing Attachment Three of the final regulatory package, entitled “Revisions to Chapter 56 That Will Promote Greater Efficiencies and Cost-Savings.” However, an analysis that includes actual dollar amounts is needed to determine the true economic or fiscal impact the regulation will have on the Commonwealth, political subdivisions and the private sector. 71 P. S. § 745.5b(1).

Third, commentators have expressed concern with sections of the rulemaking not included in the PUC’s letter of May 13, 2011. These commentators share similar concerns pertaining to the manual reading of utility meters and a utility communicating with non-English and non-Spanish speaking customers. The sections cited by the commentators are:

- § 56.12, pertaining to meter reading, estimated billing and customer readings;
- § 56.91, pertaining to general notice provisions and contents of termination notice;
- §§ 56.93 and 56.333, pertaining to personal contact;
- §§ 56.201 and 56.431, pertaining to public information; and
- § 56.331, pertaining to general notice provisions and contents of termination notice.

The commentators believe that the language in these sections does not adequately protect the public health, safety and welfare of the citizens of the Commonwealth. In light of these comments, we question whether these sections could have a detrimental effect on the well-being of some citizens of the Commonwealth. In the report submitted with the revised final regulation, we ask the PUC to analyze the sections noted above in conjunction with the comments and explain how the regulation adequately protects the public health, safety and welfare of the citizens of the Commonwealth. 71 P. S. § 745.5b(2).

Our fourth and final concern relates to clarity and lack of ambiguity. 71 P. S. § 745.5b(3)(ii). Under § 56.13, a cross-reference to § 56.83(3) would improve the clarity of the regulation. Also, under § 56.36, the comment and response document submitted with the final regulation states that references to “customer” in Subsection (b)(1) were deleted. However, the references are still in the regulation.

Having considered the PUC’s request for disapproval of the regulation and all of the criteria of the Regulatory Review Act, we find promulgation of this regulation is not in the public interest.

*By Order of the Commission:*

This regulation is disapproved.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-993. Filed for public inspection June 10, 2011, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in Section 5.2 of the Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulation. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within two years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-142	Pennsylvania Gaming Control Board General Table Games Provisions; Credit; Table Game Minimum Training Standards 41 Pa.B. 1769 (April 2, 2011)	5/2/11	6/1/11



**Pennsylvania Gaming Control Board  
Regulation #125-142 (IRRC #2890)**

**General Table Games Provisions; Credit;  
Table Game Minimum Training Standards**

**June 1, 2011**

We submit for your consideration the following comments on the proposed rulemaking published in the April 2, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

**CHAPTER 601a. GENERAL TABLE GAMES  
PROVISIONS**

**1. Section 601a.3. Request to offer a new table game or new feature for an existing table game.—Clarity and lack of ambiguity; Implementation procedures.**

Under this section, a certificate holder that wants to offer a new game, wager or feature must file a written request with the Board's Executive Director. It is unclear what happens to the request once it is filed. This lack of clarity raises questions on how the section will be administered. For example, can the request be denied? What criteria will be used to evaluate the request? How long will the Board have to respond to the request? We suggest that the final-form regulation include the procedures and criteria that will be used to evaluate a request or an appropriate cross-reference to where the procedures can be found.

**2. Section 601a.4. Waiver of existing table game regulations.—Clarity and lack of ambiguity; Implementation procedures.**

Subsection (a) allows a certificate holder to file a petition in accordance with Section 493a.4 (relating to petitions generally) if it wants to operate a table game in a manner inconsistent with the Board's regulation. If a certificate holder wants to offer an authorized table game on an electronic gaming table in a manner that is inconsistent with the Board's regulations, it must file a written request with the Board's Executive Director. We have two comments. First, why do Subsections (a) and (b) have different procedures for waiving Board regulations? Second, if a written request to the Board's Executive Director is all that is needed to waive certain regulations, we question what procedures and criteria will be used to evaluate the request. These procedures and criteria should be included in the final-form regulation.

**3. Section 601a.5. Electronic, electrical and mechanical devices prohibited.—Consistency with the intent of the General Assembly; Clarity and lack of ambiguity; Implementation procedures.**

This section prohibits a person from using certain electronic, electrical and mechanical devices when playing table games. The section begins with the phrase, "Except as specifically permitted by the Board. . . ." Under what circumstances would the Board allow the use of these types of devices? How would a person secure permission to use any of these devices? Would the use of these devices compromise the integrity of gaming in any way? The Board should either clarify this section to address these concerns or delete the phrase from the final-form regulation.

**4. Section 601a.6. Minimum and maximum wagers; additional wagering requirements.—Reasonableness.**

A commentator requested an addition to the language of Subsection (c) that would allow the dealer to announce a "Pay or take to the table limit." The commentator believes this additional language would be consistent with industry standards and allow games to proceed without an interruption to review each wager. The Board should consider the addition of this language.

**5. Section 601a.7. Rules of the game; notice.—Reasonableness; Clarity and lack of ambiguity; Implementation procedures; Need.**

*Subsection (c)*

This subsection establishes the procedures that a certificate holder must follow when it wants to change the permissible minimum or maximum wager at a table game. A commentator believes that the requirements of Subparagraphs (c)(2)(i) and (ii) are not needed when the minimum wager amount is lowered. The commentator states that patrons are not at risk of losing more money and it provides the casinos with the ability make adjustments to their business when demand is not as great as anticipated. The Board should explain why it is necessary for Subparagraphs (c)(2)(i) and (ii) to apply to minimum wagers.

*Subsection (d)*

This subsection requires the Board's Bureau of Gaming Operations to approve the location, size and language of each sign required under this section. However, the proposed rulemaking does not include the procedures for obtaining the necessary Board approval. We suggest that the final-form regulation include the procedures or an appropriate cross-reference to where the procedures can be found. We have a similar concern with Subsections 601a.8(a), (c) and (d) (relating to patron access to the rules of the game; gaming guides).

**6. Section 601a.9. Table game taxes and gross table game revenue.—Consistency with the intent of the General Assembly; Possible conflict with or duplication of statutes or existing regulation.**

Section 13A02(2.1) of the Pennsylvania Race Horse Development and Gaming Act (Act) (4 Pa.C.S. § 13A02(2.1)) requires the Board, in consultation with the Department of Revenue (Department), to promulgate regulations that establish the method for calculating gross table game revenue. We have two questions. First, has the Board consulted with the Department as required by the Act? Second, is this regulation consistent with the Department's Pennsylvania Gaming Cash Flow regulations found at 61 Pa. Code Chapter 1001?

Additionally, this section includes references to regulations that have not been promulgated. The subsections are: (c)(1); (c)(4); and (d). It is our understanding that the references are to other Board table game regulations that will be promulgated in the near future. We are concerned that this rulemaking will be finalized before the other regulations are finalized. If this occurs, it could lead to a confusing regulatory environment for those that must comply with the rulemaking. In the Preamble to the final version of this rulemaking, we ask the Board to explain its plan for promulgating all of these regulations in a manner that ensures all references are valid.

**CHAPTER 609a. CREDIT****7. Section 609a.1. Definitions.—Clarity and lack of ambiguity.**

Chapter 609a uses the terms “casino credit bureau,” “consumer credit bureau” and “bank verification service.” These terms are not defined in the Act or the Board’s regulations. We recommend that these terms be defined under this section of the regulation.

**8. Section 609a.3. Application and verification procedures for granting credit.—Reasonableness.***Date the account was opened*

Under Subparagraph (c)(4)(ii), a commentator notes that, for security reasons, banking institutions will not provide the date that an account was opened. It suggests additional language that states “or the patron has had a financial relationship with their banking institution for greater than one year.” The Board should consider adding this language.

*Written documentation*

Subparagraph (c)(4)(vii) requires that verifications performed by phone include a request for written documentation of the information obtained as soon as possible. A commentator suggests that written documentation should not be required if the credit clerk spoke with a live person and recorded the name, title, date, and time of the telephone conversation in the patron credit file. Would this less burdensome documentation sufficiently protect the public interest?

**9. Section 609a.4. Approval of credit limits.—Reasonableness.***“This Trip Only” or “TTO”*

A commentator states that New Jersey state regulations allow a temporary credit increase of 25% once every 30 days known as “This Trip Only” or “TTO.” This temporary increase allows the patron to continue a game without the disruption of a full verification of the patron’s credit. The commentator believes this is preferable to a permanent increase that could inflate credit limits. The Board should review the New Jersey regulations and consider whether this provision may be appropriate for Pennsylvania regulation.

*Subsection (a)*

Paragraph (1) specifies job positions that can approve or change credit limits. The regulation includes “. . . or other key employee in a direct reporting line above the credit manager.” A commentator believes the regulation is too restrictive for a facility that does not use a credit department. The commentator would like to add to the list other employees that hold a Key Employee License, such as Director of Slot Operations, Director of Table Games and Assistant General Manager. The Board should either expand the list or explain why the list in the final-form regulation is appropriate.

**10. Section 609a.5. Derogatory information; reduction or suspension of credit.—Reasonableness.**

Subsection (d) requires a certificate holder to suspend a patron’s credit privileges if a check is returned unless the check was returned due to a bank’s error. A commentator suggests that certificate holder errors should also be exempted. We agree that the patron should not be penalized if an error occurs that is not the patron’s fault. We recommend amending the regulation accordingly.

**11. Section 609a.14. Issuance and reconciliation of Counter Checks.—Economic impact; Reasonableness.***Cage cashier or above*

Under Subparagraph (c)(1)(ii), a commentator suggests that the attestation of a cage supervisor be replaced with the attestation of a “cage cashier or above.” This would allow more flexibility in operations. The Board should consider this amendment.

*Slot attendant or above*

Similar to the above comment, commentators request more flexibility in Subsection (d) by replacing the term “slot supervisor” with “slot attendant or above.” The Board should also consider this amendment.

**12. Section 609a.15. Redemption of Counter Checks.—Reasonableness.***Personal check*

Under Paragraph (b)(1), a commentator would like the ability to accept any personal check for the redemption of a counter check, provided that the verification process has been completed. The commentator notes that patrons often use multiple accounts and many couples pay for one party’s markers. The Board should consider this amendment. The same concern applies to Paragraph 609a.16(a)(1).

*Most recently dated check first*

Under Subsection (d), a patron that has more than one unredeemed Counter Check must redeem the most recently dated check first. A commentator states the industry standard is first in, first out. Why does the regulation require use of the most recent check rather than the oldest check?

**13. Section 609a.17. Deposit of Counter Checks and personal checks substituted for Counter Checks.—Reasonableness.**

Paragraph (a)(1) allows 15 days to deposit checks under \$5,000 and Paragraph (2) allows 30 days for checks of \$5,000 or more. A commentator stated it needs the ability to aggregate the total amount of credit issued in one gaming day to count toward these requirements. The commentator gives the example that if a patron takes ten \$2,000 markers in one day, this should count in the aggregate of \$20,000 in one day to allow 30 days until the markers are due, not as ten individual \$2,000 markers due in 15 days. The Board should consider amending the regulation to accommodate this concern.

**CHAPTER 611a. TABLE GAME MINIMUM TRAINING STANDARDS****14. Section 611a.2. Minimum proficiency requirements.—Reasonableness; Implementation procedures; Economic impact.**

A commentator believes that the additional training required for dealers to deal a different game can be reduced because some of the training a dealer would receive for any game is universal. Specifically, the commentator states that the training required under Section 611a.3 is universal for dealers of any game and should not be additional training for dealers wanting to deal a new game. It requests that Subsection (b) be amended to address this redundancy in training.

Is the training required by Section 611.3a included in the minimum hours of instruction for each game in Paragraph (a)(1)? If so, we agree that requirements, such as training in cardio pulmonary resuscitation (CPR),

would be redundant, particularly if the dealer has current CPR certification. The Board should review the minimum hours of instruction in Paragraph (a)(1) and consider amending them to reflect prior training a dealer has already completed.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-994. Filed for public inspection June 10, 2011, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Continental Casualty Company; Requested 45% Rate Increase Filing for Several Long-Term Care Policies; Rate Filing

Continental Casualty Company is requesting an increase of 45% on the following LTC policy groups: the "Con Care A" grouping which includes forms P1-54076-A37 and P1-54076-B37; the "Con Care B" grouping which is P1-59433-A37; the "LTC 1" grouping which is P1-15203-A37; the "Premier/Classic" grouping which includes P1-18215-A37, P1-18215-A87, P1-18876-A37 and P1-18876-A87; the "Preferred Advantage" grouping which is forms P1-21295-A37, P1-21295-A87, P1-21300-A37, P1-21300-A87, P1-21305-A37 and P1-21305-A87; and the "TQ" grouping which includes P1-N0022-A37, P1-N0022-B37, P1-N0022-A87, P1-N0022-B87, P1-N0023-A37, P1-N0023-B37, P1-N0026-A37, P1-N0026-B37, P1-N0026-A87, P1-N0026-B87, P1-N0027-A37, P1-N0027-B37, P1-N0027-A87, P1-N0030-A37, P1-N0030-A87, P1-N0031-A37, P1-N0034-A37 and P1-N0034-A87.

This increase will impact 11,222 policyholders in this Commonwealth. Unless formal administrative action is taken prior to August 25, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-995. Filed for public inspection June 10, 2011, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will

be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Sarah Gutilla; file no. 11-119-102567; State Farm Mutual Automobile Insurance Company; Doc. No. P11-05-017; July 12, 2011, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-996. Filed for public inspection June 10, 2011, 9:00 a.m.]

## PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

### Application for the Volunteer Fire Company and Volunteer Ambulance Services Grant Program

This notice provides information about the Volunteer Fire Company and Volunteer Ambulance Services Grant Program (Program). Volunteer fire companies and volunteer ambulance services seeking grants under this Program shall submit completed applications no later than 4 p.m. on October 21, 2011. Written instructions and guidelines for the Program will be available online at the Office of State Fire Commissioner (Commissioner) web site [www.osfc.state.pa.us](http://www.osfc.state.pa.us) no later than September 1, 2011. Grant applications will be available online at the Commissioner's web site no later than September 6, 2011.

This notice is provided in accordance with section 302.1 of the Volunteer Fire Company and Volunteer Ambulance Services Grant Act (35 P. S. § 6942.302.1).

GLENN CANNON,  
*Director*

[Pa.B. Doc. No. 11-997. Filed for public inspection June 10, 2011, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Service

**A-2011-2243670. UGI Utilities, Inc.—Gas Division.** Application of UGI Utilities, Inc.—Gas Division, for approval to offer, render, furnish or supply gas utility service to the public in Brecknock Township, Lancaster County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 27, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* UGI Utilities, Inc.—Gas Division

*Through and By Counsel:* Melanie J. Elatieh, Esquire, UGI Utilities, Inc., 460 North Gulph Road, King of Prussia, PA 19406

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-998. Filed for public inspection June 10, 2011, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 27, 2011. 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.

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.**

**A-2011-2239852. Rescue Tech, Inc.** (465 A Veit Road, Huntingdon Valley, Bucks County, PA 19006)—a corpora-

tion of the Commonwealth of Pennsylvania—amendment to its common carrier certificate which grants the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Delaware and Philadelphia, to points in Pennsylvania, and return; *So As To Permit* transportation of persons in paratransit/wheelchair van service, ill or injured non-exempt passengers to and from health care facilities, and physician's offices, of non-ambulatory persons or those ambulatory persons who are in need of transportation to or from health care facilities or physician's office, that do not meet the exemption status as put forth by the Pennsylvania Public Utility Commission, 52 Pa. Code § 41.11 (relating to transportation of persons to or from medical locations by paratransit operations utilizing specialized equipment—statement of policy): Between points in Yardley, Lower Makefield Township, Falls Township, Newtown Township, Middletown Township, Bristol Township, Bensalem Township, Lower Southampton Township, Upper Southampton Township, Northampton Township, and Warminster Township, all in Bucks County, and Horsham, Upper Moreland Township, Lower Moreland Township, Hatboro, Upper Dublin Township, Abington Township, Cheltenham Township, Springfield Township, Whitmarsh Township, Plymouth Township, Norristown, Upper Merion Township, Lower Merion Township, all in Montgomery County, and from said Townships and Boroughs to health care facilities and/or physician's offices to points in Pennsylvania, and return.

**Applications of the following for the approval of the transfer of stock as described under each application.**

**A-2011-2234309. Reading Checker Cab, Inc.** (543 Elm Street, Reading, Berks County, PA 19601)—a corporation of the Commonwealth of Pennsylvania—approval of the transfer of 40 shares of the issued and outstanding stock held by Barbara Wyke, Susan Innes and Deborah Stricker to Curtis Stricker. *Attorney:* David P. Temple, Esquire, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-2011-2238962. Ace Transit Management, LLC** (1532-A Marcey Place, Philadelphia, Philadelphia County, PA 19115), a limited liability company of the Commonwealth of Pennsylvania, for the approval of the transfer of the 51% membership interest of Alla Nudel to Semen Berkovich, increasing Semen Berkovich's 49% membership interest to 100%. *Attorney:* David P. Temple, Esquire, 1760 Market Street, Suite 1100 Philadelphia, PA 19103.

**A-2011-2234401. Reading Metro Taxicab, Inc.** (543 Elm Street, Reading, Berks County, PA 19601)—a corporation of the Commonwealth of Pennsylvania—approval of the transfer of 200 shares of the issued and outstanding stock held by Frederick Brubaker and Curtis Stricker to Deborah Stricker. *Attorney:* David P. Temple, Esquire, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-2011-2234425. Reading Yellow Cab, Inc.** (543 Elm Street, Reading, Berks County, PA 19601)—a corporation of the Commonwealth of Pennsylvania—approval of the transfer of 200 shares of the issued and outstanding stock held by Susan Innes and Barbara Wyke to Deborah Stricker. *Attorney:* David P. Temple, Esquire, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-999. Filed for public inspection June 10, 2011, 9:00 a.m.]

# PHILADELPHIA PARKING AUTHORITY

## Taxicab and Limousine Division; Approved Fee Schedule for the Fiscal Year beginning July 1, 2011

The following table lists the fees or assessments for the Taxicab and Limousine Division for the Fiscal Year 2012, beginning July 1, 2011. The Philadelphia Parking Authority may also charge for goods such as postings in taxicabs, training material and incidental services such as copying, computer access and record checks.

<i>Fee Description</i>	<i>Fee</i>
Annual Medallion Fee	\$1,250 / vehicle
Annual Metered Limousine Fee (as authorized)	\$1,250 / vehicle
Annual Fee for Partial Rights Cabs	\$1,500 / vehicle
Annual Fee for Limousines—All Classes 1—15	\$300 for the first 15 vehicles
Annual Fee for Limousines—All Classes 16—30	\$275 for the second 15 vehicles
Annual Fee for Limousines—All Classes 31 or more	\$250 for all additional vehicles
Daily Passes for Temporary Vehicles	\$30 / vehicle / day
Alternative Registration Fee (Remote and 16 Passenger + Vehicles with Public Utility Commission Rights)	\$15 / vehicle
Annual Fee for Dispatcher	\$2,500 / certificate
Dispatcher Change in Colors and Markings Scheme	\$500
Annual Renewal Fee for Driver Certificates	\$80
New Driver Certification with Classroom Training	\$130
New Driver Certification without Classroom Training	\$100
Medallion / Limousine / Ownership Transfer Fees	\$2,000 or 2% of purchase price, whichever is greater
Annual Financial Service Provider Registration Fees	\$1,000
New Dispatcher Application Fee	\$10,000
New Limousine Certificate Application Fee	\$10,000
New Limousine Certificate Application Protest Fee	\$2,500
Petition Filing fee for Regulation Waivers and Non-Waiver Petitions	\$200
New Car and Replacement Vehicle Transfers	\$200
State and Taxicab and Limousine Division Semi Annual Inspections	\$75
Re-Inspection Fee at 3rd Inspection after 2 Failures	\$100
Return to Service Inspections (Inspect and Remove Out of Service Sticker)	\$20
Medallion Return after Sheriff Levy	\$200
Administrative Hearing Fee (upon finding of liability)	\$50
Cab Replacement Postings (each)	\$10 (each posting)
Lien Registration Fees	\$20 / lien
Department of Transportation Processing Fees (above Department of Transportation costs)	\$20
Communication Fee Associated with Hospitality Initiative	\$18 per month
Taxi Technology Replacement Fund	\$25 per year
Replacement Registration Sticker	\$30
Bounced Check Fee	\$200
Voluntary Suspension of CPC or Medallion	\$25
Additional Limousine Rights at time of Initial Application	\$2,500
Additional Limousine Rights after Initial Rights Granted by Board	\$5,000
Emission Waiver	\$100

VINCENT J. FENERTY, Jr.,  
Executive Director

[Pa.B. Doc. No. 11-1000. Filed for public inspection June 10, 2011, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 11-039.6, Replace Sprinkler System Valves at Building 7, Packer Avenue Marine Terminal until 2 p.m. on Thursday, July 7, 2011. All data for this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement, or call the Procurement Department at (215) 426-2600.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 11-1001. Filed for public inspection June 10, 2011, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed Proposals for Project No. 11-037.P, Design Port Access Improvements, until 2 p.m. on Thursday, July 7, 2011. All information concerning this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement, or call the Department at (215) 426-2600.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 11-1002. Filed for public inspection June 10, 2011, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. James J. Schneider; Doc. No. 2387-51-2010

On December 29, 2010, the State Board of Nursing (Board) suspended the license of James J. Schneider, license no. RN332868L of Wilmington, DE. The Board took this action under the order of the Court of Common Pleas of Erie County dated December 7, 2010, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 11-1003. Filed for public inspection June 10, 2011, 9:00 a.m.]

## STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

### Bureau of Professional and Occupational Affairs v. Charles Costa, Jr.; Doc. No. 0207-60-2011

On February 17, 2011, the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) suspended the license of Charles Costa, Jr., license no. MV219083 of Erie, Erie County. The Board took this action under the order of the Court of Common Pleas of Erie County dated January 12, 2011, which the Court issued under Section 4355 of the Domestic Relations Code. The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

KENNETH I. GLOTFELTY,  
*Chairperson*

[Pa.B. Doc. No. 11-1004. Filed for public inspection June 10, 2011, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved the following list of projects, during March 1, 2011, through April 30, 2011.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, [rcairo@srbc.net](mailto:rcairo@srbc.net); or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, [srichardson@srbc.net](mailto:srichardson@srbc.net); or mail inquiries to Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

#### Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period specified previously:

#### Approvals By Rule Issued Under 18 CFR 806.22(e):

1. Hydro Recovery, LP, Treatment Plant For High TDS Fluids, ABR-201103052, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 0.200 mgd; Approval Date: March 31, 2011.

*Approvals By Rule Issued Under 18 CFR 806.22(f):*

1. EOG Resources, Inc., Pad ID: COP Pad N, ABR-201103001, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: March 4, 2011.

2. Penn Virginia Oil & Gas Corporation, Pad ID: Hurler Pad, ABR-201103002, Harrison Township, Potter County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: March 7, 2011.

3. Talisman Energy USA, Inc., Pad ID: 02 128 Brier Mountain Sportsmen, ABR-201103003, Liberty Township, Tioga County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: March 9, 2011.

4. Talisman Energy USA, Inc., Pad ID: 05 102 Wheeler E, ABR-201103004, Warren Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: March 9, 2011.

5. Talisman Energy USA, Inc., Pad ID: 03 088 Andrews A, ABR-201103005, Wells Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: March 11, 2011.

6. Southwestern Energy Production Company, Pad ID: Mastri Pad, ABR-201103006, Lenox Township, Susquehanna County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: March 11, 2011.

7. Southwestern Energy Production Company, Pad ID: Ransom Pad, ABR-201103007, Lenox Township, Susquehanna County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: March 11, 2011.

8. Southwestern Energy Production Company, Pad ID: Valentine.A Pad, ABR-201103008, Lenox Township, Susquehanna County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: March 11, 2011.

9. Cabot Oil & Gas Corporation, Pad ID: HawleyJ P1, ABR-201103009, Forest Lake Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: March 11, 2011.

10. Aruba Petroleum, Inc., Pad ID: Lundy Well Pad, ABR-201103010, Gamble Township, Lycoming County, PA; Consumptive Use of up to 3.600 mgd; Approval Date: March 11, 2011.

11. Chesapeake Appalachia, LLC, Pad ID: DPH, ABR-201103011, Windham Township, Wyoming County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: March 14, 2011.

12. Chesapeake Appalachia, LLC, Pad ID: Dziuba, ABR-201103012, Tuscarora Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: March 14, 2011.

13. Chesapeake Appalachia, LLC, Pad ID: Acton, ABR-201103013, Rome Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: March 16, 2011.

14. Chief Oil & Gas, LLC, Pad ID: W & L Wilson Drilling Pad No. 1, ABR-201103014, Lemon Township, Wyoming County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: March 16, 2011.

15. Chief Oil & Gas, LLC, Pad ID: PMG Annie Drilling Pad No. 1, ABR-201103015, Springville Township, Susquehanna County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: March 17, 2011.

16. Chief Oil & Gas, LLC, Pad ID: R & A Harris Drilling Pad No. 1, ABR-201103016, Tunkhannock Town-

ship, Wyoming County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: March 17, 2011.

17. SWEPI LP, Pad ID: M L Mitchell Trust 554, ABR-201103017, Middlebury Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: March 17, 2011.

18. EXCO Resources (PA), LLC, Pad ID: Arthur Pad, ABR-201103018, Franklin Township, Lycoming County, PA; Consumptive Use of up to 8.000 mgd; Approval Date: March 17, 2011.

19. Chesapeake Appalachia, LLC, Pad ID: Burke, ABR-201103019, Wilmot Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: March 17, 2011.

20. Cabot Oil & Gas Corporation, Pad ID: ZickJ P1, ABR-201103020, Lenox Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: March 17, 2011.

21. EOG Resources, Inc., Pad ID: SGL 90D Pad, ABR-201103021, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: March 22, 2011.

22. Chesapeake Appalachia, LLC, Pad ID: Jones Pad, ABR-201103022, Standing Stone Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: March 22, 2011.

23. EOG Resources, Inc., Pad ID: PPHC Pad B, ABR-201103023, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: March 22, 2011.

24. EOG Resources, Inc., Pad ID: PHC Pad Z, ABR-201103024, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: March 22, 2011.

25. EOG Resources, Inc., Pad ID: PHC Pad DD, ABR-201103025, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: March 22, 2011.

26. Carrizo Marcellus, LLC, Pad ID: Kile, ABR-201103026, Washington Township, Wyoming County, PA; Consumptive Use of up to 2.100 mgd; Approval Date: March 22, 2011.

27. EOG Resources, Inc., Pad ID: PHC Pad CC, ABR-201103027, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: March 22, 2011.

28. EOG Resources, Inc., Pad ID: PHC Pad BB, ABR-201103028, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: March 22, 2011.

29. EOG Resources, Inc., Pad ID: COP Pad S, ABR-201103029, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: March 22, 2011.

30. EOG Resources, Inc., Pad ID: COP Pad O, ABR-201103030, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: March 22, 2011.

31. Range Resources—Appalachia, LLC, Pad ID: Bobst Mountain Hunting Club Nos. 18H—23H Drilling Pad, ABR-201103031, Cogan House Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: March 22, 2011.

32. XTO Energy Incorporated, Pad ID: Litwhiler Unit A, ABR-201103032, Pine Township, Columbia County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: March 22, 2011.
33. XTO Energy Incorporated, Pad ID: Renn Unit A, ABR-201103033, Jordan Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: March 22, 2011.
34. XTO Energy Incorporated, Pad ID: Raymond Unit B, ABR-201103034, Pine Township, Columbia County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: March 22, 2011.
35. Carrizo Marcellus, LLC, Pad ID: Mazzara, ABR-201103035, Washington Township, Wyoming County, PA; Consumptive Use of up to 2.100 mgd; Approval Date: March 22, 2011.
36. Anadarko E&P Company, LP, Pad ID: Eugene P Nelson Pad A, ABR-201103036, Cascade Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: March 23, 2011.
37. SWEPI, LP, Pad ID: Butler 853, ABR-201103037, Middlebury Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: March 23, 2011.
38. Anadarko E&P Company, LP, Pad ID: Cynthia M Knispel Pad A, ABR-201103038, Cogan House Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: March 24, 2011.
39. EXCO Resources (PA), LLC, Pad ID: Cadwalader Pad, ABR-201103039, Cogan House Township, Lycoming County, PA; Consumptive Use of up to 8.000 mgd; Approval Date: March 24, 2011.
40. Chief Oil & Gas, LLC, Pad ID: Kerrick Drilling Pad No. 1, ABR-201103040, Asylum Township, Bradford County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: March 24, 2011.
41. Chesapeake Appalachia, LLC, Pad ID: Sarah, ABR-201103041, Athens Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: March 25, 2011.
42. Seneca Resources Corporation, Pad ID: DCNR 007 PAD C, ABR-201103042, Shippen Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: March 25, 2011.
43. Range Resources—Appalachia, LLC, Pad ID: Gulf USA No. 63H Drilling Pad, ABR-201103043, Snow Shoe Township, Centre County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: March 25, 2011.
44. Chesapeake Appalachia, LLC, Pad ID: Barclay, ABR-201103044, Franklin Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: March 28, 2011.
45. SWEPI LP, Pad ID: Weiner 882, ABR-201103045, Farmington Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: March 25, 2011.
46. SWEPI, LP, Pad ID: Salevsky 335, ABR-201103046, Charleston Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: March 25, 2011.
47. Seneca Resources Corporation, Pad ID: DCNR 595 PAD C, ABR-201103047, Bloss Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: March 28, 2011.
48. Chief Oil & Gas, LLC, Pad ID: R & L Wilson Drilling Pad No. 1, ABR-201103048, Eaton Township, Wyoming County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: March 28, 2011.
49. Carrizo Marcellus, LLC, Pad ID: Baker West (Brothers), ABR-201103049, Forest Lake Township, Susquehanna County, PA; Consumptive Use of up to 2.100 mgd; Approval Date: March 28, 2011.
50. Chesapeake Appalachia, LLC, Pad ID: King, ABR-201103050, Sheshequin Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: March 28, 2011.
51. Chesapeake Appalachia, LLC, Pad ID: Hi-Lev, ABR-201103051, Troy Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: March 28, 2011.
52. Anadarko E&P Company, LP, Pad ID: COP Tr 728 D, ABR-201104001, Cummings Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: April 4, 2011.
53. Chesapeake Appalachia, LLC, Pad ID: Sensinger, ABR-201104002, Franklin Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: April 4, 2011.
54. Ultra Resources, Inc., Pad ID: Geiser 907, ABR-201104003, Abbott Township, Potter County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: April 4, 2011.
55. Anadarko E&P Company, LP, Pad ID: COP Tr 728 C, ABR-201104004, Watson Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: April 5, 2011.
56. Range Resources—Appalachia, LLC, Pad ID: Carmen III Unit No. 1H Drilling Pad, ABR-201104005, Rush Township, Centre County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: April 5, 2011.
57. Chief Oil & Gas, LLC, Pad ID: McVicker Drilling Pad No. 1, ABR-201104006, West St. Clair Township, Bedford County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: April 5, 2011.
58. Carrizo Marcellus, LLC, Pad ID: Armbruster, ABR-201101007, Jessup Township, Susquehanna County, PA; Consumptive Use of up to 2.100 mgd; Approval Date: April 6, 2011.
59. Talisman Energy USA, Inc. Pad ID: 05 011 Alderson V, ABR-201104008, Pike Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: April 8, 2011.
60. Chesapeake Appalachia, LLC, Pad ID: Beaver Dam, ABR-201104009, Cherry Township, Sullivan County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: April 8, 2011.
61. Chesapeake Appalachia, LLC, Pad ID: WRW, ABR-201104010, Cherry Township, Sullivan County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: April 8, 2011.
62. Range Resources—Appalachia, LLC, Pad ID: Null, Eugene Unit Nos. 2H—7H Drilling Pad, ABR-201104011, Lewis Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: April 8, 2011.
63. Range Resources—Appalachia, LLC, Pad ID: Ritzenthaler Living Trust Unit Nos. 1H—4H Drilling Pad, ABR-201104012, Gamble Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: April 8, 2011.



64. Range Resources—Appalachia, LLC, Pad ID: Bidlespacher Unit Nos. 1H—4H Drilling Pad, ABR-201104013, Gamble Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: April 8, 2011.

65. Range Resources—Appalachia, LLC, Pad ID: Shipman, James Nos. 1H and 2H Drilling Pad, ABR-201104014, Lewis Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: April 8, 2011.

66. Chief Oil & Gas, LLC, Pad ID: Noble Drilling Pad No. 1, ABR-201104015, Brooklyn Township, Susquehanna County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: April 12, 2011.

67. Range Resources—Appalachia, LLC, Pad ID: Shipman-Goodwill Unit Nos. 1H—4H Drilling Pad, ABR-201104016, Lewis Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: April 13, 2011.

68. Southwestern Energy Production Company, Pad ID: Price Pad, ABR-201104017, Lenox Township, Susquehanna County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: April 13, 2011.

69. Cabot Oil & Gas Corporation, Pad ID: LymanJ P1, ABR-201104018, Springville Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: April 15, 2011.

70. Southwestern Energy Production Company, Pad ID: Valentine.F Pad, ABR-201104019, Lenox Township, Susquehanna County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: April 15, 2011.

71. Chesapeake Appalachia, LLC, Pad ID: Stempel, ABR-201104020, Asylum Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: April 20, 2011.

72. Chesapeake Appalachia, LLC, Pad ID: Hulslander, ABR-201104021, Smithfield Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: April 20, 2011.

73. Seneca Resources Corporation, Pad ID: DCNR 007 Pad L, ABR-201104022, Shippen Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: April 21, 2011.

74. XTO Energy Incorporated, Pad ID: PA TRACT 8524H, ABR-201104023, Chapman Township, Clinton County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: April 22, 2011.

75. Chief Oil & Gas, LLC, Pad ID: Taylor Drilling Pad No. 1, ABR-201104024, Lenox Township, Susquehanna County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: April 25, 2011.

76. Chief Oil & Gas, LLC, Pad ID: Polovitch West Drilling Pad No. 1, ABR-201104025, Nicholson Township, Wyoming County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: April 25, 2011.

77. Penn Virginia Oil & Gas Corporation, Pad ID: Kibbe Pad, ABR-201104026, Harrison Township, Potter County, PA; Consumptive Use of up to 4.500 mgd; Approval Date: April 25, 2011.

78. Chesapeake Appalachia, LLC, Pad ID: Moody, ABR-201104027, Springfield Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: April 25, 2011.

79. Chesapeake Appalachia, LLC, Pad ID: Crain, ABR-201104028, Rome Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: April 26, 2011.

80. Chesapeake Appalachia, LLC, Pad ID: Kingsley, ABR-201104029, Smithfield Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: April 26, 2011.

81. Chesapeake Appalachia, LLC, Pad ID: MPC New, ABR-201104030, Cherry Township, Sullivan County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: April 26, 2011.

82. SWEPI, LP, Pad ID: Swan 1122, ABR-201104031, Farmington Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: April 28, 2011.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: May 23, 2011.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 11-1005. Filed for public inspection June 10, 2011, 9:00 a.m.]