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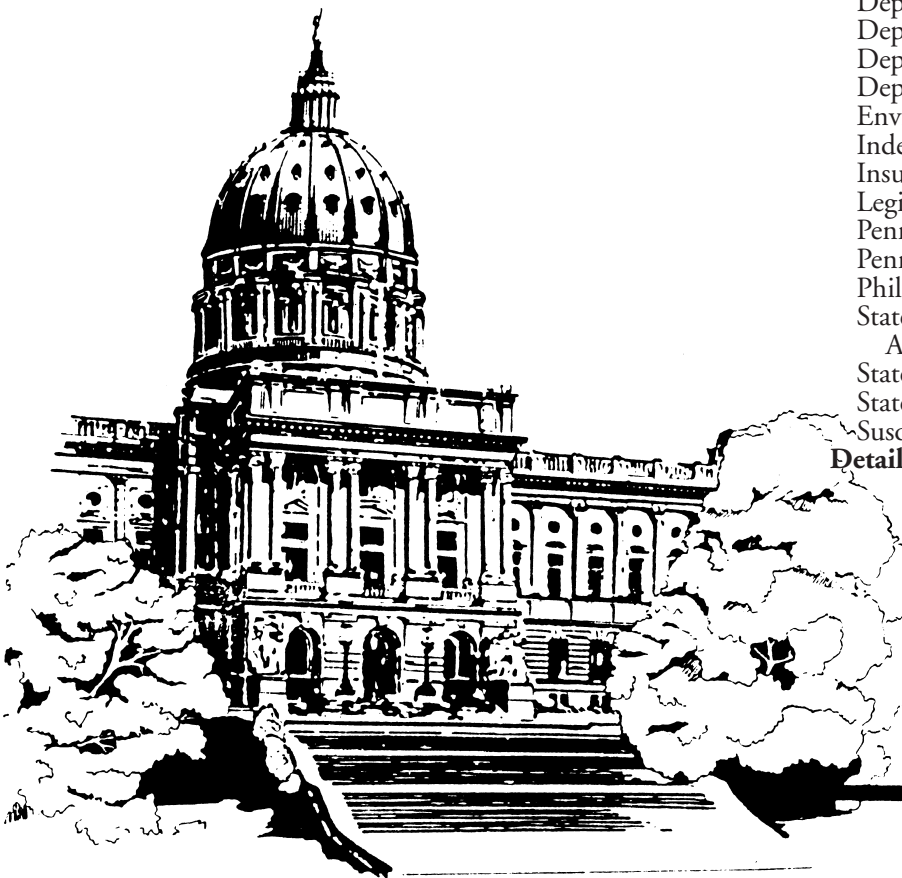
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# PENNSYLVANIA BULLETIN

Volume 44  
Saturday, August 16, 2014 • Harrisburg, PA  
Number 33  
Pages 5437—5554

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The Courts  
Bureau of Professional and Occupational Affairs  
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Susquehanna River Basin Commission  
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(Master Transmittal Sheet):**

**No. 477, August 2014**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde\\_index.cfm](http://www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm).

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

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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 2014.

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# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meetings Scheduled

The Commission on Sentencing announces the following meetings to be held at the Nittany Lion Inn, 200 West Park Avenue, State College, PA:

Wednesday, September 3, 2014	1 p.m.	Strategic Planning Session Nittany Lion Inn 200 West Park Avenue State College, PA
Wednesday, September 3, 2014	6 p.m.	Dinner Meeting Nittany Lion Inn 200 West Park Avenue State College, PA
Thursday, September 4, 2014	9 a.m.	Policy Committee Meeting Nittany Lion Inn 200 West Park Avenue State College, PA
	9 a.m.	Commission Meeting Nittany Lion Inn 200 West Park Avenue State College, PA

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 14-1720. Filed for public inspection August 15, 2014, 9:00 a.m.]

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# THE COURTS

## Title 237—JUVENILE RULES

### PART I. RULES

[ 237 PA. CODE CHS. 1, 3, 4 AND 11 ]

**Order Amending Rules 120, 163, 167, 170, 172, 370, 408, 409 and 1120 and Adopting New Rule 173 of the Rules of Juvenile Court Procedure; No. 641 Supreme Court Rules Doc.**

#### Order

*Per Curiam*

*And Now*, this 28th day of July, 2014, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 40 Pa.B. 4910 (August 28, 2010), in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 999, No. 2, September 17, 2010), and on the Supreme Court's web-page, and an Explanatory Report to be published with this *Order*:

*It Is Ordered*, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendment of Rules 120, 163, 167, 170, 172, 370, 408, 409, and 1120, and the adoption of new Rule 173 of the Pennsylvania Rules of Juvenile Court Procedure are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective September 29, 2014.

#### Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 1. GENERAL PROVISIONS

#### PART A. BUSINESS OF COURTS

#### Rule 120. Definitions.

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**COPY** is an exact duplicate of an original document, including any required signatures, produced through mechanical or electronic means and includes, but is not limited to, copies reproduced by a photocopier, transmission using facsimile equipment, or by scanning into and printing out of a computer.

**COUNTY AGENCY** is the county children and youth social service agency established pursuant to the County Institution District Law, 62 P. S. § 2305 (1937), or established by the county commissioners in the judicial districts where the County Institution District Law was abolished, 16 P. S. §§ 2161 and 2168, and supervised by the Department of Public Welfare pursuant to the Public Welfare Code, 62 P. S. § 901 *et seq.*

**COURT** is the Court of Common Pleas, a court of record, which is assigned to hear juvenile delinquency matters. Court shall include masters when they are permitted to hear cases under these rules and magisterial district judges when issuing an arrest warrant pursuant to Rule 210. Juvenile Court shall have the same meaning as Court.

**DESTROY or DESTRUCTION** is to erase permanently or the process of permanent erasure of an item leaving no trace or indication that it ever existed.

**DETENTION FACILITY** is any facility, privately or publicly owned and operated, designated by the court and approved by the Department of Public Welfare to detain a juvenile temporarily. The term detention facility, when used in these rules, shall include shelter-care. Detention facility shall not include any county jail or state prison.

**DISPOSITION** is a final determination made by the court after an adjudication of delinquency or any determination that ceases juvenile court action on a case.

**EDUCATIONAL DECISION MAKER** is a responsible adult appointed by the court to make decisions regarding a juvenile's education when the juvenile has no guardian or the court has limited the guardian's right to make such decisions for the juvenile. The educational decision maker acts as the juvenile's representative concerning all matters regarding education unless the court specifically limits the authority of the educational decision maker.

**EXPUNGE or EXPUNGEMENT** is to erase legally or the process of legal erasure of the juvenile record or the sealing of the record making it permanently unavailable to the public but where some information may be retained only by a juvenile justice agency for limited purposes as provided in Rule 173.

**GUARDIAN** is any parent, custodian, or other person who has legal custody of a juvenile, or person designated by the court to be a temporary guardian for purposes of a proceeding.

**HEALTH CARE** is care related to any medical need including physical, mental, and dental health. This term is used in the broadest sense to include any type of health need.

**INSPECTION** is the official examination of a document or evidence as authorized by Rules 160 and 161.

**INTAKE STAFF** is any responsible person taking custody of the juvenile on behalf of the court, detention facility, or medical facility.

**INTELLIGENCE INFORMATION** is information concerning the habits, practices, characteristics, possessions, associations, or financial status of any juvenile compiled in an effort to anticipate, prevent, monitor, investigate, or prosecute delinquent activity.

**INVESTIGATIVE INFORMATION** is the information assembled as result of the performance of any inquiry, formal or informal, into delinquent activity or an allegation of a delinquent act and may include *modus operandi* information.

**ISSUING AUTHORITY** is any public official having the power and authority of a magistrate, [ a Philadelphia bail commissioner ] an arraignment court magistrate, or a Magisterial District Judge.

**JUDGE** is a judge of the Court of Common Pleas.

**JUVENILE** is a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have, upon or after the juvenile's tenth birthday,

committed a delinquent act before reaching eighteen years of age or who is alleged to have violated the terms of juvenile probation prior to termination of juvenile court supervision.

**JUVENILE JUSTICE AGENCY is any court, including the minor judiciary, or any other governmental agency specifically authorized to perform the administration of juvenile justice as its function. Juvenile justice agencies include, but are not limited to, organized State and municipal police departments, probation agencies, district or prosecuting attorneys, the Juvenile Court Judges' Commission, the Administrative Office of Pennsylvania Courts, or any such persons, agencies, or departments as determined by the court to be juvenile justice agencies.**

JUVENILE PROBATION FILES are those records formally maintained by the juvenile probation office and its officers, including, but not limited to, copies of information contained in the official juvenile court record; social studies; school records and reports; health evaluations, screenings, assessments, records, and reports, including psychological and psychiatric evaluations and reports, drug and alcohol testing, evaluations, and reports; placement reports and documents; employment records; and probation reports.

JUVENILE PROBATION OFFICER is a person who has been appointed by the court or employed by a county's juvenile probation office, and who has been properly commissioned by being sworn in as an officer of the court to exercise the powers and duties set forth in Rule 195, the Juvenile Act, and the Child Protective Services Law.

**JUVENILE RECORD is the information collected and retained by juvenile justice agencies concerning juveniles, and arising from the initiation of delinquency proceedings, consisting of identifiable descriptions, dates and notations of arrest, written allegations, petitions, other formal charging documents, official court records, and any dispositions arising from those records. The juvenile record does not include intelligence information or investigative information that is maintained separately by law enforcement agencies.**

LAW ENFORCEMENT OFFICER is any person who is by law given the power to enforce the law when acting within the scope of that person's employment.

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RECORDING is the means to provide a verbatim account of a proceeding through the use of a court stenographer, audio recording, audio-visual recording, or other appropriate means.

**SERVICE PROVIDER is any entity that provides services to juveniles pursuant to a proceeding under the Juvenile Act, 42 Pa.C.S. § 6301 et seq.**

SOCIAL STUDY is a pre-dispositional report, which summarizes important information concerning the juvenile to aid the court in determining the disposition.

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**Comment**

A party to the proceedings is not to function as the clerk of courts. Because the clerk of courts maintains the

official court record, this person is to remain neutral and unbiased by having no personal connection to the proceedings.

"Clerk of courts" is the person given the power under state law or local practice to maintain the official court record. See Rule 166 for additional responsibilities of the clerk of courts.

The county institution districts, as used in the definition of "county agency," in counties of the fourth, fifth, sixth, seventh, and eighth classes were abolished pursuant to 16 P.S. § 2161. It is the county commissioners' duties in the counties of those classes to provide the children and youth social service agency with the necessary services for the agency to provide care for the child. See 16 P.S. § 2168.

Under the term "court," to determine if masters are permitted to hear cases, see Rule 187. See Rule 210 for the power of magisterial district judges to issue arrest warrants.

**"Destroy" and "expunge" do not have the same meaning. "Destroy" is to erase permanently, whereas "expunge" is to erase legally or seal the record. Unless authorized by rule or otherwise provided by law, no person is to have access to expunged items. Only in extraordinary circumstances would a record be opened by court order, such as to retrieve specific information not clarified or documented correctly pursuant to Rule 173. However, specific information from juvenile records could be retained for limited purposes. See Rule 173 and its Comment.**

"Detention facility" is not to include any county jail, state prison, penal institution, or other facility used primarily to detain adults who have not been released on bail and who are alleged to have committed a criminal offense. However, nothing in this rule precludes the use of a county jail or state prison for minors when criminal proceedings have been commenced. For example, a minor may be detained in a county jail for a direct-file case when it is alleged a criminal offense has been committed.

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"Health care" includes, but is not limited to, routine physical check-ups and examinations; emergency health care; surgeries; exploratory testing; psychological exams, counseling, therapy and treatment programs; drug and alcohol treatment; support groups; routine eye examinations and procedures; teeth cleanings, fluoride treatments, fillings, preventative dental treatments, root canals, and other dental surgeries; and any other examination or treatment relating to any physical, mental, and dental needs of the juvenile.

**The term "intelligence information" may include information on prescribing, dispensing, selling, obtaining, or using a controlled substance as defined in Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-101 et seq.**

The term "judge" refers to a judge of the Court of Common Pleas, including senior judges when they are properly certified. It does not include masters or magisterial district judges. Magisterial district judges, however, are included within the definition of [ "courts" ] "court" when they have the power to issue arrest warrants pursuant to Rule 210. See discussion supra under definition of "court." Arrest warrants are distinguished from bench warrants pursuant to Rules 140 and 141. Only



judges of the Court of Common Pleas may issue bench warrants if the juvenile: 1) fails to appear at a hearing; or 2) absconds from the court's supervision.

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A properly commissioned juvenile probation officer is vested with all the powers and duties set forth in 42 Pa.C.S. § 6304, and the power to take a child into protective custody as a duly authorized officer of the court pursuant to 42 Pa.C.S. § 6324 unless the President Judge has limited such authority pursuant to Rule 195. *See also* 23 Pa.C.S. § 6315.

**“Juvenile records,” as used in these Rules, do not include investigative and intelligence information kept separately by law enforcement agencies or the attorney for the Commonwealth. Those documents kept separately by law enforcement agencies are not subject to Rules 170 and 172. See 18 Pa.C.S. §§ 9105 & 9106. See also Rule 173 for retention of specific information from juvenile records.**

Neither the definition of “law enforcement officer” nor the definition of “police officer” gives the power of arrest to any person who is not otherwise given that power by law.

The “official court record” is to contain all court orders, court notices, docket entries, filed documents, evidence admitted into the record, and other court designated documents in each juvenile case. The court may also designate any document to be a part of the record. It does not include items contained in juvenile probation files unless they are made a part of the official court record by being filed with the clerk of courts.

A “petition” and a “written allegation” are two separate documents and serve two distinct functions. A “written allegation” is the document that initiates juvenile delinquency proceedings. Usually, the “written allegation” will be [ **filed** ] **submitted** by a law enforcement officer and will allege that the juvenile has committed a delinquent act that comes within the jurisdiction of the juvenile court. This document may have been formerly known as a “probable cause affidavit,” “complaint,” “police paper,” “charge form,” “allegation of delinquency,” or the like. Once this document is submitted, a preliminary determination of the juvenile court’s jurisdiction is to be made. Informal adjustment and other diversionary programs may be pursued. If the attorney for the Commonwealth or the juvenile probation officer determines that formal juvenile court action is necessary, a petition is then filed.

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**Official Note:** Rule 120 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. Amended February 26, 2008, effective June 1, 2008. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. Amended September 7, 2011, effective immediately. Amended September 20, 2011, effective November 1, 2011. Amended May 21, 2012, effective August 1, 2012. Amended June 24, 2013, effective January 1, 2014. Amended June 28, 2013, effective immediately. Amended March 10, 2014, effective immediately. **Amended July 28, 2014, effective September 29, 2014.**

*Committee Explanatory Reports:*

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**Final Report explaining the amendments to Rule 120 published with the Court’s Order at 44 Pa.B. 5447 (August 16, 2014).**

## PART C. RECORDS

### PART C(1). ACCESS TO JUVENILE RECORDS

#### Rule 163. Release of Information to School.

A. *Generally.* Upon finding a juvenile to be a delinquent, the court shall, through the juvenile probation office, provide the following information to the building principal or his or her designee of any public, private, or parochial school in which the juvenile is enrolled:

- 1) name and address of the juvenile;
- 2) the delinquent act or acts that the juvenile was found to have committed;
- 3) a brief description of the delinquent act or acts; and
- 4) the disposition of the case.

B. *Notice to school.* In addition to the information provided in paragraph (A), the juvenile probation office shall provide notice of the following information:

1) a statement informing the building principal or his or her designee that information received under this rule:

a) shall be maintained separately from the juvenile’s official school record;

b) is for the limited purposes of:

i) protecting school personnel and students; and

ii) arranging for appropriate counseling and education for the juvenile;

c) may not be used for school disciplinary decisions concerning the juvenile unless:

i) the juvenile was under the supervision of the board of directors at the time of the incident;

ii) the act or acts that were substantiated by the court took place on or within 1,500 feet of the school property; and

iii) the school has complied with all other statutory, regulatory, and constitutional provisions relative to the imposition of school discipline; and

d) shall be shared with the juvenile’s teachers.

2) a statement informing the building principal or his or her designee of the requirement to:

a) maintain a log of all school district employees, or building principals or their designees from other school districts, to whom this information was subsequently provided when a juvenile was transferred to another school; and

b) provide a copy of the notice as listed in paragraph (B)(1) to the new school.

[ B. ] C. *Additional information.*

1) If the juvenile is adjudicated delinquent of a felony offense, the court, through the juvenile probation office, shall provide to the building principal or his or her designee relevant information regarding the juvenile contained in the juvenile probation or treatment reports pertaining to the adjudication, prior delinquent history, and the supervision plan of the juvenile.

2) The court or the juvenile probation office shall have the authority to share any additional information regard-



ing the juvenile under its jurisdiction with the building principal or his or her designee as deemed necessary to protect public safety or to enable appropriate treatment, supervision, or rehabilitation of the juvenile.

**D. Acknowledgement of notice and information.** The building principal or his or her designee shall provide written acknowledgement to the juvenile probation office of the receipt of, and the requirements and restrictions pertaining to, the information provided under this rule.

[ C. ] E. *Transfers to other schools.*

1) Any information provided to and maintained by the building principal or his or her designee under this rule shall be transferred to the building principal or his or her designee of any public, private, or parochial school to which the juvenile transfers enrollment.

2) When this information is transferred to an official from another school district, the building principal or his or her designee shall include a copy of the notice initially provided by the juvenile probation office pursuant to paragraph (B).

3) The building principal or his or her designee shall maintain a log of all individuals from other school districts to whom this information is subsequently provided, and shall inform the juvenile probation office upon providing this information to officials from other school districts.

[ D. ] F. *Maintained separately.* Any information provided to the building principal or his or her designee under this rule shall be maintained separately from the juvenile’s official school record.

[ E. ] G. *Dissemination.* Unauthorized dissemination of any information contained in the school record to any unauthorized person, agency, or department may result in a finding of contempt of court.

**Comment**

Pursuant to paragraph (B), the juvenile probation office is required to provide notice to the building principal or his or her designee for maintaining court records separately from official school records. Some school districts have established local policies relating to the receipt of this information that requires the information to be provided to a school district official other than a building principal. That individual should be regarded as the building principal’s designee with respect to the provisions of this rule.

The delinquency information in the school record is to be used only by school officials and is not to be released to the general public or third parties unless ordered by the court. In addition, information sent to the school may not be used for disciplinary purposes against the juvenile. The juvenile probation office should send a notice to the school when it sends information to the school concerning the findings of the court. The notice should state that any information received by the school should not be used against the juvenile for disciplinary reasons, including suspensions and expulsions. See 42 Pa.C.S. § 6341(b.1)(4).

The requirements in paragraph (B) are derived from 42 Pa.C.S. § 6341(b.1)(4), 24 P. S. § 5-510; *D.O.F. v. Lewisburg Area School District*, 868 A.2d 28 (Pa. Commw. Ct. 2004) (holding schools do not have the authority to discipline students, even for actions on school property, if they are not currently

under school supervision); and *Hoke ex rel. Reidenback v. Elizabethtown Area School District*, 833 A.2d 304 (Pa. Commw. Ct. 2003).

For further dissemination and usage in school, see 42 Pa.C.S. § 6341(b.1).

In paragraph (D), nothing is intended by this rule to preclude acknowledgement by electronic means.

Pursuant to paragraph (F), information provided by the court is to be kept and maintained separately from the juvenile’s official school record. If the court has ordered a record to be expunged, the court, concurrently, is to order the destruction of the information provided to the school by the court, including information subsequently provided to another school. The terms “expunged” and “destruction” should not be confused in this Comment. Because the school does not fall within any category for retention of information pursuant to Rule 173, there is no reason for the school to maintain its information. Therefore, the school is to destroy all information received from the court.

**Official Note:** Rule 163 adopted April 1, 2005, effective October 1, 2005. Amended May 21, 2012, effective August 1, 2012. Amended July 28, 2014, effective September 29, 2014.

*Committee Explanatory Reports:*

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**Final Report explaining the amendments to Rule 163 published with the Court’s Order at 44 Pa.B. 5447 (August 16, 2014).**

**PART C(2). MAINTAINING RECORDS**

**Rule 167. Filings and Service of Court Orders and Notices.**

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*B. Service.*

1) A copy of any order or court notice shall be served promptly on [ each party’s attorney, and the juvenile, if unrepresented ] the attorney for the Commonwealth, the juvenile’s attorney, the juvenile, the juvenile probation officer, and any other person, service provider, or agency listed in the court order.

2) The clerk of courts shall serve the order or court notice, unless the president judge has promulgated a local rule designating service to be by the [ court or ] court administrator or other court designee.

3) *Methods of service.* Service shall be:

a) [ in writing ] by:

i) personal delivery to the party’s attorney[ , and if unrepresented, ] or the juvenile;

ii) mailing a copy to the party’s attorney or leaving a copy for the attorney at the attorney’s office;

iii) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, leaving a copy for the attorney in the attorney’s box;

iv) sending a copy to [ an unrepresented ] the juvenile by first class mail addressed to the juvenile’s place of residence, detention, or placement;

v) sending a copy by facsimile transmission or other electronic means if the party’s attorney[ , and if

unrepresented, ] or the juvenile has filed written request for this method of service or has included a facsimile number or an electronic address on a prior legal paper filed in the case; or

vi) delivery to the party's attorney[, and if unrepresented, ] or the juvenile by carrier service; or

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**Official Note:** Rule 167 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended July 28, 2014, effective September 29, 2014.

*Committee Explanatory Reports:*

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**Final Report explaining the amendments to Rule 167 published with the Court's Order at 44 Pa.B. 5447 (August 16, 2014).**

**PART C(3). EXPUNGING OR DESTROYING RECORDS, FINGERPRINTS, AND PHOTOGRAPHS**

**Rule 170. [Expunging or Destroying Juvenile Court] Motion to Expunge or Destroy Records.**

**A. Motion. [Juvenile records may be expunged upon motion.] Upon motion, or sua sponte, expungement proceedings may be commenced:**

1) if a written allegation is not approved for prosecution;

2) if the petition is dismissed by the court;

3) in consent decree and informal adjustment cases:

a) when six months have elapsed since the final discharge of the juvenile from supervision; and

b) if no proceeding seeking adjudication or conviction is pending;

4) when a juvenile has been discharged from court supervision pursuant to Rule 631:

a) five years have elapsed;

b) the juvenile has not been convicted or adjudicated delinquent for a felony or misdemeanor;

c) no court proceeding is pending seeking such conviction or adjudication; and

d) the delinquent act is not an act precluded from expungement pursuant to 18 Pa.C.S. § 9123(a.1); or

5) when the attorney for the Commonwealth consents to the expungement.

**B. Contents of [Motion] motion.** A motion, which shall [take the form of] include a proposed court order, shall contain the following information:

1) [The] the name of the juvenile;

\* \* \* \* \*

9) the reasons and statutory authority for expunging or destroying the [document] documents, fingerprints, or photographs; and

10) the agencies upon which certified copies of the court order shall be served.

**C. Service of [Motion] motion.** In addition to the service required by Rule 345, the movant shall serve the motion on the chief juvenile probation officer.

*D. Answer.*

1) The attorney for the Commonwealth, and any other person upon whom the motion was served, may file an answer to the motion.

2) If objections to the motion are not made within thirty days of the filing of the motion, they shall be deemed waived.

**E. [Hearing. Unless the attorney for the Commonwealth consents to expunging the records, the court shall schedule and conduct a hearing, and thereafter grant or deny the motion.] Court's response to the motion.** The court shall conduct a hearing or grant or deny the motion after giving consideration to the following factors:

1) the type of offense;

2) the individual's age, history of employment, history of academic or vocational training, delinquent or criminal activity, and drug or alcohol issues;

3) adverse consequences that the individual may suffer if the records are not expunged; and

4) whether retention of the record is required for purposes of public safety.

**F. Inter-county transfer cases.**

1) A motion to expunge or destroy records shall be filed in the county in which the adjudication of delinquency was entered.

2) A motion regarding the records of a juvenile whose disposition did not involve an adjudication of delinquency shall be filed in the county in which the disposition occurred.

3) The court entering an order to expunge or destroy records shall direct the order to any other court possessing records pertaining to the case.

**Comment**

[ See 18 Pa.C.S. § 9123 for records that may be expunged and 42 Pa.C.S. § 6341(a) for destruction of fingerprints and photographs. ]

Paragraph (A) provides that any party may file a motion to expunge or destroy records, files, fingerprints, or photographs, or the court, sua sponte, may commence expungement proceedings.

Under paragraphs (A)(1) & (2), the written allegation or petition may be dismissed for several reasons, including, but not limited to, when: 1) a juvenile completes an informal adjustment or diversionary program; 2) the attorney for the Commonwealth declines to prosecute; 3) probable cause is not found at the detention hearing pursuant to Rule 242(C)(1); 4) there is no finding on the offenses pursuant to Rule 408(B); or 5) there is no finding of a need for treatment, supervision, and rehabilitation pursuant to Rule 409(A)(1). Expungement proceedings may be commenced upon these dismissals of the written allegation or the petition.

Under paragraph (B)(6), any number assigned to police papers helpful in tracking the police report or written allegation that would assist the law enforcement agency in expunging or destroying the document is to be listed. A reference number could be an offense tracking number, district control number, crime control number, incident

number, Philadelphia identification number, or another number assigned by the law enforcement agency to track the document.

Pursuant to paragraph (B)(9), the reasons for expunging the records or destroying fingerprints and photographs are to be included in the motion, specifically citing which provision of paragraph (A) applies.

“Expunge” or “expungement” is defined by Rule 120, which means to erase legally, or the process of legal erasure of an item making it permanently not available to the public but where some information may be retained only for limited purposes by agencies or departments. *See* Rule 173. *See also* Comment to Rule 120.

Rule 173 provides for the retention of certain information that is crucial for: 1) determining compliance with the order to expunge; 2) determining eligibility in a court program, determining the grading or penalty of an offense, or for other purposes as provided by law; 3) maintaining statistical and research information; 4) maintaining intelligence and investigative information; and 5) financial audits.

The new procedures instituted with the changes of 201- require one procedure for expunging or destroying records, fingerprints, and photographs. One order will go to the appropriate agencies and departments as required by Rule 172 and will help those agencies become more efficient in the manner in which items are destroyed or expunged.

Pursuant to paragraph (D), the attorney for the Commonwealth is given an opportunity to respond to the motion. The attorney for the Commonwealth should specify its position on whether items should be expunged or destroyed. Expunged items remain available to law enforcement agencies and the attorney for the Commonwealth in limited circumstances, whereas destroyed items are permanently erased. The attorney for the Commonwealth should consent to expunging records unless the attorney for the Commonwealth demonstrates good cause for the retention of records. *See In re A.B.*, 987 A.2d 769 (Pa. Super. Ct. 2009).

The reasons for maintaining information pursuant to Rule 173 do not qualify as good cause against expunging records under this rule. Maintenance of specific information is different from the maintenance of the official court record or other official records of the juvenile probation office or a law enforcement agency. Pursuant to Rule 173, a separate document, file, or database is to be created. *See* Rule 173 and its Comment.

If the attorney for the Commonwealth objects to expunging or destroying the records, the court should conduct a hearing on the motion.

Pursuant to paragraph (E)(3), the court is to consider adverse consequences that an individual may suffer if the records are not expunged. Adverse consequences are discussed in The Pennsylvania Collateral Consequences Checklist instituted by Pennsylvania Juvenile Indigent Defense Action Network in conjunction with the initiative the Models for Change System Reform in Juvenile Justice. This checklist may be assessed on the Supreme Court’s website at <http://www.pacourts.us/T/BoardsCommittees/JuvenileCourtProcedural/>.

The attorney for the Commonwealth in the county in which a motion is filed in an inter-county transfer case pursuant to paragraph (F) should provide notice of the motion to, and communicate with, the attorney for the Commonwealth and the juvenile probation office in the county to which, or from which, the case was transferred.

Notwithstanding this rule, *see* 18 Pa.C.S. § 9123(a.1) for cases that are ineligible for expungement proceedings. *See also* 42 Pa.C.S. § 6341 for destruction of fingerprints and photographs.

**Official Note:** Rule 170 adopted April 1, 2005, effective October 1, 2005. Amended July 28, 2014, effective September 29, 2014.

*Committee Explanatory Reports:*

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**Final Report explaining the amendments to Rule 170 published with the Court’s Order at 44 Pa.B. 5447 (August 16, 2014).**

#### **Rule 172. Order to Expunge or Destroy.**

A. *Contents.* Any order to expunge or destroy the official court record, juvenile probation [ records ] files, docket entries, law enforcement records, or fingerprints and photographs shall include the following information:

- 1) [ All ] all items contained in Rule 170(B);
- 2) a directive specifically identifying which items shall be expunged or destroyed, including all law enforcement records, juvenile probation files, official court records, other juvenile records, fingerprints, photographs, and any other information pertaining to the arrest;
- 3) a directive that the keeper of the juvenile records shall expunge or destroy such items;
- 4) a directive that each agency, department, or office, upon request, shall notify the court or its designee, in writing, of the action taken in response to the order to expunge or destroy;
- 5) a directive to a school building principal or his or her designee to destroy information received from the court pursuant to Rule 163;

[ 2 ] 6) the printed name and signature of the judge issuing the order; and

[ 3 ] 7) the date of the court order.

B. *Service.* In addition to the service required by Rule 167, the clerk of courts, **court administrator**, or **other court designee** shall serve certified copies of the order on the chief juvenile probation officer and any other person or agency as directed by the court.

#### **Comment**

Pursuant to paragraph (A)(2), the court is to list specifically which items are to be expunged and which items are to be destroyed. Specific information retained pursuant to Rule 173 should be expunged but not destroyed. In most instances, the court should order that the fingerprints and photographs be destroyed and that the remaining records and documents be expunged.

Pursuant to paragraph (A)(4), an agency, department, or office may be requested to produce evidence of compliance with the court order to expunge. Non-compliance may result in a finding of contempt of court.



Pursuant to paragraph (A)(5), the school is to destroy all information received from the court. Because the school is required to store this information separately under Rule 163(F), destruction should not be difficult. See Rule 163 and its Comment. The court may also require the school to provide written notice of the action taken.

**Official Note:** Rule 172 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended July 28, 2014, effective September 29, 2014.

*Committee Explanatory Reports:*

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**Final Report explaining the amendments to Rule 172 published with the Court's Order at 44 Pa.B. 5447 (August 16, 2014).**

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

**Rule 173. Retention of Specific Information from Juvenile Records.**

*A. Maintenance of specific information.*

1) All information retained according to this rule shall be confidential. This information is not eligible for inspection pursuant to Rule 160.

2) If any information maintained according to this rule is disseminated to any unauthorized person, agency, department, or office, the person disseminating the information shall be held in contempt of court.

*B. Compliance with expungement order.* The court or juvenile probation office shall maintain the following information in a separate document, file, or database for the purpose of determining compliance with an expungement order:

- 1) a list of juvenile names;
- 2) identifying information, such as date of birth;
- 3) the case docket number;
- 4) a copy of the order to expunge; and
- 5) any compliance letters sent pursuant to Rule 172(A)(4).

*C. Eligibility for court program, the grading or penalty of an offense, or for other purposes as provided by law.* The court, juvenile probation office, or the attorney for the Commonwealth shall maintain the following information in a separate document, file, or database for determining eligibility for a court program, the grading or penalty of an offense, or for other purposes as provided by law:

- 1) a list of juvenile names;
- 2) identifying information, such as date of birth;
- 3) the case docket number;
- 4) a list of the delinquent acts alleged or petitioned;
- 5) a list of the delinquent acts found, if applicable; and
- 6) the disposition of the case.

*D. Statistical and research purposes.* The juvenile probation office, the Juvenile Court Judges' Commission, and the Administrative Office of Pennsylvania Courts may maintain the following information in a separate document, file, or database for statistical and research purposes:

- 1) demographic information;

- 2) a list of the delinquent acts alleged or petitioned;
- 3) a list of the delinquent acts found, if applicable;
- 4) the disposition of the case; and
- 5) any recidivism information.

*E. Intelligence and investigative information.* Law enforcement agencies and the attorney for the Commonwealth may maintain the following information in a separate document, file, or database for intelligence and investigative purposes:

- 1) a list of juvenile names;
- 2) identifying information, such as date of birth;
- 3) intelligence information; and
- 4) investigative information.

*F. Financial audits.* The juvenile probation office, placement facilities, service providers, and the county agency shall maintain the necessary information in a separate document, file, or database for financial audits, which may include, but is not limited to:

- 1) the number of juveniles sent to a placement facility;
- 2) the amount of money paid for the court-ordered service; and
- 3) the dates of service.

**Comment**

As used throughout this rule, a separate document, file, or database is to be interpreted as a creation of a new document, file, or database when the original document or file has been expunged pursuant to a court order under Rule 172. This rule provides for the retention of *information* for specific reasons. Original *records* will be expunged but specific *information* contained within those records will be extracted and placed into a new document, file, or database. Only the specific items listed in this rule may be maintained by the specified individuals and entities. All remaining information is to be expunged.

There are several legitimate reasons for retaining specific information relating to a case. As provided in paragraph (A)(1), all information retained according to this rule is to be kept confidential and is not subject to inspection pursuant to Rule 160. If any person does not maintain confidentiality of information, that person is to be held in contempt of court. See paragraph (A)(2). However, entities may share information retained pursuant to this rule if the reasons for sharing the information is consistent with this rule and confidentiality is maintained.

Paragraph (B) provides for the maintenance of compliance letters for expunging records. The court may access the document, file, or database to ensure that a court order to expunge a particular record has been followed. This may also be helpful when a juvenile may inquire as to whether the court order was followed.

Paragraph (C) allows specific information concerning a juvenile to be maintained to determine the juvenile's eligibility for a future court program, the grading or penalty of a new offense, and for other purposes as provided by law. There are instances when the grading or penalty for a new offense is greater because of prior offense(s), for example, retail theft, theft by vehicle, library theft, and driving under the influence of alcohol or other controlled substance. However, offenses cannot be used in a subsequent proceeding unless specifically authorized by law.

Paragraph (D) provides for the retention of specific information for statistical and research purposes. A juvenile's name may not be associated with this information. Demographics, however, may be retained. Aggregate data compiled under this paragraph also may be shared with other persons as statistical and research records only.

Pursuant to paragraph (E), only law enforcement agencies and the attorney for the Commonwealth may retain intelligence and investigative information.

Paragraph (F) provides for the retention of specific information for financial audits. This is important to provide records of service.

**Official Note:** Rule 173 adopted July 28, 2014, effective September 29, 2014.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 173 published with the Court's Order at 44 Pa.B. 5447 (August 16, 2014).

**CHAPTER 3. PRE-ADJUDICATORY PROCEDURES**

**PART E. CONSENT DECREE**

**Rule 370. Consent Decree.**

**A. Agreement.**

1) At any time after the filing of a petition and before the entry of an adjudication order, the court may, upon agreement of the attorney for the Commonwealth and the [ juvenile's attorney or the juvenile, if unrepresented, ] juvenile suspend the proceedings, and continue the juvenile under supervision in the juvenile's home, under terms and conditions negotiated with the juvenile probation office.

2) The order of the court continuing the juvenile under supervision shall be known as a consent decree.

**B. Explanation of conditions.** The court shall explain on the record or in writing:

\* \* \* \* \*  
**Comment**  
\* \* \* \* \*

If a juvenile violates the conditions of the consent decree, double jeopardy does not attach and bar subsequent prosecution. See *Commonwealth v. Szebin*, 785 A.2d 103 (Pa. Super. Ct. 2001). In *Commonwealth v. Wexler*, 431 A.2d 877 (Pa. 1981), the Supreme Court viewed a consent decree in the same fashion as Accelerated Rehabilitative Disposition. See also *In re John W.*, 446 A.2d 621 (Pa. Super. Ct. 1982).

Nothing in this rule prohibits the entry of a consent decree after there has been an admission pursuant to Rule 407 or after there has been a ruling on the offenses pursuant to Rule 408. See also Comment to Rule 408.

**Official Note:** Rule 370 adopted April 1, 2005, effective October 1, 2005. Amended July 28, 2014, effective September 29, 2014.

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the amendments to Rule 370 published with Court's Order at 44 Pa.B. 5447 (August 16, 2014).

**CHAPTER 4. ADJUDICATORY HEARING**

**Rule 408. Ruling on Offenses.**

**A. Entered finding.** Within seven days of hearing the evidence on the petition or accepting an admission under Rule 407, the court shall enter a finding by specifying which, if any, offenses, including grading and counts, alleged in the petition were committed by the juvenile.

**B. Did not commit acts.**

1) If the court finds the juvenile [ **did not commit all** ] committed none of the alleged delinquent acts, the court shall dismiss the petition and release the juvenile, if detained, unless there are other grounds for the juvenile's detention.

2) The court shall [ **move to expunge the records** ] order, *sua sponte*, the expungement of the record and destruction of fingerprints and photographs related to the dismissed petition pursuant to 18 Pa.C.S. § 9123(a)(1), 42 Pa.C.S. § 6308, and Rule [ 172 ] 170(A).

3) Absent cause shown, the court shall expunge [ **the records and order the destruction of any fingerprints or** ] or destroy the records, fingerprints, and photographs.

**C. Committed act. [ If ] After an adjudicatory hearing, if the court finds that the juvenile committed any delinquent act, the court shall proceed as provided in Rule 409 or enter a consent decree pursuant to Rule 370.**

**Comment**

Under paragraph (A), for any offense the court finds that the juvenile committed, the court is to specify the grading and count(s). See 42 Pa.C.S. § 6341(b). It is noted that some offenses have no specific grading, i.e., ungraded felony or misdemeanor of the Controlled Substance, Drug, Deice and Cosmetic Act, 35 P. S. § 780-101 *et seq.*, or the ungraded delinquent act of failure to comply with a sentence for a summary offense, 42 Pa.C.S. § 6302 (definition of "delinquent act").

Pursuant to paragraph (B), if the court finds that the juvenile [ **did not commit all** ] committed none of the alleged delinquent acts, the court, [ **upon its own motion, is to expunge the records pursuant to** ] *sua sponte*, is to expunge or destroy the records, fingerprints, and photographs pursuant to Rule 170(A) and 18 Pa.C.S. § 9123(a)(1). Absent cause shown, the court is to expunge the records pursuant to Rule 172.

**If the court does find that the juvenile committed at least one of the offenses petitioned, there is no expungement or destruction of records, fingerprints, or photographs.**

In its order, the court is to specify the case reference number or other identifying number so the order only applies to the specified case. See Comment to Rule 170 for further definition of a reference number.

Paragraph (C) requires that there is to be an adjudicatory hearing before proceeding pursuant to Rule 409. This rule is not meant to preclude the entry of a consent decree after a finding on an offense pursuant to paragraph (C). If a consent decree is ordered, the court does not proceed under Rule 409.

If the court finds that the juvenile [ **did not commit all** ] **committed none** of the alleged delinquent acts and dismisses the petition, the victim, if not present, shall be notified of the final outcome of the proceeding. See Victim’s Bill of Rights, 18 P. S. § 11.201 *et seq.*

**Official Note:** Rule 408 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended May 26, 2011, effective July 1, 2011. **Amended July 28, 2014, effective September 29, 2014.**

*Committee Explanatory Reports:*

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**Final Report explaining the amendments to Rule 408 published with Court’s Order at 44 Pa.B. 5447 (August 16, 2014).**

**Rule 409. Adjudication of Delinquency.**

A. *Adjudicating the juvenile delinquent.* Once the court has ruled on the offenses as provided in Rule 408, the court shall conduct a hearing to determine if the juvenile is in need of treatment, supervision, or rehabilitation.

1) *Not in need.* If the court determines that the juvenile is not in need of treatment, supervision, or rehabilitation, the court shall enter an order providing that:

a) jurisdiction shall be terminated and the juvenile shall be released, if detained, unless there are other reasons for the juvenile’s detention; and

b) any **records**, fingerprints, and photographs taken shall be **expunged or destroyed**.

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Pursuant to 42 Pa.C.S. § 6308(c)(3), all fingerprints and photographic records are to be destroyed upon order of the court if the juvenile is not adjudicated delinquent.

**Pursuant to paragraph (A)(1)(b), the court is to specify which items are to be expunged and which items are to be destroyed. See Rule 172(A)(2) and its Comment.**

Pursuant to paragraph (A)(2)(b)(ii), a case reference number is to be included to help track this case. See Comment to Rule 170 for further description of a case reference number.

A report on the disposition is to be sent to the Juvenile Court Judges’ Commission. See 42 Pa.C.S. § 6309(d).

For dispositional hearing procedures, see Chapter Five.

**Official Note:** Rule 409 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended May 26, 2011, effective July 1, 2011. **Amended July 28, 2014, effective September 29, 2014.**

*Committee Explanatory Reports:*

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**Final Report explaining the amendments to Rule 409 published with Court’s Order at 44 Pa.B. 5447 (August 16, 2014).**

**Subpart B. DEPENDENCY MATTERS  
CHAPTER 11. GENERAL PROVISIONS**

**PART A. BUSINESS OF COURTS**

**Rule 1120. Definitions.**

\* \* \* \* \*

COUNTY AGENCY is the county children and youth social service agency established pursuant to the County Institution District Law, 62 [ Pa.C.S. ] P. S. § 2305 (1937) or established through the county commissioners in the judicial districts where the County Institution District Law was abolished, 16 P. S. §§ 2161[ , ] and 2168, and supervised by the Department of Public Welfare pursuant to the Public Welfare Code, 62 [ Pa.C.S. ] P. S. § 901 *et seq.*

\* \* \* \* \*

**Comment**

\* \* \* \* \*

The county institution districts, as used in the definition of “county agency,” in counties of the fourth, fifth, sixth, seventh, and eighth classes were abolished pursuant to 16 P. S. § 2161. It is the county commissioners’ duties in the [ **fourth, fifth, sixth, seventh, and eighth** ] **counties of those** classes to provide the children and youth social service agency with the necessary services for the agency to provide care for the child. See 16 P. S. § 2168.

\* \* \* \* \*

**Official Note:** Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. Amended June 24, 2013, effective January 1, 2014. Amended October 21, 2013, effective December 1, 2013. **Amended July 28, 2014, effective September 29, 2014.**

*Committee Explanatory Reports:*

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**Final Report explaining the amendments to Rule 1120 published with Court’s Order at 44 Pa.B. 5447 (August 16, 2014).**

**EXPLANATORY REPORT  
July 2014**

The Supreme Court of Pennsylvania has adopted the amendments to Rules 120, 163, 167, 170, 172, 370, 408, 409, and 1120, and adopted Rule 173. The amendments are effective September 29, 2014.

The amendments described herein primarily concern the procedures for expunging and destroying documents, fingerprints, and photographs.

*Rules 120 and 1120—Definitions*

The term “county agency” is defined in the dependency rules. Because of its use this term in the delinquency rules, this definition has been added to Rule 120.

Proposed Rule 120 provides specific definitions of “destroy” and “expunge.” Although many standard dictionaries and thesauruses use these terms to define each other or as synonyms, it is important to note that they have different legal meanings.

“Destroy,” as used in these Rules, is the permanent erasure of a document or item. There shall be nothing left to trace or indicate that the item ever existed.

The term, “expunge,” as distinguished from destroy means making a document or item not available to the public under any circumstances. There are several circumstances where the information may be necessarily



retained for limited use by “juvenile justice agencies” and/or for statistical purposes. However, expunging a document allows the juvenile to have a “clean record” when trying to secure a job, enrolling in college, or enlisting in the military.

“Intelligence information” and “investigative information” have also been defined to limit the information that may be kept by “juvenile justice agencies.”

“Juvenile justice agency” is defined as any court and agencies authorized to perform the administration of justice, including the attorney for the Commonwealth. This is especially important in retention of specific information to determine subsequent eligibility in a court program.

“Juvenile record” is defined to discern it from the “official court record.” The “official court record” is the juvenile court file maintained by the clerk of courts; whereas, the “juvenile record” is collected and maintained by “juvenile justice agencies.”

“Service provider” was added to Rules 167(B) and 173(F). It is defined as any entity that provides services to juveniles pursuant to a proceeding under the Juvenile Act.

#### *Rule 163—Release of Information to School*

When the court enters an order to expunge records, it should concurrently enter an order to destroy all information provided to the school. Because the school is not a “juvenile justice agency”, it should not retain any information provided by the court.

Paragraph (B) of this rule requires that the school maintain a separate file of information provided from the court. This information is not to be placed in the juvenile’s official school record. Therefore, when the court enters a destruction order, the school can destroy the separate file without affecting the official school record.

Paragraph (D) requires the building principal to acknowledge receipt of his or her requirements pursuant to this rule.

If the juvenile transfers to another school, the building principal must transfer the notice and keep a log of all the individuals to whom this information was subsequently provided. *See* paragraph (E).

#### *Rule 167—Filings and Service of Court Orders and Notices*

Rule 167 is amended to include a party, juvenile probation officer, and any other person, service provider, or agency listed in the court order among those individuals or entities who must receive copies of court orders and notices.

The juvenile should always receive a copy of court orders and notices regardless of whether the juvenile is represented by counsel. The juvenile probation officer and any other person, service provider, or agency listed in the court order should also be provided with a copy.

#### *Rule 170—Motion to Expunge or Destroy Records*

Upon motion, the court may order that juvenile records, fingerprints, or photograph be expunged or destroyed.

The court should specify whether an item is being destroyed or expunged. The presentation of a motion allows the Commonwealth the opportunity to object and provide compelling reasons why the items at issue should be “expunged,” rather than “destroyed.”

Intelligence and investigative information kept separately by law enforcement agencies is not subject to this rule.

#### *Rule 172—Order to Expunge or Destroy*

Rule 172 has been amended to require that the court’s order identify with specificity which items shall be expunged or destroyed. *See* discussion *infra*.

#### *Rule 173—Retention of Specific Information in Juvenile Records*

This new rule provides for the retention of specific information by the court and juvenile justice agencies.

The information kept by the court must be limited to the information provided in paragraph (B). However, juvenile justice agencies have more latitude in keeping information for the purpose of determining subsequent eligibility in a court program, preparing a pre-sentence report, or for maintaining intelligence and investigative information.

Information retained by juvenile justice agencies is neither open to inspection by the public, nor governed by Rule 160 or § 6308 of the Juvenile Act.

#### *Rule 370—Consent Decree*

This amendment clarifies that the agreement is between the Commonwealth and the juvenile. Additionally, the Comment clarifies that a consent decree may be entered at any time prior to the entry of the adjudication of delinquency.

#### *Rule 408—Ruling on Offenses*

It was brought to the Committee’s attention that paragraph (B) was confusing because of its use of the term “all.” The modification clarifies the intent of the rule and provides new language to read that if the court finds that the juvenile committed none of the alleged delinquent acts, the court shall dismiss the petition and release the juvenile.

If the court finds, for example, that the juvenile committed one of the twelve alleged delinquent acts, the petition cannot be dismissed.

#### *Rule 409—Adjudication of Delinquency*

Paragraph (A)(1)(b) and its Comment was modified to ensure the court orders that records, fingerprints, or photographs be destroyed or expunged.

[Pa.B. Doc. No. 14-1721. Filed for public inspection August 15, 2014, 9:00 a.m.]

## **Title 25—LOCAL COURT RULES**

### **BUCKS COUNTY**

#### **Community Accountability Program; Administrative Order No. 73**

#### **Order**

*And Now*, this 28th day of July, 2014, so as to permit the diversion of non-violent criminal matters to a panel of local citizens for consideration of alternative dispositions, it is hereby ordered and directed as follows:

1. Community Accountability Panels shall be chosen from among citizens of the local community.

2. Panel members shall be appointed by order of the Court, and shall meet at regularly scheduled times throughout the year.

3. Individual defendants shall be referred to the panels by the police upon approval by the District Attorney.

4. If the defendant is approved for the program, the Magisterial District Judge shall continue the preliminary hearing or summary proceeding to permit the defendant's participation.

5. To qualify for referral, a defendant must meet the following qualifications:

- A. Be charged with a non-felony offense;
- B. Sign the referral agreement; and
- C. Comply with conditions imposed by Community Accountability Panel.

6. All costs associated with the Community Accountability Panel program shall be borne by the defendant, unless waived by the referring Magisterial District Judge with the agreement of the District Attorney.

7. Upon completion of all conditions imposed by the Community Accountability Panel, and the payment of all costs, the subject complaint or citation shall be dismissed by the Magisterial District Judge, and all records of the charges shall be expunged from the system, except that the District Attorney shall retain a record of the defendant's participation in the program.

8. Should the defendant fail to complete the program, then the preliminary hearing or summary trial will be held before the Magisterial District Judge and the case will proceed through the normal criminal case process.

This Order shall take effect on September 1, 2014.

*By the Court*

JEFFREY F. FINLEY,  
*President Judge*

[Pa.B. Doc. No. 14-1722. Filed for public inspection August 15, 2014, 9:00 a.m.]

## VENANGO COUNTY

### Promulgation of Local Rule 1910.12; CIV 856-2014

#### Order of the Court

*And Now*, this 29th day of July, 2014, it is hereby *Ordered* and *Decreed* that Venango County Local Rule 1910.12 is rescinded. This rule shall be continuously available for public inspection and copying in the office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule. The said local rule shall become effective thirty (30) days after the date of the publication in the *Pennsylvania Bulletin*.

OLIVER J. LOBAUGH,  
*President Judge*

#### Local Domestic Relations Rules—Venango County Rule 1910.12. Support. Office Conference. Hearing. Record. Exceptions. Order.

- (a) Rescinded.
- (b) Rescinded.

[Pa.B. Doc. No. 14-1723. Filed for public inspection August 15, 2014, 9:00 a.m.]

## VENANGO COUNTY

### Promulgation of Local Rule 1910.16-1; 857-2014

#### Order of the Court

*And Now*, this 29th day of July, 2014, it is hereby *Ordered* and *Decreed* that Venango County Local Rule 1910.16-1 is rescinded. This rule shall be continuously available for public inspection and copying in the office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule. The said local rule shall become effective thirty (30) days after the date of the publication in the *Pennsylvania Bulletin*.

OLIVER J. LOBAUGH,  
*President Judge*

#### Local Domestic Relations Rules—Venango County

#### Rule 1910.16-1. Amount of Support. Support Guidelines.

- (c) Rescinded.

[Pa.B. Doc. No. 14-1724. Filed for public inspection August 15, 2014, 9:00 a.m.]

## VENANGO COUNTY

### Promulgation of Local Rule 1910.25-1; 858-2014

#### Order of the Court

*And Now*, this 29th day of July, 2014, it is hereby *Ordered* and *Decreed* that Venango County Local Rule 1910.25-1 is amended as set forth hereinafter. This rule shall be continuously available for public inspection and copying in the office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule. The said local rule shall become effective thirty (30) days after the date of the publication in the *Pennsylvania Bulletin*.

OLIVER J. LOBAUGH,  
*President Judge*

#### Local Domestic Relations Rules—Venango County

#### Rule 1910.25-1. Support. Civil Contempt.

- (c) The Court will, in all cases, upon a petition for civil contempt, provide a prompt hearing in accordance with Pa.R.C.P. 1910.25-1(a).

[Pa.B. Doc. No. 14-1725. Filed for public inspection August 15, 2014, 9:00 a.m.]

## VENANGO COUNTY

### Promulgation of Local Rule 1915.3; 859-2014

#### Order of the Court

*And Now*, this 29th day of July, 2014, it is hereby *Ordered* and *Decreed* that Venango County Local Rule 1915.3 is amended as set forth hereinafter. This rule shall be continuously available for public inspection and copying in the office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of

any local rule. The said local rule shall become effective thirty (30) days after the date of the publication in the *Pennsylvania Bulletin*.

OLIVER J. LOBAUGH,  
*President Judge*

**Local Domestic Relations Rules—Venango County  
Rule 1915.3. Commencement of Action. Complaint.  
Order.**

Each complaint for custody or petition to modify custody shall contain the following order:

_____ , )	In the Court of Common Pleas of
Plaintiff )	Venango County, Pennsylvania
v. )	Civil Action - Law
)	)
_____ , )	Civ. No. - 20_____
Defendant )	)

**ORDER OF COURT**

You, \_\_\_\_\_, have been sued in Court to (OBTAIN) (MODIFY) (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the following children:

\_\_\_\_\_, Esquire, is appointed conciliator for the purpose of conducting a conference with respect to the issues raised in the petition. The conciliator shall conduct such a conference and shall report to the Court as to whether or not the issues raised in the Petition are capable of resolution by agreement between the parties. The conciliator shall confer with the parties and make every effort to achieve negotiated resolutions of the issues raised in the Petition. No testimony will be taken at the conciliation conference. The parties should bring with them any relevant expert reports. If no such resolution can be achieved, the conciliator shall so report to the Court. He/she shall also submit an interim proposed Order which shall include a date before a judge.

You are ordered to appear for a custody conciliation conference which has been fixed for the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ m., at the Lawyer's Conference Room on the Second Floor of the Venango County Courthouse, Franklin, Pennsylvania.

If you fail to appear as provided by this Order, an Order for legal or physical custody may be entered against you or the Court may issue a warrant for your arrest.

You must file with the court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the court (including, but not limited to, a conference with a conference officer or judge or conciliation), but not later than 30 days after service of the complaint or petition, whichever first occurs. These forms are available at the Prothonotary's Office on the First Floor of the Venango County Courthouse, Franklin, Pennsylvania.

All parties are directed to attend the court-approved seminar "Venango County Co-Parenting Cooperative." Each party is directed to contact LeGoullon Counseling Services at (814) 657-2067 or legoulloncounselingservices@yahoo.com to schedule a date and time for that party to attend the seminar and make payment arrangements.

No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying

with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

NORTHWESTERN LEGAL SERVICES  
1001 State Street  
700 Renaissance Centre  
Erie, Pennsylvania 16501-1833  
Telephone: (800) 665-6957

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Venango County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office at (814) 432-9610. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

**NOTICE TO INCARCERATED PARTIES AND PARTIES WHO DESIRE TO OBTAIN THE TESTIMONY OF AN INCARCERATED INDIVIDUAL**

An incarcerated individual has a right to apply to the court for a writ of habeas corpus ad testificandum to enable him or her to participate in a hearing in this matter. Any party who desires that an incarcerated individual testify at the hearing in this matter also has a right to apply to the court for a writ of habeas corpus ad testificandum to enable the incarcerated person to testify.

BY THE COURT,

Date: \_\_\_\_\_

[Pa.B. Doc. No. 14-1726. Filed for public inspection August 15, 2014, 9:00 a.m.]

**VENANGO COUNTY**

**Promulgation of Local Rule 1915.3A; 860-2014**

**Order of the Court**

And Now, this 29th day of July, 2014, it is hereby Ordered and Decreed that Venango County Local Rule 1915.3A is amended as set forth hereinafter. This rule shall be continuously available for public inspection and copying in the office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule. The said local rule shall become effective thirty (30) days after the date of the publication in the *Pennsylvania Bulletin*.

OLIVER J. LOBAUGH,  
*President Judge*

**Local Domestic Relations Rules—Venango County  
Rule 1915.3A. Custody Seminar.**

(a) When any party files a divorce complaint containing a count for custody, or a complaint for custody, or any other court papers seeking to initiate or reinstate any proceeding to modify, terminate or otherwise affect contact between children and parties, the moving party shall



deliver a true and correct copy of the complaint or other court paper initiating the custody action to LeGoullon Counseling Services, 1243 Liberty Street, Suite 205, Franklin, PA 16323.

(b) All parties to an action to obtain or modify a final order of court for any form of legal or physical custody must attend the court-approved seminar "Venango County Co-Parenting Cooperative" if they have not already done so. The moving party shall forward a seminar brochure to each party or that party's attorney at the time of service of the complaint or petition. Each party to a custody action shall only be required to attend the seminar one (1) time, unless otherwise ordered by the court. Those parties required to attend the seminar shall include any parent, grandparent, great-grandparent or third party to a custody action. Prior attendance at the court-sponsored seminar "Helping Families Cope with Divorce and Custody" shall not excuse attendance at this seminar.

(c) Each party shall receive a certificate upon completion of his or her attendance at the seminar. Each party shall file that certificate of record as evidence of his or her attendance and completion of the seminar.

(d) Each party may attend the seminar with any opposing party in a custody action. No party shall be compelled to attend the seminar with an opposing party in cases where any party, or a child of any party, is or has been the subject of domestic violence or child abuse allegedly perpetrated by the opposing party at any time within the past twenty-four (24) months. In such cases, appropriate arrangements for separate sessions for the seminar shall be made by the facilitator.

(e) All requests to waive attendance at the seminar will require an order of court upon appropriate motion. Waivers will be granted only in exigent circumstances.

(f) All parties who are required to attend the seminar shall complete the seminar within forty-five (45) days after commencement of an action to obtain or modify a final order of court for any form of legal or physical custody.

(g) All parties who are required to attend the seminar shall pay all fees required.

(h) Under exigent circumstances, the court will consider waiver, reduction or assessment of fees to the other party for those unable to pay the fee to attend the seminar. Any such request must be presented to the court by appropriate motion, and must be accompanied by a verified affidavit of indigence or other proof of economic hardship in accordance with Pa.R.C.P. No. 240 and 1920.62.

(i) Absent an order of court, no party shall be permitted to participate in the seminar until timely payment of the fee.

[Pa.B. Doc. No. 14-1727. Filed for public inspection August 15, 2014, 9:00 a.m.]

## VENANGO COUNTY

### Promulgation of Local Rule 1915.4A; 861-2014

#### Order of the Court

And Now, this 29th day of July, 2014, it is hereby Ordered and Decreed that Venango County Local Rule 1915.4A is amended as set forth hereinafter. This rule shall be continuously available for public inspection and

copying in the office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule. The said local rule shall become effective thirty (30) days after the date of the publication in the *Pennsylvania Bulletin*.

OLIVER J. LOBAUGH,  
*President Judge*

#### Local Domestic Relations Rules—Venango County

##### Rule 1915.4A. Procedure in All Custody Cases.

###### (a) Custody Conciliation Conferences

(1) Upon commencement of an action for any form of legal or physical custody, or an action seeking to initiate or reinstate any proceeding to modify, terminate or otherwise affect contact between children and parties, a custody conciliation conference shall be scheduled. A conciliator will be appointed by the court from a list of qualified conciliators.

(2) The conciliator shall make every effort to conduct a custody conciliation conference within forty-five (45) days after his or her appointment. All parties and their attorneys shall attend the custody conciliation conference. The conciliator shall review the court file before the custody conciliation conference in order to ensure that all pleadings and documents have been properly filed by all parties, including a verification regarding any criminal record or abuse history. If a party has not filed the verification, then the conciliator shall have that party complete the verification before commencing the custody conciliation conference, and the conciliator shall ensure that the verification is filed of record after the conference.

(3) At the custody conciliation conference, the conciliator shall meet with the parties, their attorneys, or both to discuss the issues and use their best efforts to reach a settlement based on the best interests and welfare of the children. If any component of the case is settled, the conciliator shall file a written report with the court setting forth the agreement and the proposed court order to be entered in the case. If any component of the case is not settled, the conciliator shall file a written report with the court that recites the following:

(a) the parties and attorneys that attended the custody conciliation conference;

(b) the results of the conference;

(c) recommendations for an interim court order, if any, with a proposed court order to be entered in the case;

(d) recommendations whether counsel for the child should be appointed;

(e) and any other information that may help the court as the court addresses the matter in further proceedings under this rule.

The proposed court order submitted by the custody conciliator shall include terms for the court to designate a custody mediator to be appointed in the case.

(4) No party shall be compelled to participate in custody mediation in cases where any party, or a child of any party, is or has been the subject of domestic violence or child abuse allegedly perpetrated by the opposing party at any time within the past twenty-four (24) months. Therefore, at the conclusion of the custody conciliation conference, the conciliator shall have each party complete an eligibility for mediation form, which shall be filed with the conciliator's written report. If custody mediation cannot be scheduled, the case shall be scheduled for a

custody pre-trial conference, and the conciliator shall include terms in the proposed court order to schedule that conference.

(b) *Custody Mediation*

(1) If the parties are unable to reach an agreement at the custody conciliation conference, then all of the parties shall thereafter attend a custody mediation conference. Custody mediation shall occur in accordance with Pa.R.C.P. No. 1940.1 et seq., as amended.

(2) At the beginning of each custody mediation conference, the mediator shall conduct a brief orientation session in order to educate all of the parties relative to custody mediation, and the benefits of mediation in resolving custody disputes. The orientation session may also be included as part of the court-approved seminar "Venango County Co-Parenting Cooperative."

(3) No party shall be compelled to participate in custody mediation in cases where any party, or a child of any party, is or has been the subject of domestic violence or child abuse allegedly perpetrated by the opposing party at any time within the past twenty-four (24) months.

(4) Each custody mediator shall be appointed by the court from a list of qualified mediators, who have been specially trained in mediation. The fee for mediation shall be \$400.00, which shall be equally divided between the parties. The fee shall be paid within twenty (20) days after the mediation is scheduled, and shall be paid no later than the date of the mediation. In the event a party has not paid his or her share of the mediation fee by the date of the mediation, the mediator, in his or her sole discretion, may proceed with the mediation, and thereafter refer the issue of payment to the court for further proceedings in order to collect the fee.

(5) Under exigent circumstances, the court will consider waiver, reduction or assessment of fees to the other party for those unable to pay. Any such request must be presented by appropriate motion filed with the court, and must be accompanied by a verified affidavit of indigence or other proof of economic hardship in accordance with Pa.R.C.P. No. 240 and 1920.62.

(6) A custody mediation shall be scheduled for a time not to exceed three (3) hours. Prior to the custody mediation, each party shall submit to the mediator a proposed parenting plan substantially in the form set forth in Section 5331 of the Domestic Relations Code (23 Pa.C.S. § 5331), as amended. Each custody mediation shall be closed, and the contents of the custody mediation shall be confidential. No one except the parties shall be permitted to participate in the custody mediation. It is the intent of the court to conduct custody mediation in all cases without counsel for any party present, unless allowed or authorized by order of court. If all of the parties provide written consents, the mediator may, but shall not be required to, disclose the events and discussions that occurred at the custody mediation with counsel or others. Disclosure by the mediator of anything learned during the custody mediation process shall be controlled by Section 5949 of the Judicial Code (42 Pa.C.S. § 5949).

(7) At the conclusion of the custody mediation, if an agreement is reached, the mediator shall write a memorandum of understanding ("the memorandum"). The memorandum shall not be legally binding upon the parties. Should any of the parties have counsel, they shall be referred to counsel to reduce the memorandum to a court order. Each party and counsel shall review the memorandum, and shall have the right to reject the terms with notice to the mediator and all parties and

counsel about the rejection within twenty (20) days of the date of the custody mediation, and that party shall file a praecipe for a custody pre-trial conference. If the memorandum is reduced to a court order, the order shall be prepared by one of the parties and counsel, and reviewed and executed by all parties and counsel before it is submitted for entry as a court order. Should none of the parties have counsel, after the mediation, they shall be referred to the District Court Administrator, who shall provide each party with the name of an attorney, who shall reduce the memorandum to a mutually agreeable court order for a flat fee as determined by the court. An attorney appointed under this provision shall be responsible for no other action on behalf of the party and need not enter an appearance with the court.

(8) In the event no resolution results from custody mediation, the parties may consent to continue to mediate with the same mediator. Up to an additional three (3) hours of mediation may be scheduled for a fee of \$100.00 per hour to be equally divided between the parties. Absent consent to an alternative arrangement or court order, each party shall be responsible for his or her own fee. If at any time during these additional three (3) hours of custody mediation the parties are able to reach a memorandum, which, in turn, is reduced to a court order, or should the mediator in his or her sole discretion declare that the custody mediation is at a permanent and irrevocable impasse and should be terminated, the mediator shall refund to each party a prorated amount for each full hour not used during the mediation.

(9) In all cases where an agreement is reached, a memorandum shall be reduced to a court order and submitted to the court for entry as a court order within twenty (20) days of the date of the custody mediation.

(10) In all cases, the mediator shall file a brief report that sets forth the date of the mediation and whether an agreement was reached by memorandum. No details of the mediation shall be included in the report.

(c) *Custody Pre-Trial Conference*

(1) In the event that no resolution results from custody mediation, or a court order is not submitted to the court for entry as a court order within the designated time frame, the case shall proceed to a custody pre-trial conference with the court in accordance with Pa.R.C.P. No. 1915.4-4. The moving party shall file a praecipe for pre-trial conference. A pre-trial statement shall be filed with the court by each party at least five (5) days before the custody pre-trial conference. At the custody pre-trial conference, the court will confer with the parties and their attorneys in order to set a hearing date(s) and take such steps as are necessary to prepare the case for trial. Matters to be addressed at the conference shall include the number of days for the hearing, witness lists, expert reports, determination whether court-appointed experts are required, an interim custody arrangement pending final hearing, appointment of an attorney to represent the interests of the child, and any other matters deemed appropriate by the court.

(2) With the pre-trial statement, all parties shall also file a proposed parenting plan substantially in the form set forth in Section 5331 of the Domestic Relations Code (23 Pa.C.S. § 5331).

[Pa.B. Doc. No. 14-1728. Filed for public inspection August 15, 2014, 9:00 a.m.]

**VENANGO COUNTY**

**Promulgation of Local Rule 1915.11; 862-2014**

**Order of the Court**

*And Now*, this 29th day of July, 2014, it is hereby *Ordered* and *Decreed* that Venango County Local Rule 1915.11 is amended as set forth hereinafter. This rule shall be continuously available for public inspection and copying in the office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule. The said local rule shall become effective thirty (30) days after the date of the publication in the *Pennsylvania Bulletin*.

OLIVER J. LOBAUGH,  
*President Judge*

**Local Domestic Relations Rules—Venango County  
Rule 1915.11. Custody. Appointment of Attorney for Child.**

(d) Attorneys representing parents in custody litigation are encouraged not to speak directly with a child who is the subject of custody proceedings except under any of the following conditions:

- (1) Both parents are present;
- (2) Opposing counsel is present;
- (3) An attorney for the child has been appointed by the court and consents to the interview; or
- (4) The attorney for the party is specifically authorized by the court beforehand to speak with the child.

[Pa.B. Doc. No. 14-1729. Filed for public inspection August 15, 2014, 9:00 a.m.]

**VENANGO COUNTY**

**Promulgation of Local Rule 1920.16; 865-2014**

**Order of the Court**

*And Now*, this 29th day of July, 2014, it is hereby *Ordered* and *Decreed* that Venango County Local Rule 1920.16 is amended as set forth hereinafter. This rule shall be continuously available for public inspection and copying in the office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule. The said local rule shall become effective thirty (30) days after the date of the publication in the *Pennsylvania Bulletin*.

OLIVER J. LOBAUGH,  
*President Judge*

**Local Domestic Relations Rules—Venango County  
Rule 1920.16. Equitable Distribution. Severance of Actions and Claims.**

(b) The court will, in all cases where bifurcation is requested by a party, conduct a hearing at which both parties should be present.

(c) In all cases where bifurcation is requested by consent, the court will require testimony from the parties regarding the impact of a divorce at the time of hearing which shall include but not necessarily be limited to inability to file joint tax return; health insurance; beneficiary designations on life insurance policies, pensions,

and retirement benefits; rights of inheritance; intestate succession; effect on existing wills, powers of attorney, and advance health care directives; exemptions from the claims of creditors; and jointly owned real and personal property.

(d) Rescinded.

[Pa.B. Doc. No. 14-1730. Filed for public inspection August 15, 2014, 9:00 a.m.]

**VENANGO COUNTY**

**Promulgation of Local Rule 1920.74; 864-2014**

**Order of the Court**

*And Now*, this 29th day of July, 2014, it is hereby *Ordered* and *Decreed* that Venango County Local Rule 1920.74 is amended as set forth hereinafter. This rule shall be continuously available for public inspection and copying in the office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule. The said local rule shall become effective thirty (30) days after the date of the publication in the *Pennsylvania Bulletin*.

OLIVER J. LOBAUGH,  
*President Judge*

**Local Domestic Relations Rules—Venango County  
Rule 1920.74. Form of Motion for the Appointment of Divorce Master. Order.**

(a) The motion for appointment of a Divorce Master shall be substantially in the following form:

\_\_\_\_\_ : IN THE COURT OF COMMON  
Plaintiff, : PLEAS OF VENANGO  
 : COUNTY, PENNSYLVANIA  
vs. :  
 :  
 :  
 : Civ. No. \_\_\_\_\_ - \_\_\_\_\_  
Defendant :

**MOTION FOR APPOINTMENT OF DIVORCE MASTER**

AND NOW comes the \_\_\_\_\_, by and through his undersigned counsel, and pursuant to Venango County Local Rule 1920.51 files his Motion for Appointment of Divorce Master stating in furtherance thereof as follows:

- 1. Counsel for the Plaintiff is: \_\_\_\_\_
- 2. Counsel for the Defendant is: \_\_\_\_\_
- 3. The Complaint was filed by the Plaintiff on \_\_\_\_\_
- 4. The Complaint was served on the Defendant on \_\_\_\_\_
- 5. The statutory ground(s) asserted (are)(is) Section \_\_\_\_\_ of the Divorce Code or \_\_\_ annulment.
  - a. If 3301(c), affidavit of consent filed by Plaintiff \_\_\_\_\_ by Defendant \_\_\_\_\_.
  - b. If 3301(d), affidavit of separation filed by (Plaintiff) (Defendant) on \_\_\_\_\_ Counter-Affidavit, if any, filed on \_\_\_\_\_.
- 6. Matters at Issue:
  - \_\_\_\_\_ Dissolution of Marriage
  - \_\_\_\_\_ Equitable distribution of marital property
  - \_\_\_\_\_ Allocation of marital indebtedness



- \_\_\_\_ Exclusive Possession of Marital Residence
- \_\_\_\_ Alimony pendente litem
- \_\_\_\_ Counsel fees and/or expenses of litigation
- \_\_\_\_ Court costs
- \_\_\_\_ Bifurcation
- \_\_\_\_ Alimony

7. Discovery \_\_\_ is \_\_\_ is not complete as to the claim(s) for which the appointment of a Master is requested.

8. I hereby certify that Pa.R.C.P. 1920.46 is (\_\_\_ applicable) (\_\_\_ not applicable).

9. I hereby certify that Pa.R.C.P. 1920.31(1) is (\_\_\_ applicable) (\_\_\_ not applicable) and the income and expense statement have been filed as follows:  
Plaintiff \_\_\_\_\_ (date) Defendant \_\_\_\_\_ (date).

10. I hereby certify that Pa.R.C.P. 1920.33(a) is (\_\_\_ applicable) (\_\_\_ not applicable) and the inventories have been filed as follows:  
Plaintiff \_\_\_\_\_ (date) Defendant \_\_\_\_\_ (date).

11. The hearing is expected to take \_\_\_\_\_ hours.

12. I hereby certify that \_\_\_\_\_ has deposited the proper fee for the appointment of the Divorce Master with the Venango County Prothonotary on \_\_\_\_\_.

WHEREFORE, the \_\_\_\_\_ respectfully requests that this Honorable Court grant the instant prayer for the appointment of a Divorce Master by approving and entering the proposed Order attached hereto.

Dated: \_\_\_\_\_ Attorney For: \_\_\_\_\_

(b) The Order Appointing Master shall be in substantially the following form:

\_\_\_\_\_ : IN THE COURT OF COMMON  
 Plaintiff, : PLEAS OF VENANGO  
 : COUNTY, PENNSYLVANIA  
 vs. :  
 :  
 : Civ. No. \_\_\_\_\_ - \_\_\_\_\_  
 Defendant :

ORDER APPOINTING DIVORCE MASTER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, the Court has received the Motion for Appointment of Divorce Master filed by the \_\_\_\_\_ in the above-captioned matter.

Richard Winkler is hereby appointed Divorce Master in this matter.

(1) The master will schedule a preliminary conference at the earliest convenient time, but no later than sixty (60) days from the date of this Order. Parties and their counsel shall attend the conference and attempt to resolve all outstanding issues without further litigation.

(2) Each party shall file and serve upon the other party a pre-trial statement in accordance with Pa.R.C.P. 1920.33(b) and deliver a copy to the Divorce Master prior to the preliminary conference.

The preliminary conference with the Divorce Master shall not proceed until each party has filed their inventory and pre-trial statement.

BY THE COURT,

\_\_\_\_\_, J.

[Pa.B. Doc. No. 14-1731. Filed for public inspection August 15, 2014, 9:00 a.m.]

VENANGO COUNTY

Promulgation of Local Rule 1930.4; 863-2014

Order of the Court

And Now, this 29th day of July, 2014, it is hereby Ordered and Decreed that Venango County Local Rule 1930.4 is adopted. This rule shall be continuously available for public inspection and copying in the office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule. The said local rule shall become effective thirty (30) days after the date of the publication in the Pennsylvania Bulletin.

OLIVER J. LOBAUGH,  
President Judge

Local Domestic Relations Rules—Venango County Rule 1930.4. Service of Original Process in Domestic Relations Matters.

(a) All counsel should take notice of the note following Pa.R.C.P. 1930.4: Service of Original Process in Domestic Relations Matters, which states that service upon an incarcerated person in a domestic relations action must also include notice of any hearing in such action, and specific notice of the incarcerated individual's right to apply to the Court for a Writ of Habeas Corpus ad Testificandum to enable him or her to participate in the hearing.

(b) The notice shall be in substantially the following form:

(Caption)

NOTICE TO INCARCERATED PARTIES

Plaintiff and Defendant are directed to appear on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_ .m. in Courtroom \_\_\_\_\_ Venango County Courthouse, Franklin, Pennsylvania for a hearing. If you are incarcerated, you are also hereby notified of your right to apply to the Court for a Writ of Habeas Corpus ad Testificandum enabling you to participate in the hearing. Any party who desires that an incarcerated individual testify at the hearing in this matter also has a right to apply to the Court for a Writ of Habeas Corpus ad Testificandum to enable the incarcerated person to testify.

[Pa.B. Doc. No. 14-1732. Filed for public inspection August 15, 2014, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 10—BANKING AND SECURITIES

DEPARTMENT OF BANKING AND SECURITIES

[ 10 PA. CODE CH. 5 ]

### Corrective Amendment to 10 Pa. Code § 5.6

The Department of Banking and Securities has discovered a discrepancy between the agency text of 10 Pa. Code § 5.6 (regarding implementation schedule) as deposited with the Legislative Reference Bureau and the official text as published at 44 Pa.B. 5010, 5017 (July 26, 2014). The Office of General Counsel, the Independent Regulatory Review Commission, the House Commerce Committee, the Senate Banking and Insurance Committee and the Office of Attorney General approved § 5.6(b)(1)—(3) with blanks instead of dates in the implementation schedule. The Department of Banking and Securities provided incorrect dates to the Legislative Reference Bureau for § 5.6(b)(1)—(3). This corrective amendment returns § 5.6(b)(1)—(3) as approved by the previously-listed entities.

Therefore, under 45 Pa.C.S. § 901: The Department of Banking and Securities has deposited with the Legislative Reference Bureau a corrective amendment to 10 Pa. Code § 5.6. The corrective amendment to 10 Pa. Code § 5.6 is effective July 26, 2014, the effective date of adoption of the final-form rulemaking adopting this section.

The correct version of 10 Pa. Code § 5.6 appears in Annex A.

#### Annex A

### TITLE 10. BANKING AND SECURITIES

#### PART I. GENERAL PROVISIONS

#### CHAPTER 5. ASSESSMENTS

#### § 5.6. Implementation schedule.

(a) *General rule.* The Department will provide an implementation schedule for banks, bank and trust companies, savings banks, savings associations and trust companies to adjust to the assessments generated by this chapter.

(b) *Implementation schedule.* Banks, bank and trust companies, savings banks, savings associations and trust companies shall pay assessments according to the following implementation schedule:

(1) Seventy percent of the total assessment calculated by §§ 5.2, 5.3 and 5.5 (relating to semiannual assessment for banks, bank and trust companies, savings banks and savings associations; semiannual assessment for trust companies; and adjustments to assessments; invoicing) for the first 12 months after \_\_\_\_\_.

(2) Eighty-five percent of the total assessment calculated by §§ 5.2, 5.3 and 5.5 for the second 12 months after \_\_\_\_\_.

(3) One hundred percent of the total assessment calculated by §§ 5.2, 5.3 and 5.5 for the third 12 months after \_\_\_\_\_.

[Pa.B. Doc. No. 14-1733. Filed for public inspection August 15, 2014, 9:00 a.m.]

## Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 605a, 639a, 641a,  
643a, 647a, 653a, 655a AND 657a ]

### Electronic Gaming Tables and Table Games Rules of Play

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), amends Chapters 605a, 639a, 641a, 643a, 647a, 653a, 655a and 657a to read as set forth in Annex A.

#### *Purpose of the Final-Form Rulemaking*

This final-form rulemaking adds requirements for progressive table game systems that are linked between multiple tables within the same licensed facility, adds the Progressive Payout Wager to Crazy 4 Poker, Caribbean Stud Poker, Four Card Poker, Let It Ride Poker and Texas Hold 'Em Bonus Poker, and the Bad Beat Wager to Four Card Poker.

#### *Explanation*

##### *Progressive table games*

Section 605a.7(a)(1) (relating to progressive table games) is amended to require the progressive meter on tables to increase in value based on the wagers. Unlike slot machine progressives, progressive jackpots on table games are player funded (with the exception of the seed amount). Therefore, the meter should always be incrementing every time a player places a progressive wager. For the same reasons, the Board eliminated the option in subsection (b)(4) to place caps or limits on the progressive jackpot amounts.

Subsection (b)(4) now requires that if an operator is going to fund a reserve pool with a portion of the patron's wager on a progressive, the proposed incrimination rate must be included in the operator's submission to the Bureau of Gaming Laboratory Operations.

For clarity, subsection (d)(2) is consolidated into subsection (d)(1). Specificity is added in renumbered subsection (d)(3) regarding what is to happen to a progressive jackpot amount if a meter malfunctions.

New subsection (e) prohibits operators from capping a meter or offering more than one progressive on the same table game (for example, a Five-Card and Four-Card Progressive). The Board believes that having multiple progressives on the same table game will create problems with administering the progressives and will lead to confusion. The Board added a requirement in subsection (e)(3) that if operators were to offer progressives, the required wager amount would have to be a set amount to ensure fairness to all players vying for the progressive jackpot (a percentage of the jackpot meter).

Subsection (e)(4) was added requiring operators to submit internal controls specifying how the licensee would reconcile concurrent jackpot wins from the same progressive meter. Subsection (e)(5) prohibits the removal of a progressive jackpot unless the operator receives written approval from the Board's Executive Director.

*Linked progressive tables*

A local area progressive (LAP) controller links different games within the same licensed facility together for the purpose of offering a shared progressive jackpot. A definition of "local area progressive controller" is added in § 605a.1 (relating to definitions). New § 605a.8 (relating to linked progressive table games) includes key control and general system specifications for LAP controllers.

Additionally, to ensure fairness to players, if a certificate holder is offering a linked progressive, the linked games must have the same probability of hitting the jackpot and the same amount shall be wagered by the players participating in the side bet. See § 605a.8(g).

*Progressive Payout Wager*

The Progressive Payout Wager (referred to in several of the chapters as the Five-Card Progressive Payout Wager for games that already include a Three or Four-Card Progressive Wager) is an optional side wager that the player's five-card hand will contain a three-of-a-kind or better. This side wager may be offered on a single table (such as one Four Card Poker table), on multiple tables (a bank of Four Card Poker tables) or across multiple games within the same licensed facility (Four Card Poker, Crazy 4 Poker and Let It Ride Poker tables, for example). The purpose of linking multiple tables and games together is to increase the number of individuals contributing to and playing for the progressive jackpot amount.

Under this final-form rulemaking, the Progressive Payout Wager (Five-Card Progressive Payout Wager) may be played on any of the following games: Caribbean Stud Poker; Four Card Poker; Let It Ride Poker; Texas Hold 'Em Bonus Poker; Ultimate Texas Hold 'Em Poker; Mississippi Stud; and Crazy 4 Poker. For these games, language is added specifying that if a facility were to offer a linked progressive, the table game system must comply with the new requirements in § 605a.8. For those games that did not previously include a payout based on a five-card Poker hand, hand rankings are added. A description of the Progressive Payout Wager, how the wager is to be settled and when it is to be settled, and the payout odds and amounts are added.

In addition to the amendments discussed previously, several chapters are also amended to ensure that players wagering on a progressive have the same probability of winning the jackpot.

In Caribbean Stud Poker, the Progressive Payout Wager based on a five-card hand is already included as an optional side wager. However, the Progressive Payouts previously approved in paytables A—C may be utilized only on single table progressives but may not be used for linked table progressives. Therefore, language is added in §§ 639a.11 and 639a.12 (relating to procedure for completion of each round of play; and payout odds; rate of progression) specifying that if operators were to offer linked progressives, only payable D, which includes an Envy Bonus, could be utilized.

In this final-form rulemaking, payable E was added and, like paytables A—C, may be utilized only on single table progressives but may not be used on linked table progressives.

Amendments to § 647a.2(c) (relating to Texas Hold 'Em Bonus Poker table physical characteristics) specify that if an operator were to offer the Progressive Payout Wager, the table must be equipped with a progressive table game system. This language is added because other progressive wagers were not previously authorized for Texas Hold

'Em Bonus Poker. As this is the first progressive side wager authorized, additional requirements regarding the use of the progressive table game system are added in §§ 647a.8—647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

Amendments to § 653a.11 (relating to procedures for completion of each round of play) ensure that only the player's two cards and the first three community cards (the Flop) may be used to form the best five-card Poker hand for purposes of the Progressive Payout Wager. This clarifying language is included because allowing players to create the best five-card Poker hand from the seven cards dealt (the player's two cards and five community cards) would create an advantage to players at Ultimate Texas Hold 'Em Poker if those players were vying for the linked progressive jackpot against players at tables in which only the player's first five cards were used to create the best possible hand.

In Mississippi Stud, language is amended in § 655a.11(i)(4)(i)(D) (relating to procedures for completion of each round of play) for consistency with the other chapters that offer progressive jackpot payouts.

Amendments to § 657a.11 (relating to procedures for completion of each round of play) specify that for the Five-Card Progressive Payout Wager, the dealer shall consider all five cards dealt to the player to determine a winning hand. This clarifying language is included because other wagers in Crazy 4 Poker are based on the best four-card hand a player can make from the five cards dealt.

*Bad Beat Bonus Wager*

The Bad Beat Bonus Wager is added to Four Card Poker. The layout requirements are added in § 641a.2(b)(4) (relating to Four Card Poker table physical characteristics), the wager description is added to § 641a.7(d)(6) (relating to wagers), the procedure for payment of winning wagers and the collection of losing wagers is added in § 641a.11(c)(6) (relating to procedures for completion of each round of play) and the payout odds are added in § 641a.12(f) (relating to payout odds; Envy Bonus; rate of progression).

*Comment and Response Summary*

Notice of proposed rulemaking was published at 43 Pa.B. 2312 (April 27, 2013). The Board did not receive comments on the proposed rulemaking from the public, regulated community or the Independent Regulatory Review Commission (IRRC).

*Affected Parties*

Slot machine licensees will be impacted by this final-form rulemaking as operators will have a greater number of side wagers to offer at their facilities.

*Fiscal Impact*

*Commonwealth.* The Board does not expect that this final-form rulemaking will have fiscal impact on the Board or other Commonwealth agencies. Testing of LAP controllers and progressives and updates to Rules Submissions and internal control procedures will be reviewed by existing Board staff.

*Political subdivisions.* This final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

*Private sector.* This final-form rulemaking will provide certificate holders with additional operational options. If



a certificate holder decides to offer the Progressive Payout Wager, the Bad Beat Bonus Wager or linked progressive jackpots within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and may need to purchase new equipment which will allow for the placement of progressive wagers. Costs incurred to train employees or purchase or lease equipment should be offset by the proceeds of gaming.

*General public.* This final-form rulemaking will not have fiscal impact on the general public.

*Paperwork Requirements*

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

*Effective Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 15, 2013, the Board submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 2312, to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on July 9, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 10, 2014, and approved the final-form rulemaking.

*Findings*

The Board finds that:

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

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

*Order*

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

(1) The regulations of the Board, 58 Pa. Code Chapters 605a, 639a, 641a, 643a, 647a, 653a, 655a and 657a, are amended by adding § 605a.8 and by amending §§ 605a.1, 605a.7, 639a.1, 639a.2, 639a.11, 639a.12, 641a.1, 641a.2, 641a.6, 641a.7, 641a.11, 641a.12, 643a.1, 643a.2, 643a.6, 643a.7, 643a.11, 643a.12, 647a.1, 647a.2, 647a.7—647a.12, 653a.2, 653a.11, 653a.12, 655a.2, 655a.11, 657a.1, 657a.2, 657a.6, 657a.7, 657a.11 and 657a.12 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

WILLIAM H. RYAN, Jr.,  
*Chairperson*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 5156 (July 26, 2014).)

**Fiscal Note:** Fiscal Note 125-169 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart K. TABLE GAMES**

**CHAPTER 605a. ELECTRONIC GAMING TABLES**

**§ 605a.1. Definitions.**

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

*Electronic wagering system*—A computer or server and any related hardware, software or other device that permits wagering to be conducted at a gaming table.

*Game account*—The funds that are available to a player for use at an electronic gaming table.

*Local area progressive controller*—The hardware and software used to configure, maintain and operate a shared link between progressive table games within a licensed facility.

**§ 605a.7. Progressive table games.**

(a) Each progressive on a fully automated electronic gaming table, electronic gaming table or live table game must have:

(1) A progressive meter visible from the front of the gaming table, which must increase in value based upon wagers, that advises the players of the amount which can be won if the player receives the corresponding outcome.

(2) A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by a fully automated electronic gaming table or electronic gaming table.

(3) A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by an attendant as a result of progressive awards that are not capable of being paid by a fully automated electronic gaming table or electronic gaming table.

(4) A cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots paid directly by a fully automated electronic gaming table, electronic gaming table, or attendant.

(5) A key and keyed switch to reset the progressive meter or meters or other reset mechanism.

(6) A key locking the compartment housing the progressive meter or meters or other means by which to preclude unauthorized alterations to the progressive meters. The key or alternative security method must be different than the key or reset mechanism in paragraph (5).

(b) A table game that offers a progressive jackpot may not be placed on the gaming floor until the certificate holder or, if applicable, the progressive system operator, has submitted the following to the Bureau of Gaming Laboratory Operations for review and approval, in accordance with § 461a.4 (relating to submission for testing and approval):

(1) The initial and reset amounts at which the progressive meter or meters will be set.

(2) The proposed system for controlling the keys and applicable logical access controls to the table games.

(3) The proposed rate of progression for each progressive jackpot.

(4) The proposed incrementation rate for a reserve pool, if any, to fund the next reset amount.

(c) A table game that offers either a new progressive jackpot or a modification of an existing progressive jackpot may not be made available for play by the public until the table game has been tested by the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 and § 461a.26 (relating to testing and software installation on the live gaming floor).

(d) Progressive meters may not be turned back to a lesser amount or removed unless one of the following occurs:

(1) The amount indicated has been paid to a winning patron and the amount won has been recorded in accordance with a system of internal controls approved under § 465a.2 (relating to internal control systems and audit protocols).

(2) The progressive jackpot has, upon written approval in accordance with § 461a.4, been transferred to another progressive table game.

(3) A table game or progressive meter malfunctions, in which case, a written explanation shall be sent to the Bureau of Gaming Laboratory Operations and the entire progressive jackpot amount shall be placed back onto the progressive jackpot meter.

(e) A certificate holder that offers progressive jackpots:

(1) May not place a limit or cap on the progressive jackpot amount.

(2) May not offer more than one progressive jackpot on the same table game.

(3) Shall require that on any table with a linked progressive, the same progressive wager amount be invested to entitle the player a chance at winning the progressive jackpot. The progressive wager amount required may not be changed unless the certificate holder updates its Rules Submission in accordance with § 601a.2 (relating to table games Rules Submissions).

(4) Shall submit internal controls in accordance with § 465a.2 specifying how the licensee will reconcile simultaneous or multiple progressive meter wins from the same progressive meter.

(5) May not remove a progressive jackpot from the gaming floor without written approval from the Board's Executive Director.

#### § 605a.8. Linked progressive table games.

(a) Two or more table games that are located within the same licensed facility and offer a shared progressive jackpot must be linked using an approved local area progressive (LAP) controller.

(b) The LAP controller:

(1) Must be capable of uniquely identifying each linked progressive table game.

(2) Must become inoperable if any of the following errors occur:

(i) RAM failures.

(ii) Power failures.

(iii) Self-check errors.

(iv) Incorrect configurations.

(v) Lost jackpot configurations.

(3) Must be designed to:

(i) Recover from an error or communication failure and, when recovered, to return to the state it was in prior to the error or communication failure.

(ii) Automatically and accurately calculate the progressive jackpot amount based on a configured rate of progression and to continuously update the required displays and meters.

(iii) Accurately identify and record the order of winning progressive jackpots when two or more linked progressive table games achieve the same winning game outcome at nearly the same time.

(iv) Complete a self-check when powered-up. A LAP controller must be designed so that it becomes operational only if it has successfully passed a self-check. A self-check must include an authentication of the LAP controller software by means of, at a minimum, a 16-bit cyclical redundancy check.

(4) May not allow progressive parameter changes while a progressive link is in operation.

(c) Progressives connected to a LAP controller must become unplayable when the LAP controller is disabled or inoperable or if the progressive loses communication with the LAP controller.

(d) The certificate holder shall specify in its internal controls required under § 465a.2 (relating to internal control systems and audit protocols):

(1) The mechanism by which the certificate holder and the patrons will be notified if the LAP controller or the linked progressive on a table game becomes inoperable.

(2) The secure location within the licensed facility where the LAP controller will be stored.

(3) An access matrix containing a list of users and a description of their access rights to the LAP controller software.

(4) Key controls over the cabinet or rack which houses the LAP controller.

(e) A certificate holder is required to physically house, in each location where a LAP controller is stored, an entry authorization log that documents each time a LAP controller is accessed. The log must:

(1) Contain the date, time, purpose for accessing the LAP controller and the signature and license or permit number of the person accessing the LAP controller.

(2) Be maintained in the location where the LAP controller unit is housed.

(3) Have recorded a sequence number and the manufacturer's serial number of the LAP controller.

(f) A certificate holder seeking to utilize a linked progressive on a table game shall submit for approval the location and manner of installing a progressive meter display mechanism.

(g) Two or more table games within the same licensed facility that are linked to a common progressive meter for the purpose of offering a shared progressive jackpot must:

(1) Have the same probability of hitting the combination that will award the progressive jackpot as every other table game linked to the common progressive meter.

(2) Require that the same progressive wager amount be invested to entitle the player a chance at winning the progressive jackpot. Progressive wager amounts may not be changed unless the certificate holder updates its Rules Submission in accordance with § 601a.2 (relating to table games Rules Submissions).

(h) Table games that offer a linked progressive jackpot may not be made available for play by the public until the LAP controller and the linked progressive table games have been tested by the Bureau of Gaming Laboratory Operations and approved in accordance with §§ 461a.4 and 461a.26 (relating to submission for testing and approval; and testing and software installation on the live gaming floor).

**CHAPTER 639a. CARIBBEAN STUD POKER**

**§ 639a.1. Definitions.**

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

*Bet Wager*—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Caribbean Stud Poker table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—A player’s five-card Poker hand with a rank of a straight flush or better as defined in § 639a.6(b) (relating to Caribbean Stud Poker rankings).

*Fold*—The withdrawal of a player from a round of play by not making a Bet Wager.

*Hand*—The five-card hand that is held by each player and the dealer after the cards are dealt.

*Hole card*—Any of the four cards dealt face down to the dealer.

*Progressive Payout Hand*—The term means either of the following:

(i) A player’s five-card Poker hand with a rank of three-of-a-kind or better.

(ii) If included in the paytable selected by the certificate holder, a two pair or better as defined in § 639a.6(b).

**§ 639a.2. Caribbean Stud Poker table physical characteristics.**

\* \* \* \* \*

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 639a.7(d)(2), the Caribbean Stud Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in

the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

\* \* \* \* \*

**§ 639a.11. Procedure for completion of each round of play.**

(a) After the dealing procedures required under § 639a.8, § 639a.9 or § 639a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Caribbean Stud Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep the five cards in full view of the dealer at all times.

(3) After each player has made a decision regarding the Bet Wager as required under subsection (b), the player’s cards shall be placed face down on the appropriate area of the layout and the player may not touch the cards again.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer’s left and moving clockwise around the table, ask each player if he wishes to make a Bet Wager in an amount equal to two times the amount of the player’s Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player has placed an Ante Wager and a Caribbean Stud Bonus Wager or Progressive Payout Wager but does not make a Bet Wager, the player shall forfeit all wagers but does not forfeit the right to receive an Envy Bonus Payout, if applicable.

(c) After each player who has placed an Ante Wager has either placed a Bet Wager on the designated area of the layout or forfeited his wager and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer’s four hole cards and place the cards so as to form the highest possible ranking five-card Poker hand. After the dealer’s cards are turned face up, the dealer shall, beginning with the player farthest to the dealer’s right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the five cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and form the highest possible ranking five-card Poker hand for each player.

(3) If the dealer’s highest ranking five-card Poker hand:

(i) Is lower than an ace-king, the dealer shall return each player’s Bet Wager and pay out the player’s Ante Wager made by the player in accordance with the payout odds in § 639a.12(a) and (b) (relating to payout odds; rate of progression).

(ii) Is an ace-king or better, and the player’s highest ranking five-card Poker hand:

(A) Is ranked lower than the dealer’s five-card Poker hand, the dealer shall immediately collect the Ante and Bet Wagers made by the player.



(B) Is ranked higher than the dealer's five-card Poker hand, the dealer shall pay the Ante and Bet Wagers made by the player in accordance with the payout odds in § 639a.12(a) and (b).

(C) Is equal in rank to the dealer's five-card hand, the dealer shall return the Ante and Bet Wagers made by the player.

(4) The dealer shall settle any Caribbean Stud Bonus Wager made by the player by determining whether the player's five-card Poker hand qualifies for a payout in accordance with § 639a.12(c). A winning Caribbean Stud Bonus Wager shall be paid irrespective of whether the player's five-card Poker hand outranks the dealer's hand.

(5) After settling a player's Ante, Bet and Caribbean Stud Bonus Wagers, the dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's five-card Poker hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

- (i) Verify that the hand is a winning hand.
- (ii) Verify that the appropriate light on the progressive table game system has been illuminated.
- (iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 639a.12(d). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus won in accordance with § 639a.12(d)(6) if Paytable D in § 639a.12(d)(1) is selected by the certificate holder. Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Caribbean Stud Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(d) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 639a.12. Payout odds; rate of progression.**

(a) A certificate holder shall pay each winning Ante Wager at odds of 1 to 1.

(b) A certificate holder shall pay winning Bet Wagers in accordance with the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100 to 1
Straight flush	50 to 1
Four-of-a-kind	20 to 1
Full house	7 to 1
Flush	5 to 1
Straight	4 to 1
Three-of-a-kind	3 to 1

<i>Hand</i>	<i>Paytable</i>
Two pair	2 to 1
A pair or less	1 to 1

(c) If a certificate holder offers the Caribbean Stud Bonus Wager, the certificate holder shall pay each winning Caribbean Stud Bonus Wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Royal flush	1,000 to 1	1,000 to 1	1,000 to 1
Straight flush	200 to 1	200 to 1	200 to 1
Four-of-a-kind	100 to 1	100 to 1	100 to 1
Full house	50 to 1	50 to 1	50 to 1
Flush	40 to 1	40 to 1	40 to 1
Straight	25 to 1	25 to 1	20 to 1
Three-of-a-kind	7 to 1	6 to 1	6 to 1
Two pair	3 to 1	3 to 1	3 to 1
A pair of 10s or better	1 to 1	1 to 1	1 to 1

(d) If a certificate holder offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Royal flush	100% of meter	100% of meter	100% of meter
Straight flush	5,000 for 1	10% of meter	10% of meter
Four-of-a-kind	500 for 1	500 for 1	200 for 1
Full house	100 for 1	100 for 1	50 for 1
Flush	50 for 1	50 for 1	40 for 1
Straight	10 for 1	10 for 1	30 for 1
Three-of-a-kind	3 for 1	3 for 1	9 for 1
Two pair	2 for 1	2 for 1	N/A

<i>Hand</i>	<i>Paytable D</i>	<i>Paytable E</i>
Royal flush	100% of meter	100% of meter
Straight flush	10% of meter	10% of meter
Four-of-a-kind	300 for 1	500 for 1
Full house	50 for 1	100 for 1
Flush	40 for 1	50 for 1
Straight	30 for 1	N/A
Three-of-a-kind	9 for 1	N/A

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) Paytables A, B, C and E may not be selected by the certificate holder if the Progressive Payout Wager is offered on multiple linked games with a shared progressive jackpot.

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and may not be less than \$10,000.

(5) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 639a.11(c)(5) (relating to procedure for completion of each round of play).

(6) If the certificate holder selects Paytable D, Envy Bonus payouts shall be made according to the following payouts for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

**CHAPTER 641a. FOUR CARD POKER**

**§ 641a.1. Definitions.**

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

*Aces Up Wager*—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of whether the player’s hand outranks the dealer’s hand.

*Five-Card Envy Bonus*—An additional fixed sum payout made to a player who placed a Five-Card Progressive Payout Wager when another player at the Four Card Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand.

*Five-Card Envy Bonus Qualifying Hand*—A player’s five-card Poker hand with a rank of a straight flush or better, as defined in § 641a.6(d) (relating to Four Card Poker rankings).

*Five-Card Progressive Payout Hand*—A player’s five-card Poker hand with a rank of three-of-a-kind or better as defined in § 641a.6(d).

*Four-Card Envy Bonus*—An additional fixed sum payout made to a player who placed a Four-Card Progressive Payout Wager when another player at the Four Card Poker table is the holder of a Four-Card Envy Bonus Qualifying Hand.

*Four-Card Envy Bonus Qualifying Hand*—A player’s Four Card Poker hand with a rank of four-of-a-kind or better or a straight flush or better, as defined in § 641a.6(b), depending on the payable selected by the certificate holder.

*Four-Card Progressive Payout Hand*—A player’s Four Card Poker hand with a rank of three-of-a-kind or better as defined in § 641a.6(b).

*Hand*—The Four Card Poker hand that is held by each player and the dealer after the cards are dealt.

*Play Wager*—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

**§ 641a.2. Four Card Poker table physical characteristics.**

(a) Four Card Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Four Card Poker table shall be submitted to the Bureau of Gaming Operations and

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

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

(2) Three separate betting areas designated for the placement of Ante, Play and Aces Up Wagers for each player.

(3) If the certificate holder offers either the Four or Five-Card Progressive Payout Wager authorized under § 641a.7(d)(4) or (5) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) If the certificate holder offers the optional Bad Beat Bonus Wager authorized under § 641a.7(d)(6), a separate area designated for the placement of the Bad Beat Bonus Wager for each player.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Four Card Poker table.

(c) If a certificate holder offers either the Four or Five-Card Progressive Payout Wager in accordance with § 641a.7(d)(4) or (5), the Four Card Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced “no more bets.”

(d) Each Four Card Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Four Card Poker table must have a discard rack securely attached to the top of the dealer’s side of the table.

**§ 641a.6. Four Card Poker rankings.**

(a) The rank of the cards used in Four Card Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight with a 2, 3 and 4 but may not be combined with any other sequence of cards (for example: king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible Poker hands in the game of Four Card Poker, in order of highest to lowest rank, shall be:

(1) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(2) A straight flush, which is a hand consisting of four cards of the same suit in consecutive ranking, with an ace, king, queen and jack being the highest ranking straight flush and an ace, 2, 3 and 4 being the lowest ranking straight flush.

(3) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(4) A flush, which is a hand consisting of four cards of the same suit, regardless of rank.

(5) A straight, which is a hand consisting of four cards of more than one suit and of consecutive rank, with ace, king, queen and jack being the highest ranking straight and an ace, 2, 3 and 4 being the lowest ranking straight.

(6) Two pairs, which is a hand consisting of two pairs with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(7) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two Poker hands that are of identical rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of equal rank after the application of this section, the hands shall be considered a tie.

(d) When the certificate holder offers a payout based on the rank of a five-card Poker hand, the rank of the hands must be:

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

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking.

(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.

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

#### § 641a.7. Wagers.

(a) Wagers at Four Card Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Four Card Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player

leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 641a.8, § 641a.9 or § 641a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 641a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Four Card Poker:

(1) A player may compete solely against the dealer's Four Card Poker hand by placing an Ante Wager then a Play Wager, in accordance with § 641a.11(b), in an amount from one to three times the amount of the player's Ante Wager.

(2) A player may compete solely against a posted payable by placing an Aces Up Wager.

(3) A player may compete against both the dealer's Four Card Poker hand and the posted payable by placing an Ante Wager and an Aces Up Wager in accordance with paragraphs (1) and (2).

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Four Card Poker table the option to make an additional Four-Card Progressive Payout Wager that the player will receive a Four-Card Progressive Payout Hand. After placing an Ante Wager or an Aces Up Wager, or both, a player may make the additional Four-Card Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Four-Card Progressive Payout Wager has been accepted.

(5) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Four Card Poker table the option to make an additional Five-Card Progressive Payout Wager that the player will receive a Five-Card Progressive Payout Hand. After placing an Ante Wager or an Aces Up Wager, or both, a player may make the additional Five-Card Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Five-Card Progressive Payout Wager has been accepted.

(6) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Four Card Poker table the option to make an additional Bad Beat Bonus Wager that either the player's hand outranks the dealer's hand, or the dealer's hand contains a two pair or better and the player's hand outranks the dealer's hand. After placing an Ante Wager or an Aces Up Wager, or both, a player may make the additional Bad Beat Bonus Wager by placing a value chip onto the designated area of the layout for that player. Winning wagers shall be paid out based on the rank of the losing hand.

(e) A certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.



**§ 641a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 641a.8, § 641a.9 or § 641a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Four Card Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(b) After each player has examined his cards and placed the cards face down on the layout, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to make a Play Wager in an amount from one to three times the amount of the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player:

(1) Has placed an Ante Wager and an Aces Up Wager but does not make a Play Wager, the player shall forfeit the Ante Wager but may not forfeit the Aces Up Wager.

(2) Has placed an Ante Wager and a Four or Five-Card Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but may not forfeit the eligibility to receive an Envy Bonus under § 641a.12(d) or (e) (relating to payout odds; Envy Bonus; rate of progression).

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and select the four cards that form the highest possible ranking Four Card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the five cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and select the four cards that form the highest possible ranking Poker hand for each player.

(3) If a player's highest ranking Four Card Poker hand is ranked:

(i) Lower than the dealer's Four Card Poker hand, the dealer shall immediately collect the Ante and Play Wagers made by the player.

(ii) Higher than or equal to the dealer's Four Card Poker hand, the dealer shall pay the Ante and Play Wagers and any Ante Bonus in accordance with the payout odds in § 641a.12(a) and (b).

(4) After settling a player's Ante and Play Wagers, the dealer shall settle any Aces Up Wagers by determining whether the player's Four Card Poker hand qualifies for a payout in accordance with § 641a.12(c). A winning Aces

Up Wager shall be paid irrespective of whether the player's Four Card Poker hand outranks the dealer's hand.

(5) The dealer shall then settle the player's Four or Five-Card Progressive Payout Wager, if offered by the certificate holder. For the Five-Card Progressive Wager, the dealer shall form the highest ranking five-card Poker hand from the five cards dealt to each player. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Verify that the appropriate light on the progressive table game system has been illuminated.

(iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning Four-Card Progressive Payout Wager in accordance with the payout odds in § 641a.12(d) or the winning Five-Card Progressive Payout Wager in accordance with the payout odds in § 641a.12(e). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus as follows:

(A) A player making a Four-Card Progressive Payout Wager shall receive a Four-Card Envy Bonus when another player at the same Four Card Poker table is the holder of a Four-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Four-Card Envy Bonuses if more than one other player is the holder of a Four-Card Envy Bonus Qualifying Hand. A player is not entitled to a Four-Card Envy Bonus for his own hand or the hand of the dealer. Four-Card Envy Bonus payouts shall be made in accordance with the payouts in § 641a.12(d)(5).

(B) A player making a Five-Card Progressive Payout Wager shall receive a Five-Card Envy Bonus when another player at the same Four Card Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Five-Card Envy Bonuses if more than one other player is the holder of a Five-Card Envy Bonus Qualifying Hand. A player is not entitled to a Five-Card Envy Bonus for his own hand or the hand of the dealer. Five-Card Envy Bonus payouts shall be made in accordance with the payouts in § 641a.12(e)(5).

(6) After settling any Aces Up Wagers, the dealer shall settle a player's Bad Beat Bonus Wager. A player shall win a Bad Beat Bonus payout, in accordance with § 641a.12(f), based on the rank of the losing hand if:

(i) The player's hand contains a two pair or better and the dealer's hand outranks the player's hand.

(ii) The dealer's hand contains a two pair or better and the player's hand outranks the dealer's hand.

(d) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.



**§ 641a.12. Payout odds; Envy Bonus; rate of progression.**

(a) A certificate holder shall pay each winning Ante Wager and Play Wager at odds of 1 to 1.

(b) A player placing an Ante Wager and a Play Wager shall be paid a bonus on the Ante Wager, at the odds in the following payable, regardless of whether the player's Four Card Poker hand outranks the dealer's hand:

<i>Hand</i>	<i>Paytable</i>
Four-of-a-kind	25 to 1
Straight flush	20 to 1
Three-of-a-kind	2 to 1

(c) A player placing an Aces Up Wager shall be paid at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Four-of-a-kind	50 to 1	50 to 1	50 to 1
Straight flush	30 to 1	30 to 1	40 to 1
Three-of-a-kind	9 to 1	7 to 1	8 to 1
Flush	6 to 1	6 to 1	5 to 1
Straight	4 to 1	5 to 1	4 to 1
Two pair	2 to 1	2 to 1	3 to 1
Pair of aces	1 to 1	1 to 1	1 to 1

<i>Hand</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>
Four-of-a-kind	50 to 1	50 to 1	50 to 1
Straight flush	40 to 1	30 to 1	40 to 1
Three-of-a-kind	8 to 1	8 to 1	7 to 1
Flush	6 to 1	6 to 1	5 to 1
Straight	4 to 1	4 to 1	4 to 1
Two pair	2 to 1	2 to 1	3 to 1
Pair of aces	1 to 1	1 to 1	1 to 1

(d) If a certificate holder offers a Four-Card Progressive Payout Wager:

(1) A player placing a Four-Card Progressive Payout Wager shall be paid at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
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

(2) A player shall receive the payout for only the highest ranking Four Card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$5,000 for payable A and \$1,000 for payable B.

(4) Winning Four-Card Progressive Payout Hands shall be paid the amount on the meter when it is the player's turn to be paid in accordance with § 641a.11(c)(5) (relating to procedures for completion of each round of play).

(5) Four-Card Envy Bonus payouts shall be made according to one of the following payouts, selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2, for Four-Card Envy Bonus Qualifying Hands based upon the amount of the Four-Card Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Paytable A Envy Bonus</i>	<i>Paytable B Envy Bonus</i>
Four aces	\$100	\$100
Four-of-a-kind	\$10	\$25
Straight flush	\$5	N/A

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Paytable A Envy Bonus</i>	<i>Paytable B Envy Bonus</i>
Four aces	\$500	\$500
Four-of-a-kind	\$50	\$125
Straight Flush	\$25	N/A

(e) If a certificate holder offers the Five-Card Progressive Payout Wager:

(1) A player placing a Five-Card Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$10,000.

(4) Winning Five-Card Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 641a.11(c)(5).

(5) Five-Card Envy Bonus payouts shall be made according to the following payouts for Five-Card Envy Bonus Qualifying Hands based upon the amount of the Five-Card Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(f) If a certificate holder offers the Bad Beat Bonus Wager, the certificate holder shall pay out winning Bad Beat Wagers at the amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Four-of-a-kind	25,000 to 1	10,000 to 1
Straight flush	10,000 to 1	5,000 to 1
Three-of-a-kind	100 to 1	100 to 1
Flush	25 to 1	25 to 1

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Straight	15 to 1	15 to 1
Two pair	4 to 1	4 to 1

**CHAPTER 643a. LET IT RIDE POKER**

**§ 643a.1. Definitions.**

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

*Community card*—A card which is used by all players to form a five-card Poker hand.

*Five-Card Envy Bonus*—An additional fixed sum payout made to a player who placed a Five-Card Progressive Payout Wager when another player at the Let It Ride Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand.

*Five-Card Envy Bonus Qualifying Hand*—A player's five-card Poker hand with a rank of a straight flush or better, as defined in § 643a.6(b) (relating to Let It Ride Poker rankings).

*Five-Card Progressive Payout Hand*—A player's five-card Poker hand with a rank of three-of-a-kind or better as defined in § 643a.6(b).

*Hand*—The five-card Poker hand formed for each player by combining the three cards dealt to the player and the two community cards.

*Let It Ride*—When a player does not withdraw a wager as permitted under § 643a.11(b) and (d) (relating to procedures for completion of each round of play).

*Three-Card Envy Bonus*—An additional fixed sum payout made to a player who placed a Three-Card Progressive Wager when another player at the Let It Ride Poker table is the holder of a Three Card Envy Bonus Qualifying Hand.

*Three-Card Envy Bonus Qualifying Hand*—A mini-royal, as defined in § 643a.6(d), formed using the three cards dealt to a player.

*Three-Card Progressive Payout Hand*—A player's three cards with a rank of a three-of-a-kind or better or a straight or better, as defined in § 643a.6(d), depending on the payable selected by the certificate holder.

**§ 643a.2. Let It Ride Poker table physical characteristics.**

(a) Let It Ride Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

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

- (1) The name or logo of the certificate holder.
- (2) Three separate betting areas designated for the placement of the Let It Ride Poker Wagers required under § 643a.7(d) (relating to wagers) for each player.
- (3) Separate areas designated for the placement of the cards of each player.
- (4) A separate area designated for the placement of the community cards located directly in front of the table inventory container.

(5) If the certificate holder offers the optional Five Card Bonus Wager authorized under § 643a.7(e), a separate area designed for the placement of the Five Card Bonus Wager for each player.

(6) If a certificate holder offers the optional Three Card Bonus Wager authorized under § 643a.7(f), a separate area designated for the placement of the Three Card Bonus Wager for each player.

(7) If the certificate holder offers either the Three or Five-Card Progressive Payout Wager authorized under § 643a.7(g) or (h), a separate area designated for the placement of the Progressive Payout Wager for each player.

(8) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Let It Ride Poker table.

(9) An inscription indicating the payout limit per hand established by the certificate holder under § 643a.12(e) (relating to payout odds; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Let It Ride Poker table.

(c) If a certificate holder offers the Five Card Bonus Wager in accordance with § 643a.7(e), the certificate holder may utilize a table game system, approved by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval), which includes:

- (1) A wagering device at each betting position that acknowledges or accepts the placement of the Five Card Bonus Wager.
- (2) A device that controls or monitors the placement of Five Card Bonus Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Five Card Bonus Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If a certificate holder offers either the Three or Five-Card Progressive Payout Wager in accordance with § 643a.7(g) or (h), the Let It Ride Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

- (1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.
- (2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(e) Each Let It Ride Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with

§ 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(f) Each Let It Ride Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 643a.6. Let It Ride Poker rankings.**

\* \* \* \* \*

(d) If the certificate holder offers the Three-Card Progressive Payout Wager under § 643a.7(g), the following hands eligible for a payout are:

\* \* \* \* \*

**§ 643a.7. Wagers.**

(a) Wagers at Let It Ride Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Let It Ride Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers at Let It Ride Poker shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 643a.8, § 643a.9 or § 643a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 643a.11(b) and (d) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) To participate in a round of play, a player shall place three equal but separate Let It Ride Poker Wagers designated as Bet Number 1, Bet Number 2 and Bet Number 3. Bet Number 1 and Bet Number 2 may subsequently be removed by the player in accordance with § 643a.11(b) and (d).

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Let It Ride Poker table the option to make an additional Five Card Bonus Wager that the player will have a five-card Poker hand with a rank of a pair of tens or better, two pair or better or three-of-a-kind or better, depending on the payable selected by the certificate holder in its Rules Submission under § 601a.2. After placing the three wagers required under subsection (d), a player may make an additional Five Card Bonus Wager by placing a value chip onto the designated betting area for that player. If the certificate holder is utilizing a table game system, each player shall be responsible for verifying that the player's respective Five Card Bonus Wager has been accepted.

(f) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Let It Ride Poker table the option to make an additional Three Card Bonus Wager that the three cards dealt to the player will have a rank of a pair or better. After placing

the three wagers required under subsection (d), a player may make an additional Three Card Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(g) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player the option to make an additional Three-Card Progressive Payout Wager that the player will receive a Three-Card Progressive Payout Hand. After placing the Let It Ride Poker Wagers, a player may make an additional Three-Card Progressive Payout Wager by placing a value chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Three-Card Progressive Payout Wager has been accepted.

(h) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player the option to make an additional Five-Card Progressive Payout Wager that the player will receive a Five-Card Progressive Payout Hand. After placing the Let It Ride Poker Wagers, a player may make an additional Five-Card Progressive Payout Wager by placing a value chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Five-Card Progressive Payout Wager has been accepted.

(i) A Five Card Bonus Wager, Three Card Bonus Wager and Progressive Payout Wager do not have a bearing on any other wagers made by the player.

(j) A certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

**§ 643a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 643a.8, § 643a.9 or § 643a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Let It Ride Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his three cards in full view of the dealer at all times.

(3) After each player has made a decision regarding Bet Number 2 as required under subsection (d), the player's cards shall be placed face down on the appropriate area of the layout as specified by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table game Rules Submissions). The player may not touch the cards again.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to withdraw Bet Number 1 or Let It Ride. If a player:

(1) Chooses to let Bet Number 1 ride, that bet must remain on the designated betting area of the layout until the end of the round of play.

(2) Chooses to withdraw Bet Number 1, the dealer shall move the value chips on the betting area designated



for Bet Number 1 toward the player who shall then immediately remove the value chips from the betting area.

(c) After each player has made a decision regarding Bet Number 1, the dealer shall then turn the community card that is to the dealer's left face up and place it to the right of the remaining community card. The exposed card shall become the first community card.

(d) After the first community card is exposed, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to withdraw Bet Number 2 or Let It Ride. This decision shall be made by each player regardless of the decision made concerning Bet Number 1. If a player:

(1) Chooses to let Bet Number 2 ride, that bet must remain on the designated betting area of the layout until the end of the round of play.

(2) Chooses to withdraw Bet Number 2, the dealer shall move the value chips on the betting area designated for Bet Number 2 toward the player who shall then immediately remove the value chips from the betting area.

(e) The dealer shall then turn the second community card face up on the table.

(f) After the second community card is turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the three cards of the player face up on the layout. The two community cards and the three cards dealt to the player shall form the five-card Poker hand of that player.

(2) The dealer shall examine the cards of the player and form the highest ranking five-card Poker hand for each player.

(3) The dealer shall first settle all Let It Ride Poker Wagers of that player by collecting losing wagers and paying winning wagers in accordance with § 643a.12(a) (relating to payout odds; payout limitation). After settling the player's Let It Ride Poker Wagers, the dealer shall settle any Five Card Bonus Wagers, Three Card Bonus Wagers or Progressive Payout Wagers as follows:

(i) If a player placed a Five Card Bonus Wager and the two community cards and the three cards dealt to the player form a five-card Poker hand of two pair or better, or if included in the payable selected by the certificate holder, a pair of tens, jacks, queens, kings or aces or better, the dealer shall pay the winning Five Card Bonus Wager in accordance with § 643a.12(b).

(ii) If a player placed a Three Card Bonus Wager and the three cards dealt to the player form a three-card Poker hand of a pair or better as defined in § 643a.6(c) (relating to Let It Ride Poker rankings), the dealer shall pay the winning Three Card Bonus Wager in accordance with § 643a.12(c).

(iii) If a player placed a Three-Card Progressive Payout Wager and the three cards dealt to the player form a three-of-a-kind or better, as defined in § 643a.6(d), or a straight or better, depending on the payable selected by the certificate holder, the dealer shall:

(A) Verify that the hand is a winning hand.

(B) Verify that the appropriate light on the progressive table game system has been illuminated.

(C) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(D) Pay the winning Three-Card Progressive Payout Wager in accordance with the payout odds in § 643a.12(d)(1). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(E) Pay any Three-Card Envy Bonus won in accordance with § 643a.12(d)(5). Players making a Three-Card Progressive Payout Wager shall receive a Three-Card Envy Bonus when another player at the same Let It Ride Poker table is the holder of a Three-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of a Three-Card Envy Bonus Qualifying Hand. A player is not entitled to a Three-Card Envy Bonus for his own hand.

(iv) If a player placed a Five-Card Progressive Payout Wager and the player's three cards and the two community cards form a three-of-a-kind or better, as defined in § 643a.6(b), the dealer shall:

(A) Verify that the hand is a winning hand.

(B) Verify that the appropriate light on the progressive table game system has been illuminated.

(C) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(D) Pay the winning Five-Card Progressive Payout Wager in accordance with the payout odds in § 643a.12(e)(1). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(E) Pay any Five-Card Envy Bonus won in accordance with § 643a.12(e)(5). Players making a Progressive Payout Wager shall receive a Five-Card Envy Bonus when another player at the same Let It Ride Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of a Five-Card Envy Bonus Qualifying Hand. A player is not entitled to a Five-Card Envy Bonus for his own hand.

(g) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 643a.12. Payout odds; payout limitation.**

(a) Subject to the payout limitation in subsection (f), a certificate holder shall pay out winning Let It Ride Poker Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):



<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Royal flush	1,000 to 1	500 to 1
Straight flush	200 to 1	200 to 1
Four-of-a-kind	50 to 1	50 to 1
Full house	11 to 1	11 to 1
Flush	8 to 1	8 to 1
Straight	5 to 1	5 to 1
Three-of-a-kind	3 to 1	3 to 1
Two pair	2 to 1	2 to 1
Pair of tens, jack queens, kings or aces	1 to 1	1 to 1

(b) If a certificate holder offers the Five Card Bonus Wager, the certificate holder shall pay out winning Five Card Bonus Wagers at the amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Royal flush	\$20,000	\$20,000	\$20,000
Straight flush	\$2,000	\$2,000	\$2,000
Four-of-a-kind	\$150	\$200	\$100
Full house	\$75	\$75	\$75
Flush	\$50	\$50	\$50
Straight	\$25	\$25	\$25
Three-of-a-kind	\$4	\$5	\$9
Two pair	\$3	\$4	\$6
Pair of tens, jacks, queens, kings or aces	\$2	\$1	\$0

<i>Hand</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>
Royal flush	\$10,000	\$10,000	\$10,000
Straight flush	\$2,000	\$2,000	\$2,000
Four-of-a-kind	\$200	\$200	\$100
Full house	\$75	\$100	\$75
Flush	\$50	\$50	\$50
Straight	\$25	\$25	\$25
Three-of-a-kind	\$5	\$10	\$9
Two pair	\$4	\$6	\$6
Pair of tens, jacks, queens, kings or aces	\$1	\$0	\$0

(c) If a certificate holder offers the Three Card Bonus Wager, the certificate holder shall pay out winning Three Card Bonus Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
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</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable 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

(d) If a certificate holder offers the Three-Card Progressive Payout Wager:

(1) The certificate holder shall pay out winning Three-Card Progressive Payout Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Mini-royal, spades	100% of meter	100% of meter
Mini-royal, hearts, diamonds, clubs	500 for 1	500 for 1
Straight flush	70 for 1	100 for 1
Three-of-a-kind	60 for 1	90 for 1
Straight	6 for 1	

(2) A player shall receive the payout for only the highest ranking hand formed from the player's three cards.

(3) The rate of progression for the meter used for the progressive payouts in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amounts must also be in the certificate holder's Rules Submission and may not be less than \$1,000.

(4) Winning Three-Card Progressive Payout Wagers shall be paid the amount on the meter when it is the player's turn to be paid in accordance with § 643a.11(f)(3)(iii) (relating to procedures for completion of each round of play).

(5) Three-Card Envy Bonus payouts shall be made according to the following payout for every Three-Card Envy Bonus Qualifying Hand based upon the amount of the Three-Card Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Mini-royal, spades	\$100
Mini-royal, hearts, diamonds, clubs	\$25

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Mini-royal, spades	\$500
Mini-royal, hearts, diamonds, clubs	\$125

(e) If a certificate holder offers the Five-Card Progressive Payout Wager:

(1) A player placing a Five-Card Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$10,000.

(4) Winning Five-Card Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 643a.11(f)(3)(iv).

(5) Five-Card Envy Bonus payouts shall be made according to the following payouts for Five-Card Envy

Bonus Qualifying Hands based upon the amount of the Five-Card Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(f) Notwithstanding the payout odds in subsection (a), a certificate holder may establish in its Rules Submission under § 601a.2 a maximum amount that is payable to a player on a single hand. The maximum amount shall be at least \$50,000 or the maximum amount that one patron could win per round when betting the minimum permissible wager, whichever is greater. Any maximum payout limit established by a certificate holder shall apply only to payouts of Let It Ride Poker Wagers placed under § 643a.7(d) (relating to wagers) but may not apply to payouts of Five Card Bonus Wagers placed under § 643a.7(e), Three Card Bonus Wagers placed under § 643a.7(f) or Progressive Payout Wagers placed under § 643a.7(g) or (h).

**CHAPTER 647a. TEXAS HOLD 'EM BONUS POKER**

**§ 647a.1. Definitions.**

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

*Burn*—To remove the top or next card from the deck and place it face down in the discard rack without exposing the card to anyone.

*Community card*—A card which may be used by each player and the dealer to form the best possible five-card Poker hand.

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Texas Hold 'Em Bonus Poker table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—A player's five-card Poker hand with a rank of a straight flush or better as defined in § 647a.6(b) (relating to Texas Hold 'Em Bonus Poker rankings).

*Flop*—The first three community cards dealt during a round of play.

*Flop Wager*—The second wager that a player shall make prior to the Flop being dealt to continue participation in the round of play.

*Fold*—The withdrawal of a player from a round of play by not making a Flop Wager.

*Hand*—The five-card Poker hand formed from the two cards of the player or the dealer and any of the five community cards.

*Progressive Payout Hand*—A player's five-card Poker hand with a rank of three-of-a-kind or better as defined in § 647a.6(b).

*River card*—The fifth and final community card dealt during a round of play.

*River Wager*—The fourth wager that a player may place prior to the River card being dealt.

*Turn card*—The fourth community card dealt during a round of play.

*Turn Wager*—The third wager that a player may place prior to the Turn card being dealt.

**§ 647a.2. Texas Hold 'Em Bonus Poker table physical characteristics.**

(a) Texas Hold 'Em Bonus Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

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

- (1) The name or logo of the certificate holder.
- (2) Four separate betting areas designated for the placement of Ante, Flop, Turn and River Wagers for each player.
- (3) A separate area designated for the placement of the five community cards located directly in front of the table inventory container.
- (4) A separate area designated for the placement of the dealer's two cards.

(5) If the certificate holder offers the optional Texas Hold 'Em Bonus Wager authorized under § 647a.7(d)(2) (relating to wagers), a separate area designated for the placement of the Texas Hold 'Em Bonus Wager for each player.

(6) If a certificate holder offers the optional Progressive Payout Wager authorized under § 647a.7(d)(3), a separate area designated for the placement of the Progressive Payout Wager for each player.

(7) Inscriptions that advise patrons of the payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for all permissible wagers shall be posted at each Texas Hold 'Em Bonus Poker table.

(8) Inscriptions indicating the following:

(i) The Ante Wager will be returned if the player's winning hand is not a straight or better or a flush or better as specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(ii) The payout limit per hand established by the certificate holder under § 647a.12(c) (relating to payout odds; payout limitation) or a generic inscription indicating that the game is subject to the posted payout limit.

(9) If the information required under paragraph (8) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Texas Hold 'Em Bonus Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 647a.7(d)(3), the Texas Hold 'Em Bonus Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering the Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with the requirements in

§ 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) Each Texas Hold 'Em Bonus Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Texas Hold 'Em Bonus Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 647a.7. Wagers.**

(a) Wagers at Texas Hold 'Em Bonus Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Texas Hold 'Em Bonus Poker table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All Ante, Texas Hold 'Em Bonus and Progressive Payout Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 647a.11(b), (d) and (f) (relating to procedure for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Texas Hold 'Em Bonus Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing an Ante Wager then a Flop, Turn and River Wager in accordance with § 647a.11(b), (d) and (f).

(2) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Texas Hold 'Em Bonus Poker table the option to make an additional Texas Hold 'Em Bonus Wager that the player's first two cards will qualify for a payout in accordance with § 647a.12(b) (relating to payout odds; payout limitation). A Texas Hold 'Em Bonus Wager shall have no bearing on any other wager made by the player.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a

Texas Hold 'Em Bonus Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing the Ante Wager, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(e) A player may not wager on more than one player position at a Texas Hold 'Em Bonus Poker table.

**§ 647a.8. Procedure for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 647a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards and after all Ante and Texas Hold 'Em Bonus Wagers have been placed, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of additional Progressive Payout Wagers. If Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time, face down, to each player who placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed an Ante Wager and the dealer have two cards.

(e) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 647a.11(c), (e) and (g) (relating to procedure for completion of each round of play). After all community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

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

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

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall deter-



mine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 647a.9. Procedure for dealing the cards from the hand.**

(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 § 647a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(b) The dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container. The dealer shall then deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed an Ante Wager and the dealer have two cards.

(c) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 647a.11(c), (e) and (f) (relating to procedure for completion of each round of play). After all 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, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards

were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 647a.10. Procedure for dealing the cards from an automated dealing shoe.**

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

(1) After the procedures required under § 647a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of additional Progressive Payout Wagers. If Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of two cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack of two cards face down to each of the other players who has placed an Ante Wager. The dealer shall then deliver a stack of two cards face down under a cover card to the area designated for the dealer's cards.

(c) After each stack of two cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the remaining cards from the automated dealing shoe and, following the procedures in § 647a.9(a)(2) (relating to procedure for dealing the cards from the hand), deal from his hand the five community cards in accordance with § 647a.11(c), (e) and (f) (relating to procedure for completion of each round of play). After all five 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, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

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

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

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe which automatically reshuffles the cards, the



five community cards may be dispensed before the two cards are dispensed to each player and to the dealer. The community cards shall then be revealed in accordance with § 647a.11(c), (e) and (f).

**§ 647a.11. Procedure for completion of each round of play.**

(a) After the dealing procedures required under § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Texas Hold 'Em Bonus Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to place a Flop Wager prior to the dealing of the Flop. The player may either fold or place a Flop Wager equal to twice the amount of the player's Ante Wager. If a player:

(1) Places a Flop Wager, the wager shall be placed in the area designated for the Flop Wager.

(2) Folds, the player's Ante Wager shall be collected by the dealer and placed in the table inventory container. If the player:

(i) Has also placed:

(A) A Texas Hold 'Em Bonus Wager, the dealer shall place the cards of the player face down underneath the Texas Hold 'Em Bonus Wager pending its resolution at the conclusion of the round of play.

(B) A Progressive Payout Wager, the player is not eligible to receive a Progressive Payout. The player's cards shall remain face down on the table pending resolution of the Envy Bonus in accordance with subsection (i)(5).

(ii) Has not placed a Texas Hold 'Em Bonus Wager or a Progressive Payout Wager, the dealer shall immediately collect the player's cards and place them in the discard rack provided that if another player at the table placed a Progressive Payout Wager, the player's cards shall remain on the table pending the resolution of the Progressive Payout Wager in accordance with subsection (i).

(c) After each player has either placed a Flop Wager or folded, the dealer shall burn the next card. The dealer shall then deal the Flop face up to the designated area for the community cards.

(d) After the Flop has been dealt, the dealer shall, beginning with the player farthest to the dealer's left who has placed a Flop Wager and moving clockwise around the table, ask each player who has placed a Flop Wager if he wishes to place a Turn Wager prior to the dealing of the Turn card. The player may either check and remain in the game or place a Turn Wager in an amount equal to the player's Ante Wager.

(e) Once all remaining players have either placed a Turn Wager or checked, the dealer shall burn the next card. The dealer shall then deal the Turn card face up to the designated area for the community cards.

(f) After the Flop and Turn cards have been dealt, the dealer shall, beginning with the player farthest to the dealer's left who has placed a Flop Wager and moving clockwise around the table, ask each player if he wishes to place a River Wager prior to the dealing of the River card. The player may either check and remain in the game or place a River Wager in an amount equal to the player's Ante Wager.

(g) Once all remaining players have either placed a River Wager or checked, the dealer shall burn the next card face down. The dealer shall then deal the River card face up to the designated area for the community cards.

(h) After the five community cards have been dealt, the dealer shall remove the cover card on top of the dealer's cards and turn his two cards face up on the layout. The dealer shall then select five cards using the dealer's two cards and the five community cards to form the highest ranking five-card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right who has placed a Flop Wager and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the two cards of each player who has placed a Flop Wager face up on the layout.

(2) The dealer shall examine the cards of the player and select the five cards using the player's two cards and the five community cards to form the highest ranking five-card Poker hand. The wagers of each player shall be resolved one player at a time regardless of outcome. If a player's five-card Poker hand:

(i) Is ranked lower than the dealer's five-card Poker hand, the dealer shall immediately collect the Ante, Flop, Turn and River Wagers made by the player.

(ii) Is ranked higher than the dealer's five-card Poker hand, the dealer shall pay the Ante, Flop, Turn and River Wagers in accordance with the payout odds in § 647a.12 (relating to payout odds; payout limitation). The player's Ante Wager will be returned if the player's winning hand is not a straight or higher or a flush or higher as specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(iii) Is equal in rank to the dealer's five-card hand, the dealer shall return the player's Ante, Flop, Turn and River Wagers.

(3) After settling a player's Ante, Flop, Turn and River Wagers, the dealer shall settle any Texas Hold 'Em Bonus Wager made by the player by determining whether the player's two cards qualify for a payout in accordance with § 647a.12(b).

(i) The dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand and be based on the rank of the player's two cards and the three-card Flop. If a player has won a progressive payout, the dealer shall:

(1) Verify that the hand is a winning hand.

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(4) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 647a.12(d). If a player

has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(5) Pay any Envy Bonus won in accordance with § 647a.12(d). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Ultimate Texas Hold 'Em Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(j) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 647a.12. Payout odds; payout limitation.**

(a) A certificate holder shall pay each winning Ante, Flop, Turn and River Wager at odds of 1 to 1.

(b) A certificate holder shall pay each winning Texas Hold 'Em Bonus Wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Ace-ace (dealer and player)	1,000 to 1	N/A
Ace-ace	30 to 1	30 to 1
Ace-king (same suit)	25 to 1	25 to 1
Ace-queen or ace-jack (same suit)	20 to 1	20 to 1
Ace-king (different suits)	15 to 1	15 to 1
King-king, queen-queen or jack-jack	10 to 1	10 to 1
Ace-queen or ace-jack (different suits)	5 to 1	5 to 1
A pair of 10-10 through 2-2	3 to 1	3 to 1

(c) Notwithstanding the payout odds in subsections (a) and (b), the maximum aggregate payout limit on all winning Ante, Flop, Turn, River and Texas Hold 'Em Bonus Wagers for any hand shall be \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater.

(d) If a certificate holder offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the

certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$10,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 647a.11(i) (relating to procedure for completion of each round of play).

(5) Envy Bonus payouts shall be made according to the following payouts for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

**CHAPTER 653a. ULTIMATE TEXAS HOLD 'EM POKER**

**§ 653a.2. Ultimate Texas Hold 'Em Poker table physical characteristics.**

\* \* \* \* \*

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 653a.7(d)(3), the Ultimate Texas Hold 'Em Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering the Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

\* \* \* \* \*

**§ 653a.11. Procedures for completion of each round of play.**

\* \* \* \* \*

(j) The dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand and be based on the rank of the player's two cards and the three-card Flop. If a player has won a progressive payout, the dealer shall:

\* \* \* \* \*

**§ 653a.12. Payout odds; Envy Bonus; rate of progression; payout limitation.**

\* \* \* \* \*

(d) If a certificate holder offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1

<i>Hand</i>	<i>Paytable</i>
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed from the player's two cards and the three-card Flop.

\* \* \* \* \*

**CHAPTER 655a. MISSISSIPPI STUD**

**§ 655a.2. Mississippi Stud table physical characteristics.**

\* \* \* \* \*

(c) If a certificate holder offers the Progressive Payout Wager, in accordance with § 655a.7(d)(3), the Mississippi Stud table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering the Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

\* \* \* \* \*

**§ 655a.11. Procedures for completion of each round of play.**

\* \* \* \* \*

(h) If a player has placed an Ante Wager and a Progressive Payout or Three Card Bonus Wager but does not make a 3rd Street, 4th Street or 5th Street Wager, the player shall forfeit the Ante Wager, the Progressive Payout Wager and, if applicable, the 3rd Street and 4th Street Wagers but shall not forfeit the eligibility to receive an Envy Bonus under § 655a.12(c)(5) (relating to payout odds; Envy Bonus; rate of progression) or a Three Card Bonus payout under § 655a.12(d).

(i) Beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, the dealer shall turn over and reveal the player's cards. The dealer shall then evaluate and announce the best possible five-card Poker hand that can be formed using the player's two cards and the three community cards. The wagers of each remaining player shall be resolved one player at a time regardless of outcome. All wagers shall be settled as follows:

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

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

(3) All winning Mississippi Stud wagers shall be paid in accordance with the payout odds in § 655a.12(a).

(4) After settling the player's Mississippi Stud Wager, the dealer shall settle the Progressive Payout or Three Card Bonus Wager, if offered by the certificate holder, as follows:

(i) If a player has won the progressive payout, the dealer shall:

(A) Verify that the hand is a winning hand.

(B) Verify that the appropriate light on the progressive table game system has been illuminated.

(C) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(D) Pay the winning Progressive Payout Wager in accordance with § 655a.12(c)(1). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(E) Pay any Envy Bonus won in accordance with § 655a.12(c)(5). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Mississippi Stud table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand.

(ii) If a player has won the Three Card Bonus, the dealer shall pay the winning Three Card Bonus Wager in accordance with § 655a.12(d).

(j) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**CHAPTER 657a. CRAZY 4 POKER**

**§ 657a.1. Definitions.**

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

*Five-Card Envy Bonus*—An additional fixed sum payout made to a player who placed a Five-Card Progressive Payout Wager when another player at the Crazy 4 Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand.

*Five-Card Envy Bonus Qualifying Hand*—A player's five-card Poker hand with a rank of a straight flush or better, as defined in § 657a.6(d) (relating to Crazy 4 Poker rankings).

*Five-Card Progressive Payout Hand*—A player's five-card Poker hand with a rank of three-of-a-kind or better as defined in § 657a.6(d).

*Four-Card Envy Bonus*—An additional fixed sum payout made to a player who placed a Four-Card Progressive Payout Wager when another player at the Crazy 4 Poker table is the holder of a Four-Card Envy Bonus Qualifying Hand.

*Four-Card Envy Bonus Qualifying Hand*—A player's four-card Poker hand with a rank of four-of-a-kind or, if included in the paytable selected by the certificate holder, a straight flush, as defined in § 657a.6(b).

*Four-Card Progressive Payout Hand*—A player's four-card Poker hand with a rank of three-of-a-kind or better as defined in § 657a.6(b).

*Hand*—The four-card Poker hand that is held by each player and the dealer after the cards are dealt.

*Play Wager*—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.



*Queens Up Wager*—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player's hand against the dealer's hand.

**§ 657a.2. Crazy 4 Poker table physical characteristics.**

(a) Crazy 4 Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Crazy 4 Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

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

(2) Four separate betting areas designated for the placement of the Ante, Play, Super Bonus and Queens Up Wagers for each player. The Super Bonus betting area must be located to the right of the Ante Wager betting area and be separated by an “=” symbol.

(3) If the certificate holder offers either the Four or Five-Card Progressive Payout Wager authorized under § 657a.7(d)(3) or (4) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Crazy 4 Poker table.

(5) Inscriptions that advise patrons of the following:

(i) The best four-card hand plays.

(ii) The dealer qualifies with a king or better.

(iii) A player who has a pair of aces or better may place a Play Wager in an amount up to three times the player's Ante Wager.

(iv) The player's Super Bonus Wager shall be returned if the player beats or ties the dealer with a hand that is not a straight or better.

(6) If the information in paragraph (5) is not on the layout, a sign which sets forth the required information must be posted at each Crazy 4 Poker table.

(c) If a certificate holder offers either a Four or Five-Card Progressive Payout Wager in accordance with § 657a.7(d)(3) or (4), the Crazy 4 Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the

recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced “no more bets.”

(d) Each Crazy 4 Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Crazy 4 Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 657a.6. Crazy 4 Poker rankings.**

(a) The rank of the cards used in Crazy 4 Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight with a 2, 3 and 4 but may not be combined with any other sequence of cards (for example: king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible Poker hands in the game of Crazy 4 Poker, in order of highest to lowest rank, shall be:

(1) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(2) A straight flush, which is a hand consisting of four cards of the same suit in consecutive ranking, with an ace, king, queen and jack being the highest ranking straight flush and an ace, 2, 3, 4 being the lowest ranking straight flush.

(3) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(4) A flush, which is a hand consisting of four cards of the same suit, regardless of rank.

(5) A straight, which is a hand consisting of four cards of more than one suit and of consecutive rank, with ace, king, queen and jack being the highest ranking straight and an ace, 2, 3, 4 being the lowest ranking straight.

(6) Two pairs, which is a hand consisting of two pairs with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(7) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two Poker hands that are of identical rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not in the other hand, shall be considered the higher ranking hand. If the hands are of equal rank after the application of this section, the hands shall be considered a tie.

(d) If the certificate holder offers a payout based on the rank of a five-card Poker hand, the rank of the hands must be:



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

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking.

(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.

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

**§ 657a.7. Wagers.**

(a) Wagers at Crazy 4 Poker shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Crazy 4 Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 657a.8, § 657a.9 or § 657a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 657a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Crazy 4 Poker:

(1) A player shall compete against the dealer's four-card Poker hand by placing both an Ante Wager and a Super Bonus Wager in equal amounts, then a Play Wager, in accordance with § 657a.11(b).

(2) In addition to the Ante and Super Bonus Wagers, a player may compete against a posted payable by placing a Queens Up Wager.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Crazy 4 Poker table the option to make an additional Four-Card Progressive Payout Wager that the player will receive a Four-Card Progressive Payout Hand. After placing the Ante and Super Bonus Wagers, a player may make the additional Four-Card Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Crazy 4 Poker table the option to make an additional Five-Card Progressive Payout Wager that the player will receive a Five-Card Progressive Payout Hand. After plac-

ing the Ante and Super Bonus Wagers, a player may make the additional Five-Card Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Five-Card Progressive Payout Wager has been accepted.

(e) A player may not wager on more than one player position at a Crazy 4 Poker table.

**§ 657a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 657a.8, § 657a.9 or § 657a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards, subject to the following limitations:

(1) Each player who wagers at Crazy 4 Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed Ante and Super Bonus Wagers if he wishes to forfeit the Ante and Super Bonus Wagers and end his participation in the round of play or make a Play Wager in an amount equal to the player's Ante Wager. A player who has a pair of aces or better may place a Play Wager in an amount up to three times the player's Ante Wager. If a player:

(1) Has placed Ante, Super Bonus and Queens Up Wagers but does not make a Play Wager, the player shall forfeit all three wagers.

(2) Has placed Ante, Super Bonus and Four or Five-Card Progressive Payout Wagers but does not make a Play Wager, the player shall forfeit all three wagers but may not forfeit the eligibility to receive an Envy Bonus under § 657a.12(d)(5) or (e)(5) (relating to payout odds; Envy Bonus; rate of progression).

(c) After each player who has placed Ante and Super Bonus Wagers has either placed a Play Wager on the designated area of the layout or forfeited his wagers and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and place the cards so as to form the highest possible ranking four-card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the five cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and form the highest possible ranking four-card Poker hand for each player.

(3) If the dealer's highest ranking four-card Poker hand:

(i) Is ranked lower than a king, the dealer shall return each player's Ante Wager and pay out the Play and Super Bonus Wagers made by the player in accordance with the payout odds in § 657a.12(a) and (b). The player's Super

Bonus Wager shall be returned if the player's winning hand is not a straight or better.

(ii) Is a king or better, and the player's highest ranking four-card Poker hand is ranked:

(A) Lower than the dealer's four-card Poker hand, the dealer shall immediately collect the Ante and Play Wagers made by the player but shall pay out the Super Bonus Wager made by the player in accordance with the payout odds in § 657a.12(b).

(B) Higher than the dealer's four-card Poker hand, the dealer shall pay the Ante, Play and Super Bonus Wagers made by the player in accordance with the payout odds in § 657a.12(a) and (b). The player's Super Bonus Wager will be returned if the player's winning hand is not a straight or better.

(C) Is equal in rank to the dealer's four-card hand, the dealer shall return the Ante and Play Wagers and pay out the Super Bonus Wager in accordance with the payout odds in § 657a.12(b). The player's Super Bonus Wager will be returned if the player's winning hand is not a straight or better.

(d) After settling the player's Ante, Play and Super Bonus Wagers, the dealer shall settle a Queens Up Wager by determining whether the player's four-card Poker hand qualifies for a payout in accordance with § 657a.12(c). A winning Queens Up Wager shall be paid irrespective of whether the player's four-card Poker hand outranks the dealer's hand.

(e) After settling a player's Ante, Play, Super Bonus and Queens Up Wagers, the dealer shall then settle the Four-Card or Five-Card Progressive Payout Wager, if offered by the certificate holder. For the Five-Card Progressive Payout Wager, the dealer shall form the highest ranking five-card Poker hand from the five cards dealt to each player. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

- (1) Verify that the hand is a winning hand.
- (2) Verify that the appropriate light on the progressive table game system has been illuminated.
- (3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.
- (4) Pay the winning Four-Card Progressive Payout Wager in accordance with the payout odds in § 657a.12(d)(1) or the winning Five-Card Progressive Payout Wager in accordance with the payout odds in § 657a.12(e)(1). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.
- (5) Pay any Envy Bonus as follows:

(i) Players making a Four-Card Progressive Payout Wager shall receive a Four-Card Envy Bonus when another player at the same Crazy 4 Poker table is the holder of a Four-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Four-Card Envy Bonuses if more than one other player is the holder of a Four-Card Envy Bonus Qualifying Hand. A player is not entitled to a Four-Card Envy Bonus for his own hand or the hand of

the dealer. Four-Card Envy Bonus payouts shall be made in accordance with the payouts in § 657a.12(d)(5).

(ii) Players making a Five-Card Progressive Payout Wager shall receive a Five-Card Envy Bonus when another player at the same Crazy 4 Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Five-Card Envy Bonuses if more than one other player is the holder of a Five-Card Envy Bonus Qualifying Hand. A player is not entitled to a Five-Card Envy Bonus for his own hand or the hand of the dealer. Five-Card Envy Bonus payouts shall be made in accordance with the payouts in § 657a.12(e)(5).

(f) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 657a.12. Payout odds; Envy Bonus; rate of progression.**

(a) A certificate holder shall pay each winning Ante and Play Wagers at odds of 1 to 1.

(b) A certificate holder shall pay the player's Super Bonus Wager in accordance with the following odds:

<i>Hand</i>	<i>Paytable</i>
Four aces	200 to 1
Four-of-a-kind	30 to 1
Straight flush	15 to 1
Three-of-a-kind	2 to 1
Flush	3 to 2
Straight	1 to 1

(c) A player placing a Queens Up Wager shall be paid at the odds in one of the following paytables, selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Four-of-a-kind	50 to 1	50 to 1
Straight flush	30 to 1	40 to 1
Three-of-a-kind	9 to 1	8 to 1
Flush	4 to 1	4 to 1
Straight	3 to 1	3 to 1
Two pair	2 to 1	2 to 1
Pair of queens or better	1 to 1	1 to 1

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>
Four-of-a-kind	50 to 1	50 to 1
Straight flush	30 to 1	40 to 1
Three-of-a-kind	8 to 1	7 to 1
Flush	4 to 1	4 to 1
Straight	3 to 1	3 to 1
Two pair	2 to 1	2 to 1
Pair of queens or better	1 to 1	1 to 1

(d) If a certificate holder offers the Four-Card Progressive Payout Wager:

(1) A player placing a Four-Card Progressive Payout Wager shall be paid at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable 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

(2) A player shall receive the payout for only the highest ranking four-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$5,000 for payable A and \$1,000 for payable B.

(4) Winning Four-Card Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 657a.11(e) (relating to procedures for completion of each round of play).

(5) Four-Card Envy Bonus payouts shall be made according to the following payout schedules for Four-Card Envy Bonus Qualifying Hands based upon the amount of the Four-Card Progressive Payout Wager placed by the player receiving the Envy Bonus:

(i) If the certificate holder selects payable A from paragraph (1), the payout shall be:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Four aces	\$100
Four-of-a-kind	\$10
Straight flush	\$5

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Four aces	\$500
Four-of-a-kind	\$50
Straight flush	\$25

(ii) If the certificate holder selects payable B from paragraph (1), the payout shall be:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Four aces	\$100
Four-of-a-kind	\$25

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Four aces	\$500
Four-of-a-kind	\$125

(e) If a certificate holder offers the Five-Card Progressive Payout Wager:

(1) A player placing a Five-Card Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

(4) Winning Five-Card Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 657a.11(e).

(5) Five-Card Envy Bonus payouts shall be made according to the following payouts for Five-Card Envy Bonus Qualifying Hands based upon the amount of the Five-Card Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

[Pa.B. Doc. No. 14-1734. Filed for public inspection August 15, 2014, 9:00 a.m.]



# PROPOSED RULEMAKING

## BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[ 49 PA. CODE CH. 43b ]

### Schedule of Civil Penalties—Massage Therapists

The Commissioner of Professional and Occupational Affairs (Commissioner) proposes to delete § 43b.23 (relating to schedule of civil penalties—massage therapists—statement of policy) and to add § 43b.23a (relating to schedule of civil penalties—massage therapists) to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards in the Bureau of Professional and Occupational Affairs (Bureau), to promulgate a schedule of civil penalties for violations of acts or regulations of the licensing boards.

#### *Background and Purpose*

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, a licensee who receives an Act 48 citation retains his due process right to a hearing prior to the imposition of judgment. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented, and they have become an important part of the Bureau's enforcement efforts. Section 5(b)(4) of Act 48 authorizes a licensing board within the Bureau to levy a civil penalty of not more than \$10,000 on a licensee or an unlicensed person who violates a provision of an act or board regulations. However, section 5(a) of Act 48 limits the civil penalty levied by citation to no more than \$1,000 per violation.

The State Board of Massage Therapy (Board) has participated in the Act 48 citation program since 2010, when it adopted the statement of policy in § 43b.23 setting forth a schedule of civil penalties for a number of offenses under the Massage Therapy Law (act) (63 P. S. §§ 627.1—627.50) and the Board's regulations in Chapter 20. The Board believes that it is necessary to implement the civil penalties in this proposed rulemaking to promulgate the schedule as a regulation and to improve the deterrent effect.

#### *Description of the Proposed Rulemaking*

The Commissioner, in consultation with the Board, proposes to amend the schedule of civil penalties by continuing the penalties in the statement of policy implemented in 2010, with a few exceptions noted as follows. The Commissioner would increase the amount of the penalties for the first four violations under

§ 20.42(a)(14)—(16) (relating to standards of professional conduct) and section 6(b)(1)(i) of the act (63 P. S. § 627.6(b)(1)(i)) because a civil penalty of only \$50 has limited effect as a deterrent and is not sufficient to cover the Board's cost in implementing the civil penalty. This is especially true if a respondent decides to request a hearing on the imposition of an Act 48 citation.

For the next two civil penalties under section 6(b)(1)(ii) of the act and section 14 of the act (63 P. S. § 627.14), the Commissioner would add language for clarity. Under section 6(b)(1)(ii) of the act, the Commissioner would clarify that the civil penalty of \$100 per credit hour for failure to complete 24 continuing education credits would extend to a maximum of 10 credit hours because the maximum civil penalty under Act 48 is \$1,000. It therefore follows that failure to complete more than 10 credit hours of continuing education would result in formal action, as would second and subsequent offenses. Under section 14 of the act, because a second offense for holding oneself out as a massage therapist or practicing massage therapy while unlicensed would result in formal action, a subsequent offenses would also result in formal action.

The Commissioner would amend the last two penalties pertaining to expired licenses in violation of section 14(b) and (e) of the act. The Commissioner proposes to remove the warning letter for the first offenses of 0—6 months and would make the initial fine for lapses from 0—12 months \$250.

The Commissioner would add two new civil penalties for violations of section 14(c) and (d) of the act for employing an individual in massage therapy who is not licensed and for a business utilizing the words "massage," "massage therapist," "massage practitioner," "masseur," "masseur," "myotherapist" or a derivative of these terms or an abbreviation unless the services of the business are provided by licensees. For either of these violations, the civil penalty would be \$500 for the first offenses and formal action for second and subsequent offenses.

#### *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking would not have adverse fiscal impact on the Commonwealth or its political subdivisions and would reduce the paperwork requirements of both the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudications/orders for those violations subject to the Act 48 citation process. The only fiscal impact of the proposed rulemaking would be borne by those persons who violate the act or regulations of the Board and are subject to the civil penalties proposed by the new schedule.

#### *Sunset Date*

The Board, the Bureau and the Commissioner continually monitor the effectiveness of regulations affecting their operations. As a result, a sunset date has not been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 5, 2014, 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 the Chairpersons of the House Professional Licensure Committee and the Senate



Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Louis Lawrence Boyle, Regulatory Unit Counsel, State Board of Massage Therapy, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-723 (schedule of civil penalties—massage therapists) when submitting comments.

TRAVIS N. GERY, Esq.,  
*Commissioner*

**Fiscal Note:** 16A-723. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.23. [ Schedule of civil penalties—massage therapists—statement of policy ] (Reserved).

#### [ STATE BOARD OF MASSAGE THERAPY

<i>Violation under 63 P. S.</i>	<i>Violation under 49 Pa. Code Chapter 20</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
	§ 20.42(a)(14)	Failure to display current license or wallet card.	First offense—\$50 Second and subsequent offenses—\$250
	§ 20.42(a)(15)	Failure to include massage therapy license number in advertisements.	First offense—\$50 Second and subsequent offenses—\$250
	§ 20.42(a)(16)	Failure to display name and title.	First offense—\$50 Second and subsequent offenses—\$250
§ 627.6(b)(i)		Failure to hold current certification to administer CPR.	First offense—\$50 Second offense—\$250 Subsequent offense—formal action
§ 627.6(b)(ii)		Failure to complete 24 hours of continuing education courses approved by the Board during the 24 months preceding license renewal.	First offense—\$100 per credit hour Second offense—formal action
§ 627.14		Holding oneself out as a massage therapist or practicing massage therapy while unlicensed.	First offense—\$500 Second offense—formal action
§ 627.14(b)		Holding oneself out as a licensed massage therapist while license is expired.	0—6 months—warning 7—12 months—\$250 13—18 months—\$500 19—24 months—\$1,000 More than 24 months—formal action
§ 627.14(e)		Practicing massage therapy on an expired license.	0—6 months—warning 7—12 months—\$250 13—18 months—\$500 19—24 months—\$1,000 More than 24 months—formal prosecution ]

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

§ 43b.23a. Schedule of civil penalties—massage therapists.

STATE BOARD OF MASSAGE THERAPY

<i>Violation under 63 P. S.</i>	<i>Violation under 49 Pa. Code Chapter 20</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
	§ 20.42(a)(14)	Failure to display current license or wallet card.	1st offense—\$250 2nd and subsequent offenses—\$500
	§ 20.42(a)(15)	Failure to include massage therapy license number in advertisements.	1st offense—\$250 2nd and subsequent offenses—\$500
	§ 20.42(a)(16)	Failure to display name and title.	1st offense—\$250 2nd and subsequent offenses—\$500
§ 627.6(b)(i)		Failure to hold current certification to administer CPR.	1st offense—\$250 2nd offense—\$500 Subsequent offense—formal action
§ 627.6(b)(ii)		Failure to complete 24 hours of continuing education courses approved by the Board during the 24 months preceding license renewal.	1st offense—\$100 per credit hour up to 10 credit hours More than 10 credit hours—formal action 2nd and subsequent offenses—formal action
§ 627.14		Holding oneself out as a massage therapist or practicing massage therapy while unlicensed.	1st offense—\$500 2nd and subsequent offenses—formal action
§ 627.14(b)		Holding oneself out as a licensed massage therapist while license is expired.	1st offense— 0—12 months—\$250 13—18 months—\$500 19—24 months—\$1,000 More than 24 months—formal action 2nd offense— 0—12 months—\$500 13—18 months—\$1,000 More than 18 months—formal action Subsequent offenses—formal action
§ 627.14(c)		Employing an individual in massage therapy who is not licensed.	1st offense—\$500 2nd and subsequent offenses—formal action
§ 627.14(d)		A business utilizing the words massage, massage therapist, massage practitioner, masseur, masseuse, myotherapist or any derivative of these terms or abbreviations, unless the services of the business are provided by licensees.	1st offense—\$500 2nd and subsequent offenses—formal action
§ 627.14(e)		Practicing massage therapy on an expired license.	1st offense— 0—12 months—\$250 13—18 months—\$500 19—24 months—\$1,000 More than 24 months—formal action 2nd offense— 0—12 months—\$500 13—18 months—\$1,000 More than 18 months—formal action Subsequent offenses—formal action

[Pa.B. Doc. No. 14-1735. Filed for public inspection August 15, 2014, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Implementation of the Alternative Energy Portfolio Standards Act of 2004; Doc. No. L-2014-2404361

August 1, 2014

George D. Greig  
Secretary  
Pennsylvania Department of Agriculture  
2301 North Cameron Street  
Harrisburg, PA 17110-9408

On February 20, 2014, the Pennsylvania Public Utility Commission (Commission) issued a Proposed Rulemaking Order proposing revisions to the Commission's Regulations implementing the Alternative Energy Portfolio Standards Act of 2004 (AEPS Act), 73 P. S. § 1648.1, et seq. Comments on the proposed revisions were due August 4, 2014, 30 days after the proposed rulemaking was published in the *Pennsylvania Bulletin* on July 5, 2014.

On July 31, 2014, the Pennsylvania Department of Agriculture (Department) filed a request to extend the comment period by 30 days. In support of their request, the Department noted that the agricultural community, as well as the Department, needs more time to fully understand the ramifications of the proposed changes. The Department further states that this time will allow dairy producers and others impacted by the proposed rules to present more comprehensive explanations of why anaerobic digesters are important and the economic realities behind them.

The Commission recognizes the potential impact these proposed regulations may have on dairy producers and others. In addition, the Commission appreciates how well thought out and well composed comments will inform the Commission in our effort to develop regulations that appropriately implement the AEPS Act. In order to facilitate the development of informative comments, the Commission is extending the comment deadline to September 3, 2014. Any party that has filed comments may file supplemental comments on or before September 3, 2014.

Please direct any questions regarding this comment period extension to Kriss Brown, Assistant Counsel, Law Bureau, at (717) 787-4518.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-1736. Filed for public inspection August 15, 2014, 9:00 a.m.]

## STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

[ 49 PA. CODE CH. 39 ]  
Notice Requirements

The State Board of Examiners of Nursing Home Administrators (Board) proposes to add §§ 39.92 and 39.93 (relating to reporting of crimes and disciplinary actions;

and return of actively suspended or revoked licenses) to read as set forth in Annex A.

### *Effective Date*

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

### *Statutory Authority*

Sections 8.1(b) and 12(a)(4) and (6) of the Nursing Home Administrators License Act (act) (63 P. S. §§ 1108.1(b) and 1112(a)(4) and (6)) authorize the Board to discipline licensees who have been convicted of or plead guilty or nolo contendere to a felony or have been disciplined by the licensing authority of another state, territory or country. Section 9.1 of the act (63 P. S. § 1109.1) requires licensees to notify the Board of disciplinary sanctions by other licensing boards within 90 days of disposition or on biennial renewal applications, whichever is sooner. Additionally, section 13(a.1) of the act (63 P. S. § 1113(a.1)) directs the Board to require a person whose license has been suspended or revoked to return the license in the manner the Board directs.

### *Background and Need for Proposed Rulemaking*

Although the previously cited sections of the act authorize the Board to discipline licensees with felony convictions, the Board's regulations do not require that its licensees report these convictions to the Board in advance of biennial renewal. It may be almost 2 years before the Board first learns of the convictions. To ensure that the Board receives information about these convictions in a timelier manner, the Board proposes to add §§ 39.92 and 39.93 to expedite the reporting of felony convictions. Because the Board is adding regulations regarding the reporting of felonies, the Board believes that it is prudent to add to this proposed rulemaking the reporting requirements for disciplinary sanctions taken by other states against licensees in section 9.1 of the act.

Additionally, although the act directs the Board to require licensees to return suspended and revoked licenses to the Board, there is not a provision in the Board's regulations which requires that they be returned within a specified time. To ensure that licensees return their licensure documents in a timelier manner, the Board proposes to add § 39.93 to require their return within 30 days of a voluntary surrender, suspension or revocation.

### *Description of Proposed Rulemaking*

Proposed § 39.92(a) would require a licensee who has been convicted of or pleaded guilty or nolo contendere to a felony to notify the Board of the action within 30 days of the verdict or plea or on the biennial renewal application, whichever is sooner.

Proposed § 39.92(b) tracks the language of section 9.1 of the act in connection with disciplinary actions taken by other jurisdictions. Licensees would be required to report those disciplinary actions within 90 days or on the biennial renewal application, whichever is sooner.

Proposed § 39.93 would require a licensee who has voluntarily surrendered his license or had his license actively suspended or revoked to return the license to the Board within 30 days.

### *Fiscal Impact and Paperwork Requirements*

The requirement that licensees report criminal actions and disciplinary sanctions to the Board within 30 and 90 days, respectively, should have a slight fiscal and paperwork impact on the Board and licensees. Currently, licensees report this information on their biennial re-

newal applications. Under this proposed rulemaking, these reports must be made sooner, triggering additional paperwork responsibilities for licensees. The Board anticipates that it will see an increase in reports as licensees comply with the regulatory requirement thereby incurring additional enforcement costs.

*Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, a sunset date has not been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 5, 2014, 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 the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Judith Pachter Schuler, Counsel, State Board of Examiners of Nursing Home Administrators, P. O. Box 2649, Harrisburg, PA 17105-2649, RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-6217 (notice requirements) when submitting comments.

MARY ANN HEWSTON,  
*Chairperson*

**Fiscal Note:** 16A-6217. No fiscal impact. Given the low number of disciplinary actions issued over the past 12 months, enforcement costs are expected to be minimal and absorbed within the Board's current operating budget. (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 39. STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS  
STANDARDS OF PROFESSIONAL PRACTICE AND PROFESSIONAL CONDUCT**

**§ 39.92. Reporting of crimes and disciplinary actions.**

(a) A licensee shall notify the Board of having been convicted of a felony, or having received probation without verdict, disposition instead of trial or an Accelerated Rehabilitative Disposition in the disposition of felony charges, within 30 days of the conviction or other disposition, or on the biennial renewal application, whichever is sooner. As used in this section, "convicted" includes a judgment, an admission of guilt or a plea of nolo contendere.

(b) A licensee shall notify the Board of disciplinary action in the nature of a final order taken against the licensee by the licensing authority of another state, territory or country within 90 days of receiving notice of the disciplinary action, or on the biennial renewal application, whichever is sooner.

**§ 39.93. Return of actively suspended or revoked licenses.**

A licensee who has voluntarily surrendered a license instead of discipline or whose license has been actively suspended or revoked by the Board shall return the surrendered, suspended or revoked license to the Board within 30 days of the action.

[Pa.B. Doc. No. 14-1737. Filed for public inspection August 15, 2014, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 5, 2014.

Under section 503.E of the Department of Banking and Securities Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-6-2014	Miners Bank Minersville Schuylkill County	641 State Road 93 Conyngham Luzerne County	Opened
7-24-2014	ACNB Bank Gettysburg Adams County	850 Norland Avenue Chambersburg Franklin County	Opened
8-4-2014	Jersey Shore State Bank Jersey Shore Lycoming County	1720 East Third Street Williamsport Lycoming County	Opened
8-5-2014	ESSA Bank & Trust Stroudsburg Monroe County	300 Mulberry Street Scranton Lackawanna County	Filed

### CREDIT UNIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-5-2014	Belco Community Credit Union Harrisburg Dauphin County	Filed
Application for approval to merge Our Family Federal Credit Union, Lancaster, with and into Belco Community Credit Union, Harrisburg.		

The Department's web site at [www.dobs.state.pa.us](http://www.dobs.state.pa.us) includes public notices for more recently filed applications.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 14-1738. Filed for public inspection August 15, 2014, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2014

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of September, 2014, is 5 1/2%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary

Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the

Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.98 to which was added 2.50 percentage points for a total of 5.48 that by law is rounded off to the nearest quarter at 5 1/2%.

GLENN E. MOYER,  
Secretary

[Pa.B. Doc. No. 14-1739. Filed for public inspection August 15, 2014, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Request for Bids

The Department of Conservation and Natural Resources is soliciting bids for the following projects. Bid documents can be obtained from the Administrative Services Section, Bureau of Facility Design and Construction at (717) 787-5055:

*FDC-220-100575.1—Niagara Restroom Roof Replacement, Presque Isle State Park, Erie County.* Work included under this contract consists of the removal and disposal of the existing 910 square foot roof and appurtenances, as well as the installation of a new single ply, EPDM fully adhered, roofing membrane system, appurtenances and skylights.

Responsive bidders must hold a current small business certification from the Department of General Services (DGS).

*FDC-435-7874.1—Bridge Preservation, Bridge No. 35-1403, D&L Trail-Lehigh Gorge State Park Trail Over Lehigh River, Lehigh Gorge State Park.* Work included under this contract consists of all site work to suit project preparation, execution and completion. This includes bearing replacement, bridge jacking, beam seat reconstruction, concrete repairs and minor structural steel repairs on the existing bridge.

*FDC-416-100201.1—Repair Bridge Deck—Mean's Ford Bridge, Ralph Stover State Park, Plumstead and Tincum Townships, Bucks County.* Work included under this contract consists of removing damaged or rotted sections of timber curb, curb spacers, wood deck planks and filler strips and the replacement with new timber curb and decking bolted to the existing glulam stringers. Glulam stringers to be replaced if damaged.

Responsive bidders must hold a current small business certification from DGS.

Bid documents will be available on or after August 13, 2014. The bid opening will be held on September 11, 2014.

ELLEN FERRETTI,  
Secretary

[Pa.B. Doc. No. 14-1740. Filed for public inspection August 15, 2014, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Annual Certification under Section 7201-B(e) of the Tax Reform Code

August 6, 2014

William R. Hite, Jr., Ed.D.  
Superintendent  
School District of Philadelphia  
440 North Broad Street, Suite 301  
Philadelphia, PA 19130

I am writing pursuant to Section 7201-B(e) of the Tax Reform Code, Act 52 of 2013, 72 P.S. § 7201-B(e). That section provides that a city of the first class may impose a one percent sales and use tax that may be used by a school district of the first class in an amount up to \$120,000,000. Effective July 1, 2014, the City of Philadelphia has imposed this additional sales and use tax. However, the use of these funds by the School District of Philadelphia must be authorized by the Secretary of Education.

Pursuant to Section 7201-B(e)(1), as Secretary of Education, I am to consider whether "the school district . . . began implementation of reforms that provide for [the district's] fiscal stability, educational improvement and operational control." In my judgment, the School District of Philadelphia has begun implementation of such reforms in all three areas described in the statute.

From a fiscal standpoint, the District continues to make the kinds of changes that are necessary to establish long-term fiscal stability. The District has negotiated a new, three-year contract with the administrators' union that will generate over \$20 million in savings. The District has also pursued the sale of many surplus and unused school buildings, which could generate over \$30 million. The District has also undertaken other reforms to reduce costs and increase efficiency. This includes the creation of the Office of Strategic Partnerships, which has raised funds and improved the capacity to access and utilize financial and in-kind support for schools. There have also been changes and improvement to transportation policies and the procurement process to reduce costs and increase efficiency.

Several new programs and initiatives demonstrate that the District continues to make key changes that improve its operational control, while simultaneously maximizing the educational improvement opportunities for students:

- The District released an action plan describing its vision for the District, which includes: 100% of students graduating, ready for college and career; 100% of 8-year-olds reading on grade level; 100% of schools with great principals and great teachers; and all the revenue the District needs with zero deficit. The action plan includes strategies and tactics for achieving these laudable goals.
- The District launched the School Redesign Initiative, which calls upon teachers, school leaders, families, community groups, and others to work together to redesign schools to meet the needs of 21st century learning.
- The District implemented the Authorizer Quality Initiative, a set of new charter school authorizing policies, standards, and procedures.
- The District has focused on improving career and college readiness. As part of this effort, the District will

open three neighborhood-based high schools this fall, all of which focus on college and career readiness, student resiliency, and personalized learning. The District also created career academies at Roxborough and Lincoln High Schools to better connect students with pathways to higher education and the workplace. Additionally, the District has partnered with the Community College of Philadelphia to develop a dual enrollment program to enable students to experience college-level coursework and earn college credits.

- The District has also focused on improving early learning. The District has spearheaded an early literacy campaign, in conjunction with external partners, to help meet the goal of all 8-year-olds reading at grade level.

- The District further expanded its student-focused approach to the staff assignment and transfer process and redesigned its principal selection process to attract outstanding leaders.

- The District debuted the School Progress Report, a new tool that looks at all the schools on multiple dimen-

sions and is designed to help support, respond to, and improve schools.

Finally, in an effort to be more transparent with its finances, the District posted all of its budget information, including details about outside contracts and employee salaries online in conjunction with the City of Philadelphia's Open Data initiative.

As a result of the foregoing, I hereby certify that the requisites of Section 7201-B(e) of the Tax Reform Code have been satisfied. I authorize the Pennsylvania Department of Revenue to disburse to the District, on or before the tenth day of every month, the total amount of money contained in the Local Sales and Use Tax Fund as of the last day of the previous month up to a maximum of \$120,000,000 pursuant to section 7201-B(e)(2) of the Tax Reform Code.

CAROLYN C. DUMARESQ, Ed.D.,  
*Acting Secretary*

[Pa.B. Doc. No. 14-1741. Filed for public inspection August 15, 2014, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### I. NPDES Renewal Applications

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0053538 (Storm Water)	Merck Sharp & Dohme Corp. 770 Sumneytown Pike West Point, PA 19486	Montgomery County Upper Gwynedd Township	Unnamed tributaries to Wissahickon and Towamencin Creeks (3-F and 3-E)	Y

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0084964 (Sew)	Bethel Township Sewer Authority PO Box 239 Warfordsburg, PA 17267	Fulton County Bethel Township	Little Tonoloway Creek / 13-B	Y
PA0080586 (Sew)	Morton Buildings, Inc. 3370 York Road Gettysburg, PA 17325-8258	Adams County Straban Township	UNT Swift Run / 7-F	Y
PA0070424 (Sew)	Caernarvon Township Municipal Sewer Authority PO Box 291 Morgantown, PA 19543	Berks County Caernarvon Township	Conestoga River / 7-J	Y
PA0021717 (Sew)	Marietta-Donegal Joint Authority 50 Furnace Road Marietta, PA 17547	Lancaster County Marietta Borough	Susquehanna River / 7-G	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0092819 (Sewage)	Fair Winds Manor Nursing Home 126 Iron Bridge Road Sarver, PA 16055	Butler County Winfield Township	Unnamed tributary of Buffalo Creek (18-F)	Y
PA0024899 (Sewage)	Lake City Municipal STP 2350 Main Street, Lake City, PA 16423	Erie County Lake City Borough	Elk Creek (15)	Y
PA0222313 (Sewage)	Gene P Kidder SFTF PO Box 106 Sigel, PA 15860	Jefferson County Barnett Township	Unnamed Tributary to Cathers Run (17-B)	Y



Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, 13th Floor, PO Box 69205, Harrisburg, PA 17106-9205

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI101014002	DEP—BAMR P. O. Box 69205 Harrisburg, PA 17106-9205 717-783-1311	Butler County	Clay Township	Ohio River Basin, Upper Ohio Sub-basin, Connoquenessing Creek Watershed. There are 3 unnamed receiving tributaries; two are WWFs and the other is a HQ-CWF to Muddy Creek.
PAI101014001	DEP—BAMR P. O. Box 69205 Harrisburg, PA 17106-9205 717-783-1311	Butler County	Donegal Township	Ohio River Basin, Lower Allegheny River Watershed, unnamed tributary to Buffalo Creek (HQ-CWF) which is impaired.

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

**PA0065579**, Storm Water, SIC Code 5093, **USS Achey Inc.**, 355 E. Second Mountain Road, Schuylkill Haven, PA 17972. Facility Name: USS Achey Scrapyard. This proposed facility is located in North Manheim Township, **Schuylkill County**.

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of Storm Water.

The receiving stream(s), Mahonney Creek, is located in State Water Plan watershed 3-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.000000 MGD (stormwater).

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Arsenic	XXX	XXX	XXX	XXX	Report	XXX
Total Barium	XXX	XXX	XXX	XXX	Report	XXX
Total Cadmium	XXX	XXX	XXX	XXX	Report	XXX
Total Chromium	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Cyanide	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Magnesium	XXX	XXX	XXX	XXX	Report	XXX
Total Magnesium	XXX	XXX	XXX	XXX	Report	XXX
Total Mercury	XXX	XXX	XXX	XXX	Report	XXX
Total Selenium	XXX	XXX	XXX	XXX	Report	XXX
Total Silver	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.000000 MGD (stormwater).

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Arsenic	XXX	XXX	XXX	XXX	Report	XXX
Total Barium	XXX	XXX	XXX	XXX	Report	XXX
Total Cadmium	XXX	XXX	XXX	XXX	Report	XXX
Total Chromium	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Cyanide	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Magnesium	XXX	XXX	XXX	XXX	Report	XXX
Total Magnesium	XXX	XXX	XXX	XXX	Report	XXX
Total Mercury	XXX	XXX	XXX	XXX	Report	XXX
Total Selenium	XXX	XXX	XXX	XXX	Report	XXX
Total Silver	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.000000 MGD (stormwater).

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Arsenic	XXX	XXX	XXX	XXX	Report	XXX
Total Barium	XXX	XXX	XXX	XXX	Report	XXX
Total Cadmium	XXX	XXX	XXX	XXX	Report	XXX
Total Chromium	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Cyanide	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Magnesium	XXX	XXX	XXX	XXX	Report	XXX
Total Magnesium	XXX	XXX	XXX	XXX	Report	XXX
Total Mercury	XXX	XXX	XXX	XXX	Report	XXX
Total Selenium	XXX	XXX	XXX	XXX	Report	XXX
Total Silver	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- Pollution, Prevention and Contingency (PPC) Plan.
- Best Management Practices relating to Stormwater Pollution.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

### **III. WQM Industrial Waste and Sewerage Applications Under the Clean Streams Law (35 P. S. §§ 691.1—691.1001)**

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Dr, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**WQM Permit No. 6513407**, Sewage, **Allegheny Township Municipal Authority**, 101 S Leechburg Hill, Leechburg, PA 15656.

This proposed facility is located in Allegheny Township, **Armstrong County**.

Description of Proposed Action/Activity: Proposed construction of sanitary sewers, pump station, and force main for the Bagdad Road and Indian Hill Road Areas of Allegheny Township.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source.

**WQM Permit No. 1114402**, Sewage, **Stonycreek Township**, 1610 Bedford St, Johnstown, PA 15902.

This proposed facility is located in Stonycreek Township, **Cambria County**.

Description of Proposed Action/Activity: Proposed construction of sanitary sewer rehabilitation for the sewered areas of Stonycreek Township.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. 2014402**, Sewage, **Cochranton Volunteer Fire Department**, 21800 US Highway 322, Meadville, PA 16335.

This proposed facility is located in East Fairfield Township, **Crawford County**.

Description of Proposed Action/Activity: Sewage Treatment Plant to replace a malfunctioning on-lot system.

#### IV. NPDES Applications for Stormwater Discharges from MS4

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: 412.442.4000.*

**PAI136119**, MS4, **South Connellsville Borough**, 1503 South Pittsburgh Street, South Connellsville, PA 15425. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in South Connellsville Borough, **Fayette County**. The receiving stream, Youghiogheny River, is located in State Water Plan watershed 19-D and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA waiver is not in effect.

#### VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1514010	Highspire Ventures 406 Circle Top Lane West Chester, PA 19382	Chester	West Brandywine Township	Indian Run HQ—CWF—MF
PAI01 1514027	Vernon L. Stoltzfus Donna J. Stoltzfus 1304 Reservoir Road Honey Brook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek HQ—TSF—MF

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg PA 18360-0917*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024514003-1	UGI Utilities, Inc. 225 Morgantown, Rd. Reading, PA 19611	Monroe	Coolbaugh and Tobyhanna Townships and Mt. Pocono Borough	Red Run (HQ-CWF, MF) UNTs to Tobyhanna Creek (HQ-CWF, MF) UNTs to Indian Run, EV

*Northampton County Conservation District, 14 Gracedale Avenue Greystone Bldg., Nazareth PA 18064-9211*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024813012(1)	Tom Kishbaugh Ashview Development Company, LLC 226 East Dell Rd. Bath, PA 18014	Northampton	Bushkill Township	Bushkill Creek (HQ-CWF, MF)

*Schuylkill County Conservation District, 1206 Ag Center Dr., Pottsville PA 17901*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025409003(1)	Hy-Line North America, LLC Attn: David Boyer 79 Industrial Road Elizabethtown, PA 17022	Schuylkill	Rush Township	Nesquehoning Creek (HQ-CWF, MF)

Wayne County Conserve District, 648 Park Street, Honesdale PA 18431

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI026414405	Beach Lake DPP IX LLC 9010 Overlook Boulevard Brentwood, TN 37027	Wayne	Berlin Township	Beach Lake Creek (HQ-CWF, MF)
PAI026414006	Pennsylvania Department of Transportation 55 Keystone Industrial Park Dunmore, PA	Wayne	Texas Township	Lackawaxen River (HQ-TSF, MF) Indian Orchard Brook (HQ-CWF, MF)

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI030614002	Oak Grove Partners, LLC 3335 Morgantown Road PO Box 7 Mohnton, PA 19540	Berks	Robeson Township	Hay Creek and UNT Hay Creek (EV/CWF)
PAI032814002	Patriot Federal Credit Union 800 Wayne Avenue Chambersburg, PA 17201	Franklin	Guilford Township	Falling Spring Branch of Conococheague Creek (HQ-CWF)

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAI050408003R	Castlebrook Development Group, LLC. 2593 Wexford Bayne Road Suite 201 Sewickley, PA 15143	Beaver	Ambridge Borough Ohio River (WWF)	

**VII. List of NOIs for NPDES and/or Other General Permit Types**

PAG-12 CAFOs

**CAFO Notices of Intent Received**

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

**PAG123787, CAFO, Gerry and Jevin Kready**, 1113 North Colebrook Road, Manheim, PA 17545.

This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Existing beef cow / calf operation proposing to construct four broiler houses with a total of 346.27 AEUs.

The receiving stream, UNT Rife Run, is in watershed 7-G, and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**STATE CONSERVATION COMMISSION**

**PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These



NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**APPLICATIONS**

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Dennis and Denise Staub 904 Germany Road East Berlin, PA 17316	Adams	29	421	Turkey	NA	Renewal

Mailing address:  
352 Fleshman Mill Road  
New Oxford, PA 17350

**PUBLIC WATER SUPPLY (PWS) PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

*Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401*

**Permit No. 4614514** Public Water Supply

Applicant	<b>Audubon Water Company</b>
City	Montgomery
Township	Lower Providence
Responsible Official	Barry Millard 2650 Eisenhower Drive Norristown, PA 19403
Type of Facility	PWS
Consulting Engineer	Evans Mill Environmental P. O. Box 735 Uwchland, PA 19480
Application Received Date	June 27, 2014
Description of Action	Installation of an orthophosphate feed system for the sequestration of manganese and corrosion control at wells TP 1, 2, and 3 at the Valley Forge Terrance MHP.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448*

**Application No. 0814502**—Operation Public Water Supply.

Applicant	<b>Pelton Trucking Co., Inc.</b>
[Township or Borough]	Franklin Township
County	<b>Bradford</b>

Responsible Official	Stephen J. Pelton, President Pelton Trucking Co., Inc. 10534 RT 514 Monroeton, PA 18832
Type of Facility	Public Water Supply
Consulting Engineer	William S. Bray, P.E. 373 West Branch Road Wellsboro, PA 16901
Application Received	August 1, 2014
Description of Action	New bulk water hauler. Finished water will be taken from Canton Borough Authority.

#### MINOR AMENDMENT

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

##### Application No. 1013504-MA1, Minor Amendment.

Applicant	<b>Slippery Rock Associates</b>
Township or Borough	Brady Township
Responsible Official	William M. Hess
Type of Facility	Public Water Supply
Consulting Engineer	Joseph M. Gianvito, P.E. KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Application Received Date	July 25, 2014
Description of Action	Install greensand pressure filters.

##### Application No. 6105501-MA1, Minor Amendment.

Applicant	<b>Sugarcreek Borough</b>
Township or Borough	Sugarcreek Borough
Responsible Official	Joseph Sporer
Type of Facility	Public Water Supply
Consulting Engineer	Joseph A. Roddy, P.E. Stiffler McGraw Northwest 16424 Route 62 P. O. Box Q Tidioute, PA 16351
Application Received Date	July 15, 2014
Description of Action	Installation of a tank mixer for Sugarcreek Borough's standpipe water holding tank.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to pub-

lish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Andritz, Inc.**, 18 South Market Street, Building 81, Muncy Borough, **Lycoming County**. TRC Environmental Corporation, 1601 Market Street, Suite 2555, Philadelphia, Pa 19103. TRC Environmental Corporation, 1601 Market Street, Suite 2555, Philadelphia, PA 19103, on behalf of Andritz, Inc.35 Sherman Street, Muncy, PA 17756 submitted a Notice of Intent to Remediate. This portion of the previous Act 2 Closure involved removal of a 7,800 gallon UST formerly containing Fuel Oil No. 2 and soil remediation. The Notice of Intent to Remediate was published in the *Sun-Gazette Company* on May 29, 30, 2014.

**Mulfinger Residence**, 1924 East College Avenue, College Township, **Centre County**. McKee Environmental, Inc., 218 Washington Avenue, Bellefonte, PA 16823, on behalf of Mulfinger Residence, submitted a Notice of Intent to Remediate. This is a private residence found to be contaminated with heating oil due to a rupture of the tank. The property will continue to be residential. The Notice of Intent to Remediate was published in *The Centre Daily Times* on July 25, 2014.

**T.B. Disposal**, I-180 @ Exit 13W, Muncy Creek Township, **Lycoming County**. Northridge Group, Inc., P. O. Box 231, Northumberland, Pa 17857, on behalf of T.B. Disposal, submitted a Notice of Intent to Remediate. The site was and will remain a right-of-way area along the state roadway. The incident site was impacted with approximately 5-gallons of diesel fuel and 15 gallons of motor oil to the soils area adjacent to the roadway. The Notice of Intent to Remediate was published in *The Daily Item* on May 30, 2014.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**4532 East Prospect Road Property**, York, PA 17402, Lower Windsor Township, **York County**. Geo-Technology Associates, Inc., 3445-A Box Hill Corporate Center Drive, Abingdon, MD 21009, on behalf of the Estate of Horace Heindel, c/o Donald Heindel, 685 Stonewood Road, York, PA 17402, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline and kerosene released from unregulated underground storage tanks. The site will be remediated to the Site Specific Standard. Future use of the site is nonresidential. The Notice of Intent to Remediate was published in the *York Dispatch / York Sunday News* on April 13, 2014.

**Sinking Springs Farm**, 2825 Susquehanna Trail, York, PA 17406, Manchester Township, **York County**. Geo-Technology Associates, Inc., 3445-A Box Hill Corporate Center Drive, Abingdon, MD 21009, on behalf of Susquehanna Real Estate, LP, 140 East Market Street, York, PA 17401, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline released from underground storage tanks. The site will be remediated to the Site Specific Standard. Future use of the site is residential and agricultural. The Notice of Intent to Remediate was published in the *York Dispatch / York Sunday News* on April 13, 2014.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Medicine Shoppe**, 629 State Street, City of Meadville, **Crawford County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Power, Power, 623 State Street, Meadville, PA 16335, submitted a Notice of Intent to Remediate. The site was a former gasoline station and has been found to be contaminated with Volatile Organic Compounds. The proposed remediation standard is Statewide Health. Future use of the property will be for commercial purposes. The Notice of Intent to Remediate was published in *The Meadville Tribune* on July 17, 2014.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Former Fulton Buick**, 340 East Main Street, Borough of Carnegie, **Allegheny County**. RT Environmental Services, Inc., 591 East Maiden Street, Washington, PA 15301 on behalf of GetGo Portfolio II, LP/ Giant Eagle,

Inc., 261 Kappa Drive, Pittsburgh, PA 15238 has submitted a Notice of Intent to Remediate to meet the Site Specific Standards, concerning site soils contaminated with benzene, ethylbenzene, (1,3,5) & (1,2,4) trimethylbenzene, naphthalene, 1,2,4, trichloropropane and mercury and site groundwater contaminated with benzene, toluene, ethylbenzene, 1,3,5 trimethylbenzene, naphthalene, and xylenes. The future use of the property is non-residential. This notice was published in the *Pittsburgh Tribune Review* on July 31, 2014.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401*

**Permit Application No. 101680. Waste Management Disposal Services of Pennsylvania, Inc. GROWS North Landfill**, 1000 New Ford Mill Road, Morrisville PA 19067-3704. This permit renewal application is to continue disposal operations at the GROWS North Landfill for additional 4.25 years, the end of the projected site life. The GROWS North Landfill is a municipal waste landfill located in Falls Township, **Bucks County**. The application was received by the Southeast Regional Office on October 31, 2013.

**Permit Application No. 101290. Waste Management of Pennsylvania, Inc.**, 3605 Greys Ferry Avenue, Philadelphia PA 19146, This major permit modification application is to increase in the maximum daily waste volume from 1,900 tons per day to 2,500 tons per day at the Philadelphia Transfer Station and Recycling Center, a municipal waste facility located in the City of Philadelphia, **Philadelphia County**. The application was received by the Southeast Regional office on June 19, 2014.

**Permit Application No. 101290. Waste Management of PA, Inc.**, 3605 Greys Ferry Avenue, Philadelphia PA 19146. This application is for 10-year permit renewal to continue operation at the Philadelphia Transfer Station and Recycling Center, a municipal waste transfer facility, located in the City of Philadelphia, **Philadelphia County**. The application was received by the Southeast Regional Office on June 19, 2014.

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Permit Application No. 301275UNP. PPL Service Corp.**, Two North Ninth Street, Allentown, PA 18101-1179. An application for final closure certification and request to release the bond for the closed Low Volume Waste Basin (LVWB) at the Martins Creek Steam Electric Station in Lower Mount Bethel Township, **Northampton County**. The application was received by the Regional Office on July 7, 2014.

Comments concerning the application should be directed to William Tomayko, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of



this notice and may recommend revisions to, and approval or denial of the application.

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.*

**Permit ID No. 100663. Kelly Run Sanitation, Inc.,** 200 Rangos Lane, Washington, PA 15301. Kelly Run Landfill, 1500 Hayden Blvd., State Route 51, Elizabeth, PA 15037-0333. An application for the renewal of a permit for continued operation of a municipal waste landfill in Forward Township, **Allegheny County**, was received May 12, 2014 and deemed complete by the Regional Office on July 28, 2014.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application, and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments; Identification of the proposed Plan Approval/Operating Permit including the permit number; and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin*, or by telephone, when the Department determines this notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Subchapters D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations

on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the EPA for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**25-971H: Erie Plating Company** (656 West 12th Street, Erie, PA 16501) for replacement of a scrubber at their facility in the City of Erie, **Erie County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**06-05105C: Green Gas Pioneer Crossing LLC** (4251 SW High Meadows Avenue, Palm City, FL 34990) for their landfill-gas-to-energy facility located in Exeter Township, **Berks County**, at 727 Red Lane Road. The facility currently has a Title V Permit No. 06-05105 and Plan Approval No. 06-05105B.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval 06-05105C revises emission limitations in Title V permit 06-05105. Plan Approval 06-05105C also revises emission limitations in Plan Approval 06-05105B and replaces Plan Approval 06-05105B. The company shall be subject to and comply with 40 CFR 63 Subpart ZZZZ, 40 CFR 60 Subpart JJJJ and BAT. The increased potential air emissions from the proposed project are 39.9 tpy of SO<sub>x</sub>. The specific changes to the requirements for the facility are as follows:



- 1.) increase the allowable sulfur ppm in the landfill gas from 500 to 825.
- 2.) increase the allowable 12-month rolling SO<sub>x</sub> emissions from Engines 1-4 from 47.3 tons to 87.2 tons (39.9 tpy increase)
- 3.) add 22.2 tpy SO<sub>x</sub> limit on each of Engines 5-6 (12-month rolling)
- 4.) add facility SO<sub>x</sub> limit of 109.4 tpy (12-month rolling)
- 5.) remove the 12-month rolling operating hour restriction on Engines 1-4
- 6.) remove the non-formaldehyde engine HAP testing requirements
- 7.) update references to the NSPS 4J and MACT 4Z regulations
- 8.) streamline the Source 101 and 103 requirements into Source Group 05

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**AMS 14016: Lincoln Financial Field** (1 Lincoln Financial Field Way, Philadelphia, PA 19148) to install one (1) 1,250 hp emergency generator burning diesel, one (1) 1,285 hp emergency generator burning diesel, one (1) 130 hp fire pump burning diesel, two (2) 19 MMBtu/Hr boilers burning natural gas, two (2) 10.5 MMBtu/Hr boilers burning natural gas, two (2) 3 MMBtu/Hr boilers burning natural gas, two (2) 1.6 MMBtu/Hr boilers burning natural gas, and four (4) 1.6 MMBtu/Hr domestic

water heaters burning natural gas in the City of Philadelphia, **Philadelphia County**. The facility is taking facility wide emission restriction of 25 tons per year of NO<sub>x</sub> emissions. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

##### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**35-00047: Gentex Optics, Inc.** (324 Main Street, Simpson, PA 18407) for ophthalmic instrument and lens manufacturing in Fell Township, **Lackawanna County**. This is a renewal of the Title V Operating Permit. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G.

The sources consist of optical coating lines. The sources are controlled by a regenerative thermal oxidizer (RTO). The Title V Operating Permit includes emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

##### **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*

**46-00272: Tech Tube, Inc.** (750 Vandenberg Road, King of Prussia, PA 19406) to issue an initial operating permit at their facility in Upper Merion Township, **Montgomery County**. Tech Tube specializes in the manufacturing of small diameter-cold-drawn tubing, for automotive, medical, and aerospace companies. Tech Tube operates a Batch Vapor Degreaser as part of the production process. The Degreaser uses trichloroethylene as a cleaning agent. A Carbon Adsorption System has been installed, and tested, to capture the Volatile Organic Compounds emissions from the degreaser. Tech Tube is a minor facility. The Degreaser is subject to Subpart T—National Emission Standards for Halogenated Solvent Cleaning. The Operating Permit will include monitoring, recordkeeping requirements, and work practice standards 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*

**40-00111: CEI Anthracite, Inc.** (603 South Church Street, Hazleton, PA 18201) for operation of a coal processing facility in the City of Hazleton, **Luzerne County**. The sources consist of a crusher, dryer and bagging operation which is controlled by two (2)

baghouses. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**35-00045: Eureka Stone Quarry, Inc.** (PO Box 249, Chalfont, PA 18914) for operation of a stone quarry and an asphalt production plant in Covington Township, **Lackawanna County**. The sources at the facility consist of stone crushers, feeders, conveyors, and screens with the emissions being controlled by water sprays; asphalt batch plant, cement silo, and aggregate bin which are controlled by a baghouses. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**44-03014: Barr Funeral Home, Inc.** (120 Logan Street, Lewistown, PA 17044) for their human crematory in Lewistown Borough, **Mifflin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the above-mentioned facility.

The subject crematory will produce minimal emissions since it fires natural gas and operates intermittently based upon demand. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**67-05136: Wellspan York Hospital** (1001 S George Street, York, PA 17405) for operation of three (3) boilers and twelve (12) emergency generators at their facility in York City, **York County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the above-mentioned facility.

The potential emissions are 60 tons per year of CO, 66.5 tons per year of NO<sub>x</sub>, 2 tons per year of PM, 5.5 tons per year of SO<sub>x</sub>, 3 tons per year of VOC, and 7.6 tons per year of Total HAPs. 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. The facility is subject to 40 CFR Part 60 Subpart Dc—Standards of Performance for Small Industrial—Commercial-Institutional Steam Generating Units; and 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

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 and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**57-00003: Sullivan County School District** (777 South Street, Laporte, PA 18626-9800) to issue a state only operating permit for their facility in Laporte Borough, **Sullivan County**. The facility is currently operating under Plan Approval 57-00003A. The facility's source includes a 4.0 million Btu per hour biomass-fired boiler, two 8.4 million Btu per hour #2 fuel oil-fired boilers, a 2.834 million Btu per hour #2 fuel oil-fired boiler, a 100 kilowatt, diesel-fired emergency generator and a 150

kilowatt, diesel-fired emergency generator. The facility has potential emissions of 16.80 tons per year of nitrogen oxides, 5.73 tons per year of carbon monoxide, 18.24 tons per year of sulfur oxides, 5.15 tons per year of particulate matter, 0.88 ton per year of volatile organic compounds and 16,451 tons per year of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the NMOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

Persons with a disability wishing to comment who require an auxiliary aid, service, or other accommodation to participate should contact the Northcentral Regional Office at 570-327-3659.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**65-01026: BenBilt Building Systems, LP** (123 Ben-Bilt Place, Greensburg, PA 15601) for plastics, metal window, and door manufacturing at their facility in Unity Township, **Westmoreland County**. This is an initial Synthetic Minor Operating Permit application submittal.

**04-00600: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201), Reissuance of Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Beaver Valley Mine Coal Preparation Plant, located in Greene Township, **Beaver County**.

This permit reissuance replaces Condition #006 of Section C, which requires that coal processed maintain moisture content of at least 6% with added language to Condition #001 of Source ID 103, Section D requiring water sprays to be installed and used on an as needed basis at transfer points. The proposed change will result in an increase in emissions from the facility.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**10-00130: Eden Inc.** (210 Miller Street, Knox, PA 16232) to re-issue the Natural Minor Operating Permit for this wood products manufacturing and coating facility in Knox Borough, **Clarion County**. The facility's primary emissions are from surface coating operations. The VOC emissions from this facility are limited by a plan approval restriction to no more than 24 tons per year. Actual VOC emissions are typically less than 10 tons per year.

**20-00093: DIC Tool, Division of Trojan** (114 Poplar Street, Meadville, PA 16335) for renewal of a State Only operating permit for their manufacturing facility in the City of Meadville, **Crawford County**. The sources at the facility include 8 natural gas fueled space heaters with a combined total rating of 2.5 million Btu/hr; natural gas fueled equipment for etching, heating, & parts drying; a silicone rubber coating line; a teflon coating line; and parts cleaning operations. The facility is a Natural Minor. The potential emissions from the facility are less than the Title V thresholds. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## PLAN APPROVALS

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**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.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**54-00043A: Ashland Foundry and Machine Works, Inc.** (500 East Center Street, Ashland, PA 17921) for their facility in Ashland Borough, **Schuylkill 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 Ashland Foundry and Machine Works, Inc. (500 East Center Street, Ashland, PA 17921) for their facility in Ashland Borough, Schuylkill County. This Plan Approval No. 54-00043A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 54-00043A is for the installation of one (1) 30,000 CFM baghouse to replace two (2) existing dust collectors used to control dust from the sand silo and sand transport operations. Particulate Matter (PM) emissions from the plant will remain under their 100 TPY threshold limit, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.13 for PM 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 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 54-00043A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.



## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### *Coal Applications Returned*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**32101601 and NPDES No. PA0235997, Britt Energies, Inc.**, (2450 Philadelphia Street, Indiana, PA 15701), To operate the Appalachia Coal Yard in White Township, **Indiana County** and related NPDES permit, Surface Acres Proposed 24.3. Receiving stream: Yellow Creek, classified for the following use: TSF. The first downstream potable water supply intake from the point of discharge is Edison Mission Energy and intake: Two Lick Creek. The application was considered administratively complete on

December 23, 2010. Application received May 20, 2010. Application returned July 29, 2014.

### *Coal Applications Withdrawn*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 54663021T. New Castle Anthracite Company**, (PO Box 39, Hazleton, PA 18201), transfer of an existing anthracite surface mine and coal refuse reprocessing operation in New Castle Township, **Schuylkill County** affecting 693.0 acres, receiving stream: West Branch Schuylkill River. Application received: October 22, 2013. Application withdrawn: August 4, 2014.

### *Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**11040701 and NPDES No. PA0235717. AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650). To revise the permit and related NPDES permit for the Refuse Area No. 1 in Portage Township, **Cambria County** to add acreage to the existing site and add new NPDES outfall #007. Coal Refuse Disposal Support Acres Proposed 77.5, Coal Refuse Disposal Acres Proposed 31.8. Receiving Stream: Unnamed Tributary to Spring Run, classified for the following use: CWF. The application was considered administratively complete on July 28, 2014. Application received April 11, 2014.

**56131302 and NPDES No. PA0236225. AK Coal Resources, Inc.**, (1134 Stoystown Rd., Friedens, PA 15541). To operate the Polaris Mine in Jenner and Quemahoning Townships, **Somerset County** to operate a new underground coal mine. Surface Acres Proposed 65.5, Underground Acres Proposed 2,830.2, Subsidence Control Plan Acres Proposed 2,426.2. Receiving stream: Two Mile Run, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Quemahoning Reservoir and intake: Two Mile Run. The application was considered administratively complete on July 29, 2014. Application received February 14, 2014.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 11020103 and NPDES No. PA0249335. Gator Coal LP**, P. O. Box 4181, Eldertown, PA 15736, permit renewal for reclamation only of a bituminous surface and auger mine in Susquehanna Township, **Cambria County**, affecting 324.5 acres. Receiving streams: Douglas Run; Peg Run; West Branch of Susquehanna River classified for the following uses: cold water fishery; warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 14, 2014.

**Permit No. 56120110 and NPDES No. PA00269069. Northern Son, Inc.**, 568 Silvis Hollow Road, Kittanning, PA 16201 transfer of an existing bituminous surface and auger mine from Berwind Coal Sales Co., 509 15th Street, Windber, PA 15963, located in Shade Township, **Somerset County**, affecting 231 acres. Receiving streams: unnamed tributaries to Miller Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 22, 2014.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*



**65020101 and NPDES Permit No. PA0250082. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Revision application for revised discharge treatment system to an existing bituminous surface mine, located in Unity Township, **Westmoreland County**, affecting 68 acres. Receiving streams: unnamed tributary to Tenmile Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: July 25, 2014.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 35090101R and NPDES Permit No. PA0225258. Maco Associates, Inc.**, (400 Mill Street, Dunmore, PA 18512), renewal of an existing anthracite surface mine, coal refuse reprocessing operation and NPDES Permit for discharge of treated mine drainage in Fell Township and City of Carbondale, **Lackawanna County**, affecting 1700.0 acres, receiving stream: Lackawanna River, classified for the following use: HQ—cold water fishes. Application received: July 18, 2014.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**63080601 and NPDES Permit No. PA0251682. Green Global Machine, LLC** (P. O. Box 277, Southwest, PA 15685). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Buffalo Township, **Washington County**, affecting 40.1 acres. Receiving streams: unnamed tributaries to Buffalo Creek, classified for the following use: HQ-WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: July 25, 2014.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 06080301C3 and NPDES Permit No. PA0224715. Dyer Quarry, Inc.**, (PO Box 188, Birdsboro, PA 19508), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Robeson Township, **Berks County** affecting 101.6 acres, receiving stream: Indian Corn Creek, classified for the following use: cold water fishes. Application received: July 18, 2014.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

*Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity* pH*			greater than 6.0; less than 9.0

\* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91–96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**NPDES No. PA0262706 (Mining Permit No. 56080109), PBS Coals, Inc.**, P. O. Box 260, Friedens PA, 15541 renewal of an NPDES permit for discharge to surface water resulting from surface coal mining in Somerset Township, **Somerset County**, affecting 320.7 acres. Receiving streams: unnamed tributaries to Wells Creek, classified for the following use: cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: June 4, 2014.

The stormwater outfalls listed below discharge to unnamed tributaries to Wells Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
SP-01 (Sedimentation Pond 1R)	N
SP-02 (Sedimentation Pond 2)	N
SP-03 (Sedimentation Pond 3R)	N
SP-04 (Sedimentation Pond 4R)	N
SP-05 (Sedimentation Pond 5R)	N
SP-06 (Sedimentation Pond 6)	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: SP-01, SP-02, SP-03, SP-04, SP-05, SP-06</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0269379 (Mining Permit No. 32130107), Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001 new NPDES permit for surface mine in Montgomery Township, **Indiana County**, affecting 49.3 acres. Receiving streams: unnamed tributaries to South Branch Cush Creek, classified for the following use: cold water fishery. This receiving stream is included in the West Branch Susquehanna River TMDL. Application received: March 24, 2014.

Unless otherwise noted for specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfalls listed below discharge to unnamed tributaries to South Branch Cush Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—TF1	Y
002—TF2	Y

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 001 &amp; 002</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The outfalls listed below discharge to unnamed tributaries to South Branch Cush Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003—SP1	Y
004—SP2	Y
005—SP3	Y

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 003, 004 &amp; 005</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)			7.0
Total Setttable Solids (m1/l)			0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

## 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**

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5729-075: Chief Oil and Gas, LLC**, 6051 Wallace Road Ext, Suite 210, Wexford, PA, 15090 Fox Township, **Sullivan County**, USACE Baltimore District.

To construct, operate, and maintain a permanent road crossing using a 29" x 45" elliptical reinforced concrete pipe impacting 1,311 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, 80 linear feet of an unnamed tributary to Hoagland Branch (EV), (Dushore Quadrangle 41°30'40"N, 76°45'07"W).

The project will result in approximately 1,311 square feet of permanent wetland impacts and approximately 80 linear feet of permanent stream impacts for the purpose of installing an access road for a Marcellus Shale gas well pad in Fox Township, Sullivan County.

**E5729-074: Appalachia Midstream Services, LLC**, 100 IST Center, Horseheads, NY, 14845 Cherry Township, **Sullivan County**, USACE Baltimore District.

To construct, operate, and maintain:

(1) A temporary road crossing using timber mats and an 8-inch diameter well line impacting 1,773 square feet of a palustrine emergent (PEM) wetland (Dushore Quadrangle 41°31'52"N, 76°25'48"W);

(2) A temporary road crossing using timber mats and an 8-inch diameter well line impacting 699 square feet of a palustrine emergent (PEM) wetland (Dushore Quadrangle 41°31'55"N, 76°25'46"W);

(3) A temporary road crossing using timber mats and an 8-inch diameter well line impacting 161 linear feet of an unnamed tributary to Little Loyalsock Creek (EV) and 143 linear feet of an unnamed tributary to Little Loyalsock Creek (EV) (Dushore Quadrangle 41°31'59"N, 76°25'43"W);

(4) An 8-inch diameter well line impacting 411 square feet of a palustrine forested (PFO) wetland and 26 linear feet of an unnamed tributary to Little Loyalsock Creek (EV) (Dushore Quadrangle 41°32'18"N, 76°25'37"W);

(5) An 8-inch diameter well impacting 137 square feet of a palustrine emergent (PEM) wetland (Dushore Quadrangle 41°32'19"N, 76°25'39"W);

(6) A temporary road crossing using timber mats impacting 250 square feet of a palustrine emergent (PEM) wetland (Dushore Quadrangle 41°32'23"N, 76°25'50"W);

(7) A temporary road crossing using timber mats impacting 881 square feet of a palustrine emergent (PEM) wetland (Dushore Quadrangle 41°32'35" N, 76°25'43"W);

(8) A temporary road crossing using timber mats and an 8-inch diameter well line impacting 390 square feet of a palustrine emergent (PEM) wetland (Dushore Quadrangle 41°32'36"N, 76°25'41"W);

(9) A temporary road crossing using timber mats and an 8-inch diameter well line impacting 27,196 square feet of a palustrine emergent/scrub-shrub (PEM/PSS) wetland (Dushore Quadrangle 41°32'39"N, 76°25'41"W);

(10) A temporary road crossing using timber mats temporarily impacting approximately 12 square feet of a palustrine emergent (PEM) wetland and 124 linear feet of an unnamed tributary to Lick Creek (EV) (Dushore Quadrangle 41°32'43"N, 76°25'40"W);

(11) A temporary road crossing using timber mats and an 8-inch diameter well line temporarily impacting approximately 8,687 square feet of palustrine emergent/scrub-shrub (PEM/PSS) wetland; (Dushore Quadrangle 41°32'41"N, 76°25'04"W);

(12) A temporary road crossing using timber mats and an 8-inch diameter well line impacting 13,272 square feet of palustrine emergent/scrub-shrub (PEM/PSS) wetland (Dushore Quadrangle 41°32'41"N, 76°25'04"W);

(13) A temporary road crossing using timber mats and an 8-inch diameter well line impacting 808 square feet of palustrine scrub-shrub (PSS) wetland (Dushore Quadrangle 41°32'39"N, 76°24'51"W);

(14) A temporary road crossing using timber mats and an 8-inch diameter well line impacting 41,145 square feet of palustrine emergent/scrub-shrub (PEM/PSS) wetland (Dushore Quadrangle 41°32'36"N, 76°24'46"W);

(15) A temporary road crossing using timber mats and an 8-inch diameter well line impacting 27,430 square feet of palustrine scrub-shrub (PSS) wetland (Dushore Quadrangle 41°32'25"N, 76°24'29"W);

(16) A temporary road crossing using timber mats and an 8-inch diameter well line impacting 521 square feet of palustrine emergent (PEM) wetland (Dushore Quadrangle 41°32'26"N, 76°24'19"W).

The project will result in 123,612 square feet of temporary wetland impacts and approximately 464 linear feet of temporary stream impacts for the purpose of installing a well line for Marcellus Shale gas development in Cherry Township, Sullivan County.

**E6629-022: Regency Marcellus Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Washington Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Citrus 2 Compressor Station, which consists of a permanent natural gas compressor station and associated infrastructure, with the following impacts:

1. 6,117 square feet of permanent impacts to Palustrine Emergent (PEM) Wetlands via the placement of fill in the wetlands (Meshoppen, PA Quadrangle, Latitude: N41°34'39.07", Longitude: W76°01'27.91");

2. 1,583 square feet of permanent impacts to Palustrine Emergent (PEM) Wetlands via the placement of fill in the wetlands (Meshoppen, PA Quadrangle, Latitude: N41°34'35.09", Longitude: W76°01'27.28");

3. 535 square feet of permanent impacts to Palustrine Emergent (PEM) Wetlands via the placement of fill in the wetlands (Meshoppen, PA Quadrangle, Latitude: N41°34'35.16", Longitude: W76°01'29.07"); and

4. 679 square feet of permanent impacts to Palustrine Emergent (PEM) Wetlands via the placement of fill in the wetlands (Meshoppen, PA Quadrangle, Latitude: N41°34'37.68", Longitude: W76°01'27.45").



The project will result in 8,914 square feet (0.20 acre) of permanent PEM wetland impacts for the purpose of installing a natural gas compressor station and associated infrastructure for Marcellus shale development.

*Wilkes-Barre: Environmental Program Manager, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18701*

**EA4011-003. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Wilkes-Barre Office, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18701. Abandoned Mine Land Reclamation Project, in Foster Township, **Luzerne County**, Philadelphia ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 1,892 linear feet of dangerous highwall. The project will also fill in 5.12 acres

of open water and 0.34 acre of wetland. (Hazleton and Weatherly Quadrangles 40°58'29.06", -75°52'58.01")

*Southwest District Oil and Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh PA, 15222-4745*

**Permit # E63-07-008. M3 Appalachia Gathering, LLC**, 742 Fairmont Road Suite E, Westover, WV 26501-4291. To replace 5 24-inch culverts with a 6-foot by 8-foot long box culvert along an existing access road to the Twilight Compressor Station that crosses Tributary 29915 to Pike Run (TSF) in West Pike Run Township, **Washington County**, Pittsburgh ACOE District, State Water Plan Basin 19-C, (California, PA Quadrangle; Latitude: N 40°5'53.022"; Longitude: W -79°59'42.294") The box culvert will result in approximately 64 linear feet of permanent stream impact and 171 linear feet of permanent stream impact.

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## ACTIONS

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### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**I. NPDES Renewal Permit Actions**

*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0051896 (Storm Water)	Dixie Consumer Products LLC 605 Kuebler Road Easton, PA 18042-9282	Northampton County Forks Township	Bushkill Creek (1-F)	Y
PA0060755 (Sewage)	Wyoming County Housing Authority (Meshoppen Towne House Apartments) 133 SJ Bailey Road Nicholson, PA 18446	Wyoming County Meshoppen Township	Little Meshoppen Creek (4-G)	Y

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0044245 (Sewage)	Parker Dam State Park 28 Fairview Road Penfield, PA 15489	Clearfield County Huston Township	Laurel Run (8-A)	Y
PA0209678 (Sewage)	Grassflat Wastewater Treatment Plant 99 Peale Road Grassflat, PA 16839	Clearfield County Cooper Township	Unnamed Tributary of Moshannon Creek (8-D)	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239186 (Sewage)	BEA Logistics Service 1498 Evans City Road Evans City, PA 16033	Butler County Forward Township	Unnamed Tributary to Connoquenessing Creek (20-C)	Y
PA0239194 (Sewage)	Cherrytree Land Development 4342 State Route 8 Route 8 & Black Road Titusville, PA 16354	Venango County Cherrytree Township	Unnamed Tributary to Oil Creek (16-E)	Y
PA0239194 (Sewage)	Cherrytree Land Development 4342 State Route 8 Route 8 & Black Road Titusville, PA 16354	Venango County Cherrytree Township	Unnamed Tributary to Oil Creek (16-E)	Y

**II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970*

**NPDES Permit No. PA0042617**, Industrial, **Accellent, Inc.**, 200 West 7th Avenue, Trappe, PA 19426-0992.

This proposed facility is located in Trappe Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge from a facility known as Accellent Collegeville Facility to Unnamed Tributary to Perkiomen Creek a.k.a. Donny Brook in Watershed 3-E.

**NPDES Permit No. PA0026131 A-1**, Sewage, **Upper Merion Municipal Utility Authority**, 175 W. Valley Forge Road, King of Prussia, PA 19406.

This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the amendment of an NPDES permit to discharge treated sewage from a facility known as Trout Run WPCC to Schuylkill River and Trout Creek in Watershed 3-F.

**NPDES Permit No. PA0026085 A-1**, Sewage, **Upper Merion Municipal Utility Authority**, 175 W. Valley Forge Road, King of Prussia, PA 19406.

This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the amendment of an NPDES permit to discharge treated sewage from a facility known as Matsunk WPCC to Frog Run, tributary to Schuylkill River in Watershed 3F—Lower Schuylkill.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**NPDES Permit No. PA0259934**, Sewage, **Frederick E. Soliday**, 945 Swopes Valley Road, Pine Grove, PA 17963.

This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Bear Hole Run in Watershed 7-D.

**NPDES Permit No. PA0246689**, Sewage, **Rande W. Brown**, 153 Hidden Valley Lane, Bedford, PA 15522-5365.

This proposed facility is located in Cumberland Valley Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT to Oster Run in Watershed 13-A.

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**NPDES Permit No. PA0037044**, Sewage, **Ford City Borough Municipal Sewer Disposal Authority**, P O Box 66, Ford City, PA 16226-0066.

This existing facility is located in Ford City Borough, **Armstrong County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

### **III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law**

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900*

**WQM Permit No. 4605410, Amendment, East Norriton Plymouth Whitpain Joint Sewer Authority**, 200 Ross Street, Plymouth Meeting, PA 19462.

This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Action/Activity: Upgrade to the wastewater treatment plant. Increase of annual treatment capacity from 8.1 mgd to 8.67 mgd.

**WQM Permit No. 1501417, Renewal, Nantmeal Warwick Sewer Co., Inc.**, 26 East Main Street, P. O. Box 20, Elverson, PA 19520.

This proposed facility is located in Warwick Township, **Chester County**.

Description of Action/Activity: Renewal of continued operation of the French Creek Golf Club STP.

**WQM Permit No. 1514401**, Sewage, **Birmingham Township**, 1040 West Street Road, West Chester, PA 19382-8012.

This proposed facility is located in Birmingham Township, **Chester County**.

Description of Action/Activity: Installation of a denitrification facilities at the existing Birmingham Township WWTP.

**WQM Permit No. WQG02091414**, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976-1209.

This proposed facility is located in Richland Township, **Bucks County**.

Description of Action/Activity: Replace existing 8 inch sewer with a 10 inch sewer for future capacity accommodations.

**WQM Permit No. WQG02091413**, Sewage, **Northampton Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954.

This proposed facility is located in Northampton Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a sanitary sewer pump station.

**WQM Permit No. WQG02091411**, Sewage, **Aqua Infrastructure, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Action/Activity: Installation of a force main, a gravity sewer main and a pump station to service approximately 50 existing EDU's along Bethlehem Pike.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

**WQM Permit No. 02141403**, Sewerage, SIC Code 4952, **Pine Hall Development Co. Inc.**, 1653 Circleville Road, State College, PA 16803.

This proposed facility is located in Ferguson Township, **Centre County**.

Description of Proposed Action/Activity: Sewer extension for Pine Hall Traditional Town Development in Ferguson Township, Centre County. The 8" sewer main extension will be able to serve 270 EDUs at an average design flow of 47,293 gallons per day. The sewer extension will convey sewage to the existing University Area Joint Authority (UAJA) wastewater treatment plant.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. 1014201**, Sewage, **Slippery Rock Municipal Authority**, 116 Crestview Road, Slippery Rock, PA 16057.

This existing facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Action/Activity: To permit existing industrial wastewater treatment facilities at the Slippery Rock Municipal Authority's Hines Road WTP.

**WQM Permit No. 1014202**, Sewage, **Slippery Rock Municipal Authority**, 116 Crestview Road, Slippery Rock, PA 16057.

This existing facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Action/Activity: Project to permit existing industrial waste facilities at the Slippery Rock Municipal Authority's Forrester Road WTP

#### **VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 4614001	Boos Development Group, Inc. 2651 McCormick Drive Clearwater, FL 33759	Montgomery	Borough of Pottstown	Schuylkill River WWF—MF
PAI01 5114003	Department of Transportation District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406	Philadelphia	City of Philadelphia	Frankford Creek WWF—MF
<i>Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.</i>				
PAI023914003	A. Duie Pyle, Inc. PO Box 564 West Chester, PA 19381-0564	Lehigh	Hanover Township	Monocacy Creek (HQ-CWF, MF)
PAI023908017R	Mr. Harold R. Handwerk Executor for Mr. Ralph L. Handwerk 8669 Kistler Valley Road Kempton, PA 19529	Lehigh	Lowhill Township	Hassen Creek (HQ-CWF, MF)
PAI024014001	PPL Electric Utilities Corporation Two North 9th Street Allentown, PA 18101-1179	Luzerne	Buck Township	UNT to Kendall Creek (EV)
PAI024814008	Arcadia East Associates No. 1, Inc. 100 Gateway Dr. Ste. 310 Bethlehem, PA 18017	Northampton	East Allen Township	Monocacy Creek (HQ-CWF, MF)
PAI025213004	Lehman Township RR 4, Box 4000 Bushkill, PA 18324	Pike	Lehman Township	Little Bushkill Creek (EV, MF)
PAI025411002(4)	Eagle Rock Resort Company c/o Mr. Dan Durange 1 Country Club Road Hazle Township, PA 18202	Schuylkill	East Union Township	Little Tomhicken Creek (CWF, MF); Little Crooked Run (HQ-CWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574*

*Columbia County Conservation District: 702 Sawmill Road, Suite 204, Bloomsburg, PA 17815, (570) 784-1310, X 102*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041913002	Cellco Partnership d/b/a Verizon Wireless 4642 Jonestown Rd Ste 200 Harrisburg PA 17109	Columbia	Pine Township	Little Fishing Creek EV, MF



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**VII. Approvals to Use NPDES and/or Other General Permits**


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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

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**List of NPDES and/or Other General Permit Types**


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PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

*General Permit Type—PAG-02*
*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Bristol Township Bucks County	PAG0200 0914029	Bristol Township School District 6401 Mill Creek Road Levittown, PA 19057	Unnamed Tributary to Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Ridley Township Delaware County	PAG0200 2314004	Rouse/Chamberlin, LTD 500 Exton Commons Exton, PA 19341	Unnamed Tributary to Stony Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Ridley Township Delaware County	PAG0200 2314014	Hannum's Harley-Davidson Sales, Inc. 1011 Baltimore Pike Media, PA 19063	Ridley Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*
*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>
Jackson Township Luzerne County	PAG02004013016	Rolling Meadows Development Co. Raymond Peeler 46 Pierce Street Kingston, PA 18704	Huntsville Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Upper Mount Bethel Township Northampton County	PAG02004810008R	Portland Properties LLC P. O. Box 143 Orefield, PA 18069	UNT to the Delaware River (HQ-CWF, MF)	Northampton County Conservation District 610-746-1971

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*Lower Saucon  
Township  
Northampton  
County

PAG02004814006

Jason Miller  
1507 W. Raders Lane  
Bethlehem, PA 18015UNT to Saucon  
Creek  
(CWF, MF)Northampton County  
Conservation District  
610-746-1971Wayne Township  
Schuylkill County

PAG02005414002

Albert Sensenig Poultry  
Barns  
420 S. Front Street  
Schuylkill Haven, PA  
17972UNT to Lower Little  
Swatara Creek  
(CWF, MF)Schuylkill County  
Conservation District  
570-622-3742

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief,  
717.705.4802*

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*Mount Joy  
Township  
Adams CountyPAG02000112020R(2)  
IssuedThe Links at Gettysburg  
601 Mason Dixon Road  
Gettysburg, PA 17325

Lousy Run/WWF

Adams County  
Conservation District  
670 Old Harrisburg Road  
Suite 201  
Gettysburg, PA 17325  
717.334.0636Strasburg Township  
Lancaster CountyPAG02003614061  
IssuedMalone Family Trust  
Foundation  
12300 Liberty Boulevard  
Englewood, CO 80112UNT Little Beaver  
Creek/TSF, MFLancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster PA 17601  
717.299.5361 Ext. 121East Earl Township  
Lancaster CountyPAG02003614062  
IssuedBethany Grace Fellowship  
Church  
400 Reading Road  
East Earl, PA 17519UNT Conestoga  
River/WWFLancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster PA 17601  
717.299.5361 Ext. 121West Donegal  
Township  
Lancaster CountyPAG02003614063  
IssuedRobert Gruber  
48 South Market Street  
Elizabethtown, PA 17022

Conoy Creek/TSF

Lancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster PA 17601  
717.299.5361 Ext. 121Jackson Township  
York CountyPAG02006703062R  
IssuedPeople's Bank  
105 Leader Heights Road  
York, PA 17403UNT to Codorus  
Creek/WWFYork County  
Conservation District  
118 Pleasant Acres Road  
York, PA 17402  
717.840.7430West Manchester  
Township  
York CountyPAG02006705032R  
IssuedRobert A. Kinsley  
6259 Reynolds Mill Road  
Seven Valleys, PA 17360Little Conewago  
Creek/TSFYork County  
Conservation District  
118 Pleasant Acres Road  
York, PA 17402  
717.840.7430Manchester  
Township  
York CountyPAG02006707014R-1  
IssuedKeystone Custom Homes  
227 Granite Run Drive  
Suite 100  
Lancaster, PA 17601UNT to Little  
Conewago  
Creek/TSFYork County  
Conservation District  
118 Pleasant Acres Road  
York, PA 17402  
717.840.7430

<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>
Walker Township Juniata County	PAG02003414004 Issued	Arthur C. & Dina Zug 558 Freed Road Mifflintown, PA 17059	Tributary 11823 to Doe Run/TSF	Juniata County Conservation District 146 Stoney Creek Drive Suite 4, Mifflintown, PA 17059 717.436.8953 Ext 5
Tulpehocken Township Berks County	PAG02000614034 Issued	Mervin Martin 54 Mill Road Myerstown, PA 17067	Little Swatara Creek/CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-0520 610.372.4657
Lower Swatara Township Dauphin County	PAG02002214019 Issued	Capital Valley LP 1020 South Hartley Street York PA 17405	Swatara Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Swatara Township Dauphin County	PAG02002209026R Issued	Sam's Real Estate & Business Trust 2001 Southeast 10th Street Bentonville, AR 72716-5570	Beaver Creek/WWF, MF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

<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>
Bradford County Wysox Township	PAG02000814004	William A Sauserman Sheetz Inc 5700 Sixth Ave Altoona PA 16602	Laning Creek WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Lycoming County Fairfield Township	PAG02004112022R	Steve Krouse 99 Grey Fox Plaza Montoursville PA 17754	Twin Run WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Tioga County Sullivan Township	PAG02005913007(1)	First Energy 76 S Main St Akron OH 44308	UNT to Corey Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, X 3

*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335*

<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>
Penn Township Butler County	PAG02001014019	Butler County Airport c/o Mr. Ivan Longdon 475 Airport Road Butler PA 16001	Unt Glad Run WWF	Butler County Conservation District 724-284-5270
Washington Township Jefferson County	PAG02003313003(1)	JM Delullo Stone Sales Inc 1247 Million Dollar Hwy Kersey PA 15846	Wolf Run CWF	Jefferson County Conservation District 814-849-7463

<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>
Pulaski Township Lawrence County	PAG02003714005	New Bedford FDS Attn: Rob Jack 5500 Brook Tree Road Suite 303 Wexford PA 15090	Unt Coffee Run WWF	Lawrence County Conservation District 724-652-4512

*General Permit Type—PAG-03*

<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>
Falls Township Bucks County	PAG030006	B&J Group Inc. 1001 New Ford Mill Road Morrisville, PA 19067	Unnamed Tributary of Delaware River 2-E	Southeast Region Clean Water Program 484.250.5970
Plymouth Township Montgomery County	PAG030013	Bimbo Bakeries USA Inc. P. O. Box 110 Norristown, PA 19404	Unnamed Tributary to Plymouth Creek 3-F	Southeast Region Clean Water Program 484.250.5970
West Chester Borough Chester County	PAR600060	Je Kodish & Sons Inc. 225 S Worthington Street West Chester, PA 19382	Unnamed Tributary to Chester Creek 3-G	Southeast Region Clean Water Program 484.250.5970
Upper Merion Township Montgomery County	PAR600062	Rossi Auto Salvage Inc. 1700 Dekalb Street King Of Prussia, PA 19406	Schuylkill River 3-F	Southeast Region Clean Water Program 484.250.5970
Philadelphia City Philadelphia County	PAR800131	Fedex Ground Package System Inc. Environmental Services 1000 Fedex Drive Moon Township, PA 15108	Black Lake Run 3-J	Southeast Region Clean Water Program 484.250.5970
West Whiteland Township Chester County	PAR800132	Fedex Ground Package System Inc. Environmental Services 1000 Fedex Drive Moon Township, PA 15108	Valley Creek—3-H	Southeast Region Clean Water Program 484.250.5970
Doylestown Township Bucks County	PAR800161	First Student Inc. 110 Perimeter Park, Ste. E Knoxville, TN 37922	Unnamed Tributary of Pine Run—2-F	Southeast Region Clean Water Program 484.250.5970
Plymouth Township Montgomery County	PAR800162	First Student Inc. 110 Perimeter Park, Ste. E Knoxville, TN 37922	Diamond Run & West Branch Bluejay Creek 16-F & 3-F	Southeast Region Clean Water Program 484.250.5970
Upper Darby Township Delaware County	PAR800018	SEPTA 1234 Market Street 6th Fl. Philadelphia, PA 19107	Cobbs Creek & East Branch Indian Creek 3-G	Southeast Region Clean Water Program 484.250.5970
Middletown Township Delaware County	PAR800032	SEPTA 1234 Market Street 6th Fl. Philadelphia, PA 19107	Chester Creek 3-G	Southeast Region Clean Water Program 484.250.5970
Conshohocken Borough Montgomery County	PAR800034	SEPTA 1234 Market Street 6th Fl. Philadelphia, PA 19107	Unnamed Tributary to Plymouth Creek 3-F	Southeast Region Clean Water Program 484.250.5970
Hazleton City Luzerne County	PAR602212	M.H. Brenner Recycling, Inc. 282 S. Wyoming Street Hazleton, PA 18201	Cranberry Creek—05D	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511



<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>
Berks County / Muhlenberg Township	PAR803719	Rolling Frito-Lay Sales, LP—Reading Bin 7075 Samuel Morris Drive, Suite 240 Columbia, MD 21046	Laurel Run / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / East Lampeter Township	PAR803718	Rolling Frito-Lay Sales, LP—Lancaster Bin 7075 Samuel Morris Drive, Suite 240 Columbia, MD 21046	UNT to Stauffer Run / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County / Exeter Township	PAR233504	Arkema, Inc. 1112 Lincoln Road Birdsboro, PA 19508	Schuylkill River / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / Lancaster City	PAR143516	Wm. Dale Works Packaging Corporation of America 1530 Fruitville Pike Lancaster, PA 17601	UNT Little Conestoga Creek / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / Lancaster City	PAR803673	Norfolk Southern Railway Company—Lancaster H. Craig Lewis Yard 1200 Peachtree Street Ne Box 13 Atlanta, GA 30309	UNT Little Conestoga Creek / WWF, WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / East Lampeter Township	PAR803590	United Parcel Service, Inc.—UPS Lancaster 1821 S. 19th Street Harrisburg, PA 17104	UNT Little Conestoga Creek / TSF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County / Swatara Township	PAR803591	United Parcel Service, Inc.—UPS Harrisburg 1821 S. 19th Street Harrisburg, PA 17104	UNT to Spring Creek / CWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County / Manchester Township	PAR803589	United Parcel Service, Inc.—UPS York 1821 S. 19th Street Harrisburg, PA 17104	UNT to Little Conestoga Creek / TSF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Franklin County / Chambersburg Borough	PAR803592	United Parcel Service, Inc.—UPS Chambersburg 1821 S. 19th Street Harrisburg, PA 17104	Conococheague Creek / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County / York City	PAR803588	United Parcel Service, Inc.—UPS Market Street (York) 1821 S. 19th Street Harrisburg, PA 17104	UNT Codorus Creek / WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*Facility Location:  
Municipality &  
County*

Lebanon County  
South Londonderry  
Township

*Permit No.*

PAR603540

*Applicant Name &  
Address*

Scheidler's Auto Wrecking  
227 Mopar Avenue  
Palmyra, PA 17078-8369

*Receiving  
Water / Use*

Killinger Creek /  
TSF

*Contact Office &  
Phone No.*

DEP—SCRO—  
Clean Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

*General Permit Type—PAG-8 (SSN)*

*Facility Location:  
Municipality &  
County*

Lynn Township  
Lehigh County

*Permit No.*

WMGR-099  
PAG 08-3565  
PAG 08-2203  
PAG 07-0005  
PAG 08-0003  
PAG 08-0004  
PAG 08-3535  
PAG 08-0005  
PAG 08-3518  
PAG 08-9905  
PAG 08-3556  
PAG 08-0018  
PAG 08-3573  
PAG 08-0021  
PAG 08-2211  
PAG 07-3508  
PAG 07-0003  
PAG 08-0008  
PAG 08-3501  
PAG 08-0002  
PAG 08-9901  
PAG 08-3551  
PAG 08-9909  
PAG 08-9903  
PAG 08-3596  
PAG 08-3510  
PAG 08-3597  
PAG 08-2219  
PAG 08-3535  
PAG 08-3506  
PAG 08-3522  
PAG 08-3515  
PAG 08-3825  
PAG 08-9904  
PAG 08-3547  
PAG 08-0006  
PAG 08-3540  
PABIG-9903  
PAG 08-3567  
PAG 08-3600  
PAG 08-3605  
PAG 08-0011

*Applicant Name &  
Address*

Synagro  
1605 Dooley Road  
P. O. Box B  
Whiteford, MD 21160

*Site Name &  
Location*

David Knoedler  
Farm  
Allemaengle Road  
Lynn Township  
Lehigh County

*Contact Office &  
Phone No.*

PA DEP NERO  
2 Public Square  
Wilkes-Barre, PA  
18701-1915  
(570) 826-2511

*General Permit Type—PAG-10*

*Facility Location:  
Municipality &  
County*

Lathrop & Lenox  
Townships  
Susquehanna  
County

*Permit No.*

PAG102317

*Applicant Name &  
Address*

Williams Field Service  
Co. LLC  
(Lackawanna Pipeline  
Project)  
Park Place Corporate  
Center 2  
2000 Commerce Drive  
Pittsburgh, PA 15275

*Receiving  
Water / Use*

Martins Creek,  
Millard Creek and  
Unnamed Tributary  
to Martins  
Creek—4-F

*Contact Office &  
Phone No.*

DEP Northeast  
Regional Office  
Clean Water Program  
2 Public Square,  
Wilkes-Barre, PA  
18701-1915  
570.826.2511

## PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401*

##### Permit No. 1514508, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA. 19010
Township	East Bradford
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Hatch Mott MacDonald Public Ledger Builder, Suite 1040 150 South Independence Mall West Philadelphia, PA 19106
Permit to Construct Issued	July 28, 2014

##### Permit No. 0914511, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA. 19010
Township	Middletown
County	<b>Bucks</b>
Type of Facility	PWS

Consulting Engineer	Hatch Mott MacDonald Public Ledger Builder, Suite 1040 150 South Independence Mall West Philadelphia, PA 19106
Permit to Construct Issued	July 31, 2014

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

##### Permit No. 4814505, Public Water Supply.

Applicant	<b>City of Bethlehem</b> 10 E. Church St. Bethlehem, Pa 18018
[Borough or Township]	City of Bethlehem
County	<b>Northampton</b>
Type of Facility	PWS
Consulting Engineer	Ronald B. Madison, PE RETTEW 941 Marcon Blvd., Suite 801 Allentown, Pa 18108
Permit to Construct Issued	7/29/2014

##### Permit No. 2640010, Operations Permit Public Water Supply.

Applicant	<b>Cherry Hill Mobile Home Court, Inc.</b> 6 Cherry Hill Rd. Honesdale, Pa 18431
[Borough or Township]	Cherry Ridge Township
County	<b>Wayne</b>
Type of Facility	PWS
Consulting Engineer	N/A
Permit to Operate Issued	7/29/2014

##### Permit No. 4814504, Public Water Supply.

Applicant	<b>Pennsylvania American Water</b> 800 West Hersheypark Dr. Hershey, Pa 17033
[Borough or Township]	Upper Nazareth Twp.
County	<b>Northampton</b>
Type of Facility	PWS
Consulting Engineer	Christopher M. Hannum, PE Entech Engineering, Inc. 4 S. 4th St. Reading, Pa 19603
Permit to Construct Issued	7/28/2014

##### Permit No. 4514503MA, Public Water Supply.

Applicant	<b>LKS Enterprises, LLC</b> 400 Frost Hollow Rd. Easton, Pa 18042
[Borough or Township]	Middle Smithfield Township
County	<b>Monroe</b>
Type of Facility	PWS

Consulting Engineer Charles Niclaus, PE  
Niclaus Engineering Corporation  
804 Sarah St.  
Stroudsburg, Pa 18360

Permit to Construct 7/29/2014  
Issued

**Permit No. 2450087, Operations Permit** Public Water Supply.

Applicant **LKS Enterprises, LLC**  
400 Frost Hollow Rd.  
Easton, Pa 18042

[Borough or Township] Middle Smithfield Township

County **Monroe**

Type of Facility PWS

Consulting Engineer Charles Niclaus, PE  
Niclaus Engineering Corporation  
804 Sarah St.  
Stroudsburg, Pa 18360

Permit to Operate 7/29/2014  
Issued

**Permit No. 5214505MA, Public Water Supply.**

Applicant **Milford Valley Convalescent Home, Inc.**  
264 Route 6 & 209  
Milford, Pa 18337

[Borough or Township] Westfall Twp.

County **Pike**

Type of Facility PWS

Consulting Engineer Dennis Town, PE  
VSI, Inc.  
1228 Main St.  
Brockway, Pa 15824

Permit to Construct 7/29/2014  
Issued

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. 4912501—Operation—Public Water Supply.**

Applicant **Sunbury Municipal Authority**

Township/Borough City of Sunbury

County **Northumberland**

Responsible Official Mr. Scott J. Debo  
Sunbury Municipal Authority  
462 South Fourth Street  
Sunbury, PA 17801

Type of Facility Public Water Supply

Consulting Engineer Patrick J. Ward, P.E.  
Uni-Tec Consulting Engineers,  
Inc.  
2007 Cato Avenue  
State College, PA 16801

Permit Issued July 30, 2014

Description of Action Operation of the rehabilitated Hydro-Treater Unit No. 1 and Hydro-Treater Unit No. 2, solids contact clarifiers.

**Permit No. 5713501—Operation—Public Water Supply.**

Applicant **Red Rock Job Corps**

Township/Borough Colley Township

County **Sullivan**

Responsible Official Mr. John R. Fite  
Red Rock Job Corps  
US Department of Labor  
P. O. Box 218  
Lopez, PA 18628-0218

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued August 1, 2014

Description of Action Operation of Well No. 5, with related appurtenances. New source treatment is via the existing greensand filtration plant.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #2600022) City of Connellsville, **Fayette County** on July 29, 2014 for the operation of facilities approved under Construction Permit # 2613503.

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #2600005) Connellsville Township, **Fayette County** on July 29, 2014 for the operation of facilities approved under Construction Permit # 2612504.

**Permit No. 1113511MA, Minor Amendment.** Public Water Supply.

Applicant **Carrolltown Borough Municipal Authority**  
PO Box 307  
140 East Carroll Street,  
Carrolltown, PA 15722

[Borough or Township] Carrolltown Borough

County **Cambria**

Type of Facility Water system

Consulting Engineer Keller Engineers, Inc.  
420 Allegheny Street  
PO Box 61  
Hollidaysburg, PA 16648

Permit to Operate July 29, 2014  
Issued

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Operation Permit** issued to **Matthew R. Hinkle d/b/a Majors Mobile Home Park**, PWSID No. 6370016, Slippery Rock Township, **Lawrence County**. Permit Number 3713507 issued July 25, 2014 for the operation of the water treatment upgrades at the public water system serving Majors Mobile Home Park. This permit is issued in response to a pre-operation inspection conducted by the Department of Environmental Protection personnel on July 15, 2014.



**Permit No. 6616598** Public Water Supply  
 Applicant **EWD Enterprises, Inc.**  
 Township or Borough Oil City  
 County **Venango**  
 Type of Facility Public Water Supply  
 Consulting Engineer Olgierd K. Wodzianski, P.E.  
 Wodzianski Engineering, Inc.  
 1322 Elk Street  
 Franklin, PA 16323  
 Permit to Construct July 25, 2014  
 Issued

**Interim Operation Permit** issued to **Pennsylvania American Water Company**, PWSID #5100012, Center Township, **Butler County**. Permit Number 1069502-T1-MA10 Interim Operation issued July 30, 2014 for the interim operation of the "Butler Washwater Tank #1" at the Butler District water treatment plant. This permit is issued in response to your June 26, 2014 request to operate Butler Washwater Tank #1 while completing upgrades to "Butler Washwater Tank #2".

#### WATER ALLOCATIONS

**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.**

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**WA26-347C**, Water Allocations. **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, **Fayette County**. The right to withdraw up to 3,100,000 gallons of water per day, as a peak month, 30-day average, from the Monongahela River at their Brownville Water Treatment Plant.

**WA3-1009**, Water Allocations. **Templeton Water Company**, PO Box 345, Templeton, PA 16259, **Armstrong County**. The right to withdraw up to 93,600 gallons of water per day, as a peak month, 30-day average, from Wells Nos. 1-3 located along the Allegheny River in Armstrong County.

**WA26-1003**, Water Allocations. **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, **Fayette County**. The right to purchase up to 100,000 gallons of water per day, as a peak month, 30-day average, from the Tri-County Joint Municipal Authority.

**WA2-1010**, Water Allocations. **Borough of Springdale**, PO Box 153, Springdale, PA 15144, **Allegheny County**. The right to withdraw up to 3,168,000 gallons of water per day, as a peak month, 30-day average, from Well Nos. 4 and 5 along the Allegheny River. This permit is conditioned to limit the amount of the withdrawal to 1,200,000 gallons of water per day until the water treatment plant is permitted for the higher capacity.

**WA4-1010**, Water Allocations. **Creswell Heights Joint Authority**, 3961 Jordan Street, South Heights, PA 15081, **Beaver County**. The right to withdraw up to 1,700,000 gallons of water per day, as a peak month, 30-day average, from Well Nos. 4A, 5, 6 and 7 along the Ohio River.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

##### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. 717-705-4707.*

##### Plan Location:

Borough or Township	Borough or Township Address	County
East Hanover Township	8848 Jonestown Rd, Grantville, PA 17028	Dauphin

*Plan Description:* The Request for Planning Exemption for the I-81 Northbound Rest Area, DEP Code No. A3-22913-395-3E, APS Id 848638, consisting of connecting the existing rest area to East Hanover Township sewers, is disapproved. The submission does not qualify as an exemption from the requirement to revise the Official Plan because the proposal is not for new land development as per Chapter 71, Section 71.51(b).

##### Plan Location:

Borough or Township	Borough or Township Address	County
East Hanover Township	8848 Jonestown Rd, Grantville, PA 17028	Dauphin

*Plan Description:* The Request for Planning Exemption for the I-81 Southbound Rest Area, DEP Code No. A3-22913-396-3E, APS Id 848642, consisting of connecting the existing rest area to East Hanover Township sewers, is disapproved. The submission does not qualify as an exemption from the requirement to revise the Official Plan because the proposal is not for new land development as per Chapter 71, Section 71.51(b).

#### HAZARDOUS SITES CLEANUP ACT OF OCTOBER 18, 1988

##### Notice of Proposed Interim Response Philipsburg Rod and Gun Club Rush Township, Centre County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102–6020.1305), is proposing an interim response at Philipsburg Rod and Gun Club, Rush Township, Centre County, Pennsylvania. This response is proposed pursuant to Sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 501(a) and 505(b)). Philipsburg Rod and Gun Club (PRGC) is located within Black Moshannon State Park on Beaver Road in the Rush Township, Centre County. The site is a trap shooting range located on land that PRGC leases from the Department of Conservation and Natural Resources (DCNR) and consists of the shot fall zone plus any locations where the lead, or associated contaminants from the shot, may have migrated. The environmental investigations at the PRGC site have identified extensive soil and limited groundwater contamination. Soil contamination of lead and other metals associated with the shot exceed the Departments Statewide Health Standards (SHS) for soil. Shallow groundwater is also contaminated with lead above the SHS for groundwater.

The Department proposes to conduct a targeted removal action in the area where soil contamination is present above the SHS. The following alternatives were reviewed for this removal action.

**Alternative 1. No Further Action**—The “No Further Action” alternative does not reduce the toxicity, mobility, or volume of contamination and therefore does not meet the criteria of being protective of human health or the environment.

**Alternative 2. Stabilization of impacted soil**—The lead shot will be excavated and recovered and the soil will be stabilized. Stabilization involves in situ or ex situ mixing of contaminated soil with an amendment to significantly decrease the leachability of lead. This remedy will reduce the concentration and mobility of the lead remaining at the Site. The total estimated project cost for this Alternative is \$835,319.

**Alternative 3. Stabilization and Capping**—This Alternative is the same as Alternative 2, but with the addition of a low permeable cap to reduce surface water infiltration. The remedy should reduce the concentration and mobility of the lead remaining at the Site. It will also provide an impermeable cap to limit direct exposure pathways and leaching of the lead to the groundwater. The total estimated project cost for this alternative is \$1,530,858.

**Alternative 4. Excavation and Nonhazardous Disposal**—Contaminated soil will be excavated and treated on site to render it nonhazardous. The soil will then be disposed off-site in a permitted residual/municipal waste landfill.

The proposed response is Alternative 2 above, as it is the most cost effective. By removing the most severe contamination and addressing the other area through institutional controls, the potential exposure can be limited while still removing a significant mass of contamination.

This notice is being provided pursuant to Section 506(b) of HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Black Moshannon State Park Office, 4216 Beaver Road, Philipsburg, PA and at the Department’s North-central Regional Office, 208 West Third Street, Williamsport, PA and is available for review Monday through Friday from 9:00 a.m. to 4:00 p.m. For reviews at the Department’s North-central Regional Office appointments must be made in advance by contacting 570.327.0550 and requesting to review the Philipsburg Rod and Gun Club administrative record.

The administrative record will be open for comment from August 9 2014 until November 9, 2014. Persons may submit written comments into the record during this time only, by sending them to Randy Farmerie at PADEP 208 West Third Street, Suite 101 Williamsport, PA 17701 or by delivering them to this 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 on September 22, 2014 at 7:30 p.m. at the Rush Township Building, 150 North Richard Street, Philipsburg, PA 16866. The public hearing will be preceded by a public meeting at the same location beginning at 6:30 p.m. Persons wishing to present comments at the public hearing must register at the hearing location before the public hearing begins.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accom-

modations to participate in the proceedings, should call Dan Spadoni at 570.327.3659 or through the Pennsylvania AT & T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

### **Settlement under the Comprehensive Environmental Response, Compensation and Liability Act and the Hazardous Sites Cleanup Act**

The Department of Environmental Protection (“Department”), under the authority of the Hazardous Sites Cleanup Act (HSCA), 35 P. S. Sections 6020.101—6020.1305, has entered into an Amendment to a Consent Order and Agreement between the Department and Destination Maternity Corporation (successor to Mother Works, Inc.) relating to property located at 456 North 5th Street, Philadelphia, PA.

On July 31, 1995, the Department entered in to a Consent Order and Agreement with Mother Works, Inc. (“MWI”), wherein MWI agreed to take certain actions related to the property in exchange for a Covenant Not To Sue from the Department. One of the conditions of this Consent Order and Agreement was an institutional control in the form of a restriction limiting land use to a certain zoning classification. In July of 2014, MWI approached the Department and provided documentation demonstrating that this institutional control was no longer necessary at the Site. Consequently, the Department has entered into an Amendment to the Consent Order and Agreement which deletes the zoning use restriction.

Copies of the Amendment to Consent Order and Agreement are maintained in the Department’s files for the Southeast Region and may be obtained upon request to Anderson Lee Hartzell, Regional Supervising Counsel, 2 East Main Street, Norristown, PA 19401.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

### **UNDER ACT 2, 1995 PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act’s remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media;

benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Andritz, Inc.**, 18 South Market Street, Building 81, Muncy Borough, **Lycoming County**. TRC Environmental Corporation, 1601 Market Street, Suite 2555, Philadelphia, PA 19103, on behalf of Andritz, Inc., 35 Sherman Street, Muncy, Pa 17756, has submitted a Final Report concerning remediation of site soil contaminated with No. 2 Fuel Oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**T.B. Disposal**, I-80 @ Exit 13W, Muncy Creek Township, **Lycoming County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857 on behalf of T.B. Disposal submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Isopropylbenzene, Napthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether, Lead, Benzo(a) anthracene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Former Tamaqua Junior High School**, 234 High Street, Tamaqua, PA 18252, Tamaqua Borough, **Schuylkill County**, Alfred C. Guisepppe, SSM Group Inc., has submitted a Final Report on behalf of his clients, Lehigh Carbon Community College Foundation Inc., 4525 Education Park Drive, concerning the remediation of soil due to removal of an Underground Storage Tank. The applicant proposes to remediate the site to meet the Used-Aquifer Statewide Health Standard for soil. The intended use of the site will be for residential purposes. A summary of the Final Report was published in *The Republican-Herald* on July 24, 2014.

**710 Chestnut Street Property**, 710 Chestnut St. Freeland, PA 18224, Freeland Borough, **Luzerne County**, Scott R. Morgan, Groundwater Sciences Corp., has submitted a Remedial Investigation Report and Final Report on behalf of his client, James Malloy, 844 Strawberry Lane, Langhorne, PA 19047, concerning the remediation of #2 Fuel Oil from groundwater and soil due to vandalism. The applicant proposes to remediate the site to meet the Site Specific Standard for soil. The intended use of the site will be for residential purposes. A summary of the Final Report was published in *The Citizens Voice* on June 14, 2014.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Phil Walsh Residence**, 443 McCormick Road, Mechanicsburg, PA 17055, Upper Allen Township, **Cumberland County**. Cardno, 2 Gunpowder Road, Mechanicsburg, PA 17050, on behalf of Susquehanna Oil Company, 1105 Shaffer Road, Dillsburg, PA 17019, and Phil Walsh, 443 McCormick Road, Mechanicsburg, PA 17055 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.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the



appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**T.B. Disposal**, I-80 @ Exit 13W, Muncy Creek Township, **Lycoming County**. Northridge Group Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of T.B. Disposal submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Isopropylbenzene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether, Lead, Benzo(a) anthracene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on July 25, 2014.

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Szymanski Residence**, 132 Meadowridge Acres Road, Milford, PA 18337, Delaware Township, **Pike County**, Kevin D. Orabone, Applied Service Corp., has submitted a Notice of Intent to Remediate and a Final Report on behalf of his clients, James Szymanski & Elisabeth Cologne, 132 Meadowridge Acres Road, Milford, PA 18337, concerning the remediation of soil due to removal of corroded Underground Storage Tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standards for soil. The report documented attainment of the Statewide Health Standards for soils and was approved on July 30, 2014.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Diana Herbst Property**, 20 Barto Road, Barto, PA, Washington Township, **Berks County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Diana Herbst, 20 Barto Road, Barto, PA 17504, submitted a Final Report concerning the remediation of 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 July 31, 2014.

**Christian Thorne Property**, 3 Poplar Avenue, Temple, PA 19560, Alsace Township, **Berks County**. Liberty Environmental, Inc., 50 North Fifth Street, 5th Floor, Reading, PA 19601, on behalf of Christian Thorne, 3 Poplar Avenue, Temple, PA 19560, 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 July 15, 2014.

**Walmar Manor, LLC**, 6 Walmar Manor, Dillsburg, PA 17019, Franklin Township, **York County**. EP&S of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 17111, on behalf of Walmar Manor, LLC, 125 Walmar Manor, Dillsburg, PA 17019 and Raynor Environmental Enterprises, 1006 Hammond Bend Road, Chapel Hill, NC 27517, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on July 29, 2014.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Erie County Convention Center Authority Bayfront Site** (Former GAF Materials Corporation), 218 West Bayfront Parkway, City of Erie, **Erie County**. AMEC Environmental & Infrastructure, Inc., 800 N. Bell Avenue, Suite 200, Pittsburgh, PA 15106, on behalf of Erie County Convention Center Authority, submitted a Final Report concerning the remediation of site soil contaminated with arsenic, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[g,h,i]perylene, carbazole, chrysene, dibenzo(a,h)anthracene, dibenzofuran, indeno[1,2,3-cd]pyrene, 2-methylnaphthalene, fluoranthene, 4-methylphenol[p-cresol], naphthalene, 4-nitroaniline, and 1,3,5-trimethylbenzene and site groundwater contaminated with iron, aluminum, 2-methylnaphthalene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, benzo[k]fluoranthene, chrysene, 2,4-dichlorophenol, dibenzo(a,h)anthracene, fluoranthene, indeno[1,2,3-cd]pyrene, phenanthrene, pyrene, 4-methylphenol[p-cresol], naphthalene, and benzene. The Report was disapproved by the Department on July 30, 2014.

**OMG Americas**, 240 Two Mile Run Road, Sugarcreek Borough, **Venango County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of OMG Americas, Inc., 240 Two Mile Run Road, Franklin, PA 16323, submitted a Final Report concerning the remediation of site soil contaminated with Lead and site groundwater contaminated with Benzene and Naphthalene. The Final Report demonstrated attainment of the Site-Specific standard, and was approved by the Department on July 30, 2014.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Range Resources-Appalachia, LLC**. Yeager Well Pad, McAdams Road, Amwell Township, **Washington County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Range Resources, 3000 Town Center Blvd., Canonsburg, PA 15317 submitted a Final Report concerning the remediation of site soils contaminated with drilling fluid/mud. The Final Report demonstrated attainment of the residential Statewide Health Standard for soils and was approved by the Department on August 1, 2014.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Permits issued 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.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401*

**PAD002387926. Merck Sharp & Dohme Corp**, 770 Summeytown Pike, West Point PA 19486. This application is for the 10-year permit renewal to continue operation of the solid waste permit (PAD002387926) of the RCRA Part B Permit and the Class 1 permit modification reflecting a corporate reorganization from "Merck & Company, Inc." to "Merck Sharp & Dohme Corporation" for the captive hazardous waste storage facility located at Merck Sharp & Dohme Corporation's West Point facility in Upper



Gwynedd Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on July 29, 2014.

### HAZARDOUS WASTE ACTION

**Proposed action on an application for a permit under the Solid Waste Management Act and regulations to operate a hazardous treatment, storage or disposal waste facility.**

#### *Intent to Renew Permit*

*Southwest Region: Regional Waste Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. PAD982576258. Safety-Kleen Systems, Inc.**, West Mifflin Service Center, 650 Noble Drive, West Mifflin, PA 15122. Operation of a hazardous waste storage facility located in West Mifflin Borough, **Allegheny County**. The application for the renewal of a permit to store hazardous waste was considered for intent to approve by the Regional Office on August 4 2014.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

### RESIDUAL WASTE GENERAL PERMITS

**Permit(s) Amended Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Number WMGR019. General Permit Number WMGR019** authorized beneficial use of waste foundry sand for use as roadway construction material, a component or ingredient in the manufacturing of concrete or asphalt products, a soil additive or soil substitute and for non-roadway construction activity. On January 13, 2014, a request was received from Donsco Inc., 124 N Front St, PO Box 2001, Wrightsville, PA 17368-0040 to amend General Permit Number WMGR019 to include beneficial use of system dust, slag and refractory generated by ferrous metal foundries. The general permit was amended by Central Office on July 29, 2014.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170,

717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

### RESIDUAL WASTE GENERAL PERMITS

**Permit Issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGR097R025, Range Resources—Appalachia, LLC**, 100 Throckmorton Street, Fort Worth, TX 76102. The registration to operate under General Permit Number WMGR097R025 is for research and development activities to support the beneficial use or processing prior to beneficial use. The project involves the beneficial use of vertical drill cutting from natural gas wells as an aggregate in a stabilized soil pavement for construction of Marcellus Shale and Utica well pads and access roads. The registration was issued by Central Office on August 1, 2014.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**GP3-58-017: Meshoppen Stone, Inc.** (P. O. Box 127, Meshoppen, PA 18630) on July 23, 2014, to construct and operate a portable stone crushing plant at their facility in Oakland Township, **Susquehanna County**.

**GP5-58-015: Williams Field Service Co., LLC** (310 State Route 29 North, Tunkhannock, PA 18657) on March 6, 2014, to operate existing equipment permitted under plan approval and to construct and operate additional equipment at the Natural Gas Compression Station at their Central Compressor Station, Bridgewater/Brooklyn Township, **Susquehanna County**.

**GP5-58-018: Williams Field Service Co., LLC** (310 State Route 29 North, Tunkhannock, PA 18657) on February 25, 2014, to operate existing equipment permitted under plan approval and to construct and operate additional equipment at their Natural Gas Compression Station at their Zick Compressor Station, Lenox Township, **Susquehanna County**.

**GP9-58-027: Meshoppen Stone, Inc.** (P. O. Box 127, Meshoppen, PA 18630) on July 23, 2014, to construct and operate diesel fired internal combustion engines at their facility in Oakland Township, **Susquehanna County**.

**GP3-45-005: Bill Barry Excavating Inc.** (174 Quarry Lane, Cresco, PA 18326) on July 8, 2014 to construct and operate a portable crushing operation with water sprays at their Cresco Quarry in Barrett Township, **Monroe County**.

**GP9-45-006: Bill Barry Excavating, Inc.** (174 Quarry Lane, Cresco, PA 18326) on July 25, 2014, to install and operate two (2) Diesel I/C engines at the Cresco quarry Barrett Township, **Monroe County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**GP1-36-03168A: Franklin & Marshall College** (415 Harrisburg Avenue, Lancaster, PA 17604-3003) on July 25, 2014, for three (3) existing natural gas/#2 oil-fired boilers, under GP1, at the facility in City of Lancaster, **Lancaster County**. The general permit authorization was renewed.

**GP1-67-03159: Precision Custom Components, LLC** (500 Lincoln Street, PO Box 15101, York, PA 17405-7101) on July 30, 2014, for their two (2) existing natural gas/#2 oil-fired boilers at the York City, **York County** facility. The general permit authorization was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**GP3-41-722: Glenn O Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on June 3, 2014, to construct and operate a 500 TPH Kolberg model FT2650 portable crushing unit under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Minnier Quarry in McNett Township, **Lycoming County**.

**GP11-41-722: Glenn O Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on June 3, 2014, to construct and operate a 300 bhp CAT model JSC 05460 diesel-fired engine under the General Plan Approval and General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) at their Minnier Quarry in McNett Township, **Lycoming County**.

*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*

**GP3-56-00318: Northledge, LLC** (925 Harvard Avenue, Bethlehem, PA 18015) on July 29, 2014, for authorization to install and operate a nonmetallic mineral processing plant located in Jefferson Township, **Somerset County**.

**GP9-56-00318: Northledge, LLC** (925 Harvard Avenue, Bethlehem, PA 18015) on July 29, 2014, for authorization to install and operate two (2) diesel-fired engines to power a nonmetallic mineral processing plant located in Jefferson Township, **Somerset County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**GP5-10-380A: Mountain Gathering LLC—Jefferson Compressor Station** (910 Saxonburg Road, Butler, PA 16002) on July 29, 2014, to construct and/or operate of a 0.375 MMBtu/hr TEG Dehydrator and 4 (four) storage tanks (BAQ-GPA/GP5) in Jefferson Township, **Butler County**.

**GP5-10-390B: MarkWest Liberty Bluestone LLC—Royal Oak Compressor Station** (961 Brownsdale Rd, Evans City, PA 16033) on July 24, 2014, to construct and operate of 2 (two) natural gas fired compressor engines (Caterpillar G3612LE TA) (BAQ-GPA/GP5) in Forward Township, **Butler County**.

**GP5-16-145C: Exco Resources (PA) LLC—Schu-maker Compressor Station** (Route 861 & Curlsville Road, New Bethlehem, PA) on July 25, 2014, to construct and operate of 1 (one) Natco Natural Gas Dehydrator (Serial# EL 9E03801-03, TEG) which is associated with 0.25 mmBtu/hr Boiler, 1 (one) Lean Burn Four Stroke Natural Gas Engine (Waukesha Model F 18GL-B rated 375 bhp/hr), 1 (one) 8,400 gallon produced water storage tank (Source Id-Tank 1), 2 (two) 4,200 gallon produced water storage tanks (Source Ids- Tank 2 and Tank-3), 1 (one) 300 gallon methanol storage tank (Source ID Tank-5), and 1 (one) 300 gallon reboiler byproduct/produced water storage tank (Source ID Tank-6) (BAQ-GPA/GP5) in Porter Township, **Clarion County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**58-00015A: Hop Bottom Energy LLC** (6051 Wallace Road Ext Ste 100, Wexford PA 15090-7386) on July 29, 2014, to install and operate five (5) Jenbacher IC engines with OxCat/SCR at a site in Lenox Township, **Susquehanna County**.

**40-00121A: Greater Hazleton Joint Sewer Authority** (P O Box 651, Hazleton, PA 18201) on July 16, 2014, to install and operate a fluidized bed incinerator and associated control devices to control emissions from sewage sludge incineration process at the facility in West Hazleton Borough, **Luzerne County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**ER-28-05002H: Letterkenny Army Depot** (1 Overcash Avenue, Chambersburg, PA 17201) on July 29, 2014, for an Air Quality Emission Reduction Credit (ERC) approval of 12.28 tons of volatile organic compounds (VOC) from the shutdown of two Coating Booths (Sources 102 and 103), at the military facility in Letterkenny Township, **Franklin County**.

**21-05040E: New Enterprise Stone & Lime Co., Inc. d/b/a Valley Quarries, Inc.** (P. O. Box 2009, Chambersburg, PA 17201) on July 29, 2014, for the addition of waste-derived liquid fuel (WDLF) oil as a burner fuel firing option for the existing drum mix asphalt plant at the Shippensburg Blacktop Plant in Southampton Township, **Cumberland County**.



**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920*

**23-0003S: Monroe Energy, LLC.** (4101 Post Road, Trainer, PA 19061) on July 29, 2014, for operation of a flare gas recovery system in Trainer Borough, **Delaware County**.

**09-0024J: Waste Management of Pennsylvania, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) on July 29, 2014, for operation of a landfill gas collection and treatment systems in Tullytown Township, **Bucks County**.

**09-0184: Doylestown Hospital** (595 W. State Street, Doylestown, PA 18901) on July 31, 2014, for a minor modification to plan approval 09-0184, which revised the conditions of Source ID 102, an existing natural gas-fired, 1435 BHP internal combustion engine and generator set (750 kW), installed with an oxidation catalyst and selective catalytic reduction system in Doylestown Township, **Bucks County**. A percent VOC control reduction efficiency requirement was removed and was replaced with a VOC concentration limit. Also, a CO concentration limit was added in accordance with the requirements of RICE MACT, Subpart ZZZZ. No physical modifications to the source or the control devices have taken place. Doylestown Hospital shall continue to operate this source in accordance with all requirements of Plan Approval 09-0184 and State Only Operating Permit 09-00184.

**15-0143: Phoenixville Crematory, Inc.**, (610 Main Street, Phoenixville, PA 19460) on July 31, 2014, to amend the Plan Approval which was for the installation of a human crematory at the existing Campbell-Ennis-Klotzbach Funeral Home in Phoenixville Borough, **Ches-ter County**. The amendment now allows for repositioning of the charge and includes conditions to be followed when repositioning is required. The crematory is a dual chamber unit manufactured by Matthews Cremation Division. The Crematory contains the best available technology, to include; maximum operating temperatures, retention times, and using natural gas as a fuel. The amended Plan Approval still contains work practice standards, monitoring and recordkeeping requirements, and operating restrictions designed to keep the sources and facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**22-05005A: NRG Energy Center Paxton LLC** (101 N 10th Street, Harrisburg, PA 17101) on July 28, 2014, for installation of Carbon Monoxide (CO) Oxidation Catalysts on the facility's two existing non-emergency Stationary RICE located in Harrisburg City, **Dauphin County**. The plan approval was extended.

**28-05046A: Sunset Industrial Applications, Inc.** (1445 Sheffler Drive, Chambersburg, PA 17201) on July 30, 2014, to install two paint booths at the surface coating facility in Chambersburg Borough, **Franklin County**. The plan approval was extended, with a compliance schedule.

**06-05115B: Granger Energy of Morgantown, LLC** (16980 Wood Road, Lansing, MI 48906-1044) on July 30, 2014, for modification to existing Plan Approval No. 06-05115B, issued on July 11, 2013, to install two (2) landfill gas-fired engines, two (2) additional compressors and one (1) 2,000 acfm enclosed flare in Caernarvon Township, **Berks County**. The Plan Approval modification will remove the requirements for the pre-test sampling of HAPs at the inlet of the two (2) approved landfill gas-fired engine generator sets, and the removal of stack testing requirements for HAPs other than formaldehyde.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**08-00016B: Dalrymple Gravel & Contracting Co., Inc.** (2105 South Broadway, Pine City, NY 14871) on July 25, 2014, to extend authorization to operate the sources pursuant to the plan approval an additional 180 days from August 26, 2014 to February 22, 2015 in Athens Township, **Bradford County**. The plan approval has been extended.

**08-00016C: Dalrymple Gravel & Contracting Co., Inc.** (2105 South Broadway, Pine City, NY 14871) on July 25, 2014, to extend authorization to operate the sources pursuant to the plan approval an additional 180 days from August 26, 2014 to February 22, 2015 in Athens Township, **Bradford County**. The plan approval has been extended.

**41-00025C: Lycoming County Resource Management Services** (P. O. Box 187, Montgomery, PA 17752) on July 8, 2014, to extend authorization to operate the sources pursuant to the plan approval an additional 180 days from July 19, 2014 to January 15, 2015 in Brady Township, **Lycoming County**. The plan approval has been extended.

**49-00002A: ConAgra Grocery Products** (30 Marr Street, Milton, PA 17847) on July 8, 2014, to extend authorization to operate the sources pursuant to the plan approval an additional 180 days from July 7, 2014 to January 4, 2015 in Milton Borough, **Northumberland County**. The plan approval has been extended.

**08-00044B: Barefoot Pellets Co.** (PO Box 96, Troy, PA 16947) on June 9, 2014, to extend authorization to operate the sources pursuant to the plan approval an additional 180 days from June 9, 2014 to December 5, 2014 in Troy Borough, **Bradford County**. The plan approval has been extended.

*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*

**04-00699G: National Gypsum Company, Inc.** (P.O. Box 346, Shippingport, PA 15077-0346) Plan Approval Extension issuance date effective August 04, 2014, to extend the temporary operation to facilitate the shake-down of sources, at their Wallboard Manufacturing Facility located in Shippingport Borough, **Beaver County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**33-172A: Original Fuels, Inc.** (St Jacobs Church Road, Punxsutawney, PA 15767) on July 29, 2014, effective July 31, 2014, will issue a plan approval extension

for the modification of conditions for Source 101 (Primary Diesel Generator) operating under the GP9 in Perry Township, **Jefferson County**. This is a State Only facility.

**37-300B: North American Forgemasters** (710 Moravia Street, New Castle, PA 16101) on July 31, 2014, effective August 31, 2014, will issue a plan approval extension for the construction of two additional forge furnaces to provide capacity during the subsequent furnace removal and the construction of six new forge furnaces which will replace six existing forge furnaces in New Castle City, **Lawrence County**. This is a State Only facility.

**62-185A: Berenfield Containers Inc.** (304 Main Avenue, Warren, PA 16365) on July 29, 2014, effective August 31, 2014, will issue a plan approval extension for the construction of a metal container manufacturing facility. The inside liner coating and exterior paint will be applied using high volume, low pressure (HVLP) spray guns in spray booths. Emissions from spray booths will be controlled by fiber filter pads. A recuperative thermal oxidizer (RTO) will be used to control VOC emissions from the curing process. This facility will be located in the City of Warren, **Warren County**.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**40-00004: Silgan White Cap Inc.—Hazleton Plant** (W395N5701 Frontier Road, Oconomowoc, WI 53066-2174) on July 29, 2014, for manufacturing of crowns and closures in Hazle Township, **Luzerne County**. This is a renewal of the Title V Operating Permit. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G.

The main sources at this facility are two (2) printing/coating lines and three (3) coating lines. The VOC emissions from these sources are controlled by two (2) regenerative thermal oxidizers. The Title V permit includes Compliance Assurance Monitoring (CAM) plans for the thermal oxidizers. The Title V Operating Permit shall include emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**05-05021: Hill & Smith Holdings, Inc.** (214 Industrial Lane, Alum Bank, PA 15521-8304) on July 29, 2014, for their fiberglass reinforced plastic composite products manufacturing facility in West Saint Clair Township, **Bedford County**. The Title V permit was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**47-00003: DPW—Danville State Hospital** (200 State Hospital Drive, Danville, PA 17821-9198) on July 23, 2014, Title V operating permit (TVOP) for their facility in Mahoning Township, **Montour County**. All of the applicable Federal and State regulatory requirements, including testing, monitoring, recordkeeping, reporting and work practice conditions to assure compliance with the applicable requirements, have been included in TVOP 47-00003.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.*

**01-05004: NRG REMA, LLC** (121 Champion Way, Canonsburg, PA 15317-5817) on July 28, 2014, for the Hamilton electric generating station in Hamilton Township, **Adams County**. The State-only permit was renewed.

**67-05028: NRG REMA, LLC** (121 Champion Way, Canonsburg, PA 15317-5817) on July 28, 2014, for the Tolna electric generating station in Hopewell Township, **York County**. The State-only permit was renewed.

**01-05006: NRG REMA, LLC** (121 Champion Way, Canonsburg, PA 15317-5817) on July 28, 2014, for the Orrtanna electric generating station in Highland Township, **Adams County**. The State-only permit was renewed.

**36-03024: Astro Machine Works, Inc.** (470 Ephrata Drive, Ephrata, PA 17522-9269) on July 29, 2014, for their custom machine manufacturing facility in Ephrata Borough, **Lancaster County**. The State-only permit was renewed.

**06-05087: Haines & Kibblehouse, Inc.** (2052 Lucon Road, PO Box 196, Skippack, PA 19474) on July 28, 2014, for the Bechtelsville asphalt plant in Colebrookdale Township, **Berks County**. The State-only permit was renewed.

**06-03069: Highway Materials, Inc.** (PO Box 1667, Blue Ball, PA 19422-0465) on July 28, 2014, for the stone crushing plant at the Temple Quarry in Alsace Township, **Berks County**. The State-only permit was renewed.

**06-05092: Reading Materials, Inc.** (2052 Lucon Road, PO Box 196, Skippack, PA 19474) on July 28, 2014, for the South Reading asphalt plant in Cumru Township, **Berks County**. The State-only permit was renewed.

**21-03049: Pyrotek, Inc.** (1285 Claremont Road, Carlisle, PA 17013-9727) on July 31, 2014, for their refractory insulation products manufacturing facility in Middlesex Township, **Cumberland County**. The State-only permit was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**08-00019: Bimbo Bakeries USA, Inc.** (901 North Elmer Avenue, P. O. Box 158, Sayre, PA 18840-0158) on August 4, 2014, to issue the State Only (Synthetic Minor) Operating Permit for their Sayre Plant facility in Sayre Borough, **Bradford County**. The State Only (Synthetic Minor) operating permit contains requirements including



monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**25-01025: Erie Cemetery Association** (2116 Chestnut Street, Erie, PA 16502) on July 29, 2014, to issue a Natural Minor Operating Permit to operate cemetery services with a crematory facility in City of Erie, **Erie County**. The emitting source of the facility include: 1) Crematory #1, Jones Crematory Company, Model # JO-1-GM, 150 lbs/hr. and, 2) Crematory #2, Jones Crematory Company, Model # JO-1-GM, 150 lbs/hr. This is a Natural Minor facility due to its potential to emit of pollutants are less than the Title V threshold limits. The potential emission of Particulate Matter from the facility reported in the initial natural minor permit application, 0.1 gr / dry std. ft<sup>3</sup>. The potential emissions for the other criteria pollutants are less than 1 TPY each.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00108: Highway Materials, Inc.** (1128 Crusher Road, Perkiomenville, PA 18074) On July 31, 2014, located in Marlborough Township, **Montgomery County**. The operating permit was amended to incorporate requirements of Plan Approval 46-0108C for a replacement secondary cone crusher, into the facility's State Only Operating Permit, 46-00108. This Administrative Amendment is issued in accordance with the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

*Coal Permits Issued*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**56950702 and NPDES No. PA0214914. PBS Coals, Inc.**, (PO Box 260, Friedens, PA 15541). To renew the permit for the Cambria Refuse Disposal Area in Stonycreek Township, **Somerset County** and related NPDES permit. No additional discharges. The application was considered administratively complete on September 6, 2012. Application received July 9, 2012. Permit issued July 31, 2014.

**56951301 and NPDES No. PA0214850. RoxCOAL**, (PO Box 149, Friedens, PA 15541). To renew the permit for the Agustus Mine in Shade and Stonycreek Townships, **Somerset County** and related NPDES permit. No additional discharges. The application was considered administratively complete on April 23, 2012. Application received October 31, 2011. Permit issued July 30, 2014.

**30841317. Consol Pennsylvania Coal Company, LLC**, (1525 Pleasant Grove Road, PO Box J. Claysville, PA 15323). To revise the permit for the Enlow Fork Mine in Morris Township, **Washington County**, ACOE Pittsburgh, (Prosperity, PA Quadrangle located at 40° 2' 55.2" N, -80° 20' 58.7" W). This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15, submitted as part of the mining permit revision application to authorize the stream restoration to approximately 4382 linear feet of an unnamed tributary to Crafts Creek to restore flow from longwall mining. Restoration site is located approximately 2.7 miles northeast of Crafts Creek Road and Ealy Road intersection. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of sections 301—303, 306, and 307 of the Federal Water Pollution Control Act (33 USCA § 1341) and will not violate Federal and State water quality standards. The application was considered administratively complete on October 31, 2013. Application received August 29, 2013. Permit issued July 30, 2014.

**30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company, LLC**, (1525 Pleasant Grove Rd., PO Box J, Claysville, PA 15323). To revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** to install a borehole and waterline at the Oak Spring Slope and Supply Yard. Surface Acres Proposed 1.2. No additional discharges. The application was considered administratively complete on March 11, 2014. Application received December 13, 2013. Permit issued July 30, 2014.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**26090105 and NPDES Permit No. PA0251739. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Menallen Township, **Fayette County**, affecting 202.4 acres. Receiving streams: unnamed tributaries to Dunlap Creek. Application received: June 6, 2014. Permit issued: July 29, 2014.

**02030101 and NPDES Permit No. PA0250414. Teodori Enterprises** (P. O. Box 917, McMurray, PA 15317). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in North Fayette Township, **Allegheny County**, affecting 155.4 acres. Receiving streams: unnamed tributaries to North Branch and North Branch of Robinson Run. Application received: May 14, 2014. Permit issued: July 30, 2014.

**02090101 and NPDES Permit No. PA0251585. Neiswonger Construction, Inc.** (17592 Route 322,

Strattanville, PA 16258). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Jefferson Hills Borough, **Allegheny County**, affecting 79.9 acres. Receiving streams: unnamed tributaries to Monongahela River. Application received: May 5, 2014. Permit issued: July 30, 2014.

**26890103 and NPDES Permit No. PA0591327. Durant Excavating Co.** (18 N. Ross Street, Masonstown, PA 15461). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 32 acres. Receiving streams: unnamed tributaries to Cats Run. Application received: May 12, 2014. Permit issued: July 30, 2014.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17753180 and NPDES PA0609439. Penn Coal Land, Inc.** (P. O. Box 68, Boswell, PA 15531). Permit renewal issued for reclamation only to an existing bituminous surface mine located in Boggs Township, **Clearfield County** affecting 140.0 acres. Receiving stream: Laurel Run classified for the following use(s): Cold Water Fishes and Migratory Fishes. Application received: April 14, 2014. Permit issued: July 31, 2014.

**17020113 and NPDES No. PA0243353. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866). Permit renewal for the continued operation and restorations of an existing bituminous surface mine located in Decatur Township, **Clearfield County** affecting 114.0 acres. Receiving stream(s): Unnamed Tributaries to Laurel Run to Moshannon Creek classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 4, 2014. Permit issued: July 28, 2014.

**17743165. RES Coal LLC** (224 Grange Hall Road, Armagh, PA 15920). Permit renewal for reclamation only of a bituminous surface mine located in Boggs Township, **Clearfield County** affecting 164.4 acres. Receiving stream: Clearfield Creek classified for the following use(s): Cold Water Fishes. Application received: June 19, 2014. Permit issued: July 29, 2014.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 54070201R. Whitey Wash Enterprises,** (PO Box 47 Ashland, PA 17921), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Reilly Township, **Schuylkill County** affecting 56.2 acres, receiving stream: Muddy Branch. Application received: November 27, 2012. Renewal issued: July 28, 2014.

**Permit No. 54070201GP104R. Whitey Wash Enterprises,** (PO Box 47 Ashland, PA 17921), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54070201 in Reilly Township, **Schuylkill County**, receiving stream: Muddy Run. Application received: May 30, 2014. Permit issued: July 28, 2014.

**Permit No. 49080101R. John P. Shingara,** (6624 SR 225, Shamokin, PA 17872), renewal of an existing anthracite surface mine operation in Zerbe Township, **Northumberland County** affecting 108.5 acres, receiving stream: Zerbe Run. Application received: August 20, 2013. Renewal issued: July 28, 2014.

**Permit No. 49080101GP104. John P. Shingara,** (6624 SR 225, Shamokin, PA 17872), General NPDES Stormwater Permit for stormwater discharges associated

with mining activities on Surface Mining Permit No. 49080101 in Zerbe Township, **Northumberland County**, receiving stream: Zerbe Run. Application received: August 20, 2013. Permit issued: July 28, 2014.

**Permit No. 49851603R5. Pac 23 Mining Co., Inc.,** (6370 SR 61, Shamokin, PA 17872), renewal of an existing anthracite coal preparation plant operation in Ralpho Township, **Northumberland County** affecting 9.1 acres, receiving stream: Shamokin Creek. Application received: November 14, 2011. Renewal issued: July 29, 2014.

**Permit No. 49851603GP104. Pac 23 Mining Co., Inc.,** (6370 SR 61, Shamokin, PA 17872), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49851603 in Ralpho Township, **Northumberland County**, receiving stream: Shamokin Creek. Application received: November 14, 2011. Permit issued: July 29, 2014.

**Permit No. 49851603T3. Pac 23 Mining Co., Inc.,** (6370 SR 61, Shamokin, PA 17872), transfer of an existing anthracite coal preparation plant operation in Ralpho Township, **Northumberland County** affecting 9.1 acres, receiving stream: Shamokin Creek. June 3, 2013. Transfer issued: July 29, 2014.

**Permit No. 49-305-004GP12. Pac 23 Mining Co., Inc.,** (6370 SR 61, Shamokin, PA 17872), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 49851603 in Ralpho Township, **Northumberland County**. Application received: February 10, 2014. Permit issued: July 29, 2014.

#### *Noncoal Permits Issued*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08142801. Johnson Quarries, Inc.** (P. O. Box 136, LeRaysville, PA 18829). Commencement, operation and restoration of a small industrial minerals (bluestone) operation in Warren Township, **Bradford County** affecting 5.0 acres. Receiving stream(s): Unnamed Tributary to Corbin Creek. Application received: February 5, 2014. Permit issued: July 31, 2014.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 48870301C8 and NPDES Permit No. PA0593893.** (PO Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Mt. Bethel Township, **Northampton County** affecting 285.14 acres, receiving streams: Delaware River and Mud Run. Application received: June 1, 2012. Renewal issued: July 29, 2014.

**Permit No. 48870301C10 and NPDES Permit No. PA0593893.** (PO Box 196, Skippack, PA 19474), depth correction, NPDES Permit update and reduction of permitted acres from (291.24 acres) of a quarry operation in Lower Mt. Bethel Township, **Northampton County** affecting 285.14 acres, receiving streams: Delaware River and Mud Run. Application received: August 13, 2012. Correction issued: July 29, 2014.

**Permit No. 54120301. Summit Anthracite, Inc.,** (196 Vista Road, Klingerstown, PA 17941), commencement, operation and restoration of a quarry operation in Porter Township, **Schuylkill County** affecting 226.0 acres, receiving stream: East Branch Rausch Creek. Application received: October 31, 2012. Permit issued: July 31, 2014.



**Permit No. 54120301GP104. Summit Anthracite, Inc.**, (196 Vista Road, Klingerstown, PA 17941), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54120301 in Porter Township, **Schuylkill County**, receiving stream: East Branch Rausch Creek. Application received: October 31, 2012. Permit issued: July 31, 2014.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Issued*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**02144101. Wampum Hardware Co.** (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for the construction of the Royale Mile Corp., located in Franklin Park Borough, **Allegheny County** with an exploration date of December 31, 2014. Blasting permit issued: July 23, 2014.

**63144004. KESCO, Inc.** (215 South Main Street, Suite 2, Zelenople, PA 16063). Blasting activity permit for the construction of the Street of Meadows hotel, located in North Strabane Township, **Washington County** with an exploration date of December 31, 2014. Blasting permit issued: July 30, 2014.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08144109. Maurer & Scott Sales, Inc.** (122 Thomas Street, Coopersburg, PA 18036-2100). Blasting to construct a natural gas compressor station located in Canton Township, **Bradford County** with an expiration date of December 31, 2014. Permit issued: July 30, 2014.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 06144113. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Western Berks Landfill in Cumru Township, **Berks County** with an expiration date of July 24, 2015. Permit issued: July 29, 2014.

**Permit No. 06144114. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Willow Glen in Maiden creek and Ontelaunee Townships, **Berks County** with an expiration date of July 30, 2015. Permit issued: July 29, 2014.

**Permit No. 36144136. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Weatherburn Commons East Meadows in Manheim Township, **Lancaster County** with an expiration date of July 25, 2015. Permit issued: July 29, 2014.

**Permit No. 36144137. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Laurel Pond in Manheim Township, **Lancaster County** with an expiration date of July 30, 2015. Permit issued: July 29, 2014.

**Permit No. 36144139. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Grandview Development in Manheim Township, **Lancaster County** with an expiration date of July 30, 2015. Permit issued: July 29, 2014.

**Permit No. 36144138. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Kolbacre Ridge in East Lampeter Township, **Lancaster County** with an expiration date of July 30, 2015. Permit issued: July 30, 2014.

**Permit No. 36144140. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Wade Rohrer dwelling in Rapho Township, **Lancaster County** with an expiration date of August 30, 2014. Permit issued: July 30, 2014.

**Permit No. 54144154. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for SWN Range Unit 40 pad and access road in New Milford Township, **Susquehanna County** with an expiration date of October 31, 2014. Permit issued: July 30, 2014.

**Permit No. 23144102. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Concord Spring Valley in Concord Township, **Delaware County** with an expiration date of July 28, 2015. Permit issued: July 31, 2014.

**Permit No. 36144141. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Lititz Reserves in Warwick Township, **Lancaster County** with an expiration date of July 31, 2015. Permit issued: July 31, 2014.

**Permit No. 38144109. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for John Horning Silo Trench in South Annville Township, **Lebanon County** with an expiration date of October 30, 2014. Permit issued: July 31, 2014.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form

and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E51-261. City of Philadelphia**, Philadelphia International Airport, Terminal D-E, Philadelphia International Airport, Philadelphia PA 19153.

To place and maintain fill within the 100-year floodplain of the Delaware River associated with the Philadelphia International Airport (PHL) Capacity Enhancement Program (CEP) design for Project 1 of the Stage 1 Airfield Development. PHL CEP Project 1 involves the realignment of existing taxiway H and establishing Taxiway EE (north).

The site is located in Philadelphia Quadrangle Lat. 39° 52' 42" N; Long. 75° 13' 55" W in Philadelphia and Delaware Counties, PA.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E36-924: Alecxih City Holdings, LLC**, 2372 Franklin Road, Columbia, PA 17512 in Manheim Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District

To 1) Construct and maintain a 55.0-foot long by 5.0-foot wide pedestrian bridge over Bachman Run (TSF-MF); 2) Construct and maintain a swale lined with R-5 rip-rap in the floodway of Bachman Run (TSF-MF); and 3) Install and maintain an 8.0-inch PVC sanitary sewer line across an unnamed tributary to Bachman Run (TSF-MF), all for the purpose of providing safe access to a pedestrian trail system. The project is located near the Petersburg Road (SR 0722) crossing of Bachman Run (Latitude 40°06'22.66", Longitude -76°19'32.40") in Manheim Township, Lancaster County. No wetlands will be impacted by this project. The permit was issued on July 31, 2014.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E49-330. Borough of Northumberland**, 175 Orange Street, Northumberland, PA 17857-1669. Northumberland Waste Water Treatment Plant Upgrade, in Northumberland Borough, **Northumberland County**, ACOE Baltimore District (Northumberland, PA Quadrangle Latitude: 40-53-5; Longitude: -76-47-40).

To demolish and remove in its entirety, two chlorine tanks, three clarifier tanks, three aeration tanks and 420 linear feet of access roadway paving. The construction, operation and maintenance of two at grade storm water bio-retention areas, a permanent vegetated swale and a level spreader within the floodway of the Susquehanna River. This permit also authorizes the construction, operation and maintenance of one, chlorine contact tank assembly, two final clarifier tanks, three vertical loop reactor tanks, two aerobic digester tanks, a return activated sludge/waste activated sludge pump building and associated grading in the flood fringe of the Susquehanna River. This project is located at 100 Water Street, Northumberland, PA.

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5829-067: Gibson Township, Williams Field Services Company, LLC**; Park Place Corporate Center 2, 2000 Commerce Park Drive, Pittsburgh, PA 15275; Gibson Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary timber bridge crossing impacting 15 linear feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; N 41° 47' 32" Lat., W -75° 38' 26" Long.),

2) a 10-inch diameter natural gas pipeline and temporary timber bridge crossing impacting 18 linear feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; N 41° 47' 05" Lat., W -75° 38' 45" Long.),

3) a 10-inch diameter natural gas pipeline and temporary timber bridge crossing impacting 96 linear feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; N 41° 47' 01" Lat., W -75° 38' 49" Long.),

4) a 10-inch diameter natural gas pipeline and temporary timber bridge crossing impacting 71 linear feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; N 41° 46' 55" Lat., W -75° 38' 54" Long.),

5) a 10-inch diameter natural gas pipeline and permanent access road crossing consisting of 6 - 15 inch diameter culverts impacting 69 linear feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; N 41° 46' 48" Lat., W -75° 38' 58" Long.),

6) a 10-inch diameter natural gas pipeline and permanent access road crossing consisting of 7 - 15 inch diameter culverts impacting 84 linear feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; N 41° 46' 47" Lat., W -75° 39' 00" Long.),

7) a 10-inch diameter natural gas pipeline and permanent access road crossing consisting of 6 - 15 inch diameter culverts impacting 83 linear feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; N 41° 46' 47" Lat., W -75° 39' 00" Long.),

8) a 10-inch diameter natural gas pipeline and permanent access road crossing consisting of 8 - 15 inch



diameter culverts impacting 82 linear feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; N 41° 46' 46" Lat., W -75° 39' 02" Long.),

9) a 10-inch diameter natural gas pipeline and permanent access road crossing consisting of 3 - 15 inch diameter culverts impacting 81 linear feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; N 41° 46' 46" Lat., W -75° 39' 07" Long.),

10) a 10-inch diameter natural gas pipeline and permanent access road crossing consisting of 7 - 15 inch diameter culverts impacting 567 square feet (0.01 acre) of PFO wetlands (Harford, PA Quadrangle; N 41° 46' 47" Lat., W -75° 39' 00" Long.),

11) a 10-inch diameter natural gas pipeline and permanent access road crossing consisting of 3 - 15 inch diameter culverts impacting 5,078 square feet (0.12 acre) of PFO wetlands (Harford, PA Quadrangle; N 41° 46' 46" Lat., W -75° 39' 07" Long.).

The project consists of constructing approximately 8,148 lineal feet (1.54 miles) of 10" natural gas gathering line, within a maintained 75 foot permanent right of way located in Gibson Township, Susquehanna County. The project will result in 392 lineal feet of temporary stream impacts, 207 lineal feet of permanent stream impacts, and 0.13 acre of permanent wetland conversion impacts, all for the purpose of conveying Marcellus Shale natural gas to market.

*Southwest Regional Office, Oil and Gas Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Permit # E65-07-002-A2. CONSOL Gas Company,** 280 Indian Springs Road, Suite 333, Indiana, PA 15701. To construct 22,640 feet of new FlexSteel waterline and replace 6,870 feet of 12-inch diameter waterline with new 6-inch FlexSteel waterline (Mamont Produced Fluids Pipeline) from CNX's Kuhns Waterline to the Hutchinson Well Pad with a spur connecting the main waterline to the Aikens Well Pad and a Compressor Station in Washington Township, **Westmoreland County**, Pittsburgh ACOE District, State Water Plan Basin 18-B, (Slickville and Vandergrift, PA Quadrangle; Start at Latitude: N 40° 29' 39.54"; Longitude: W 79° 33' 55.88"; End at N 40° 31' 7.55"; Longitude: W 79° 33' 59.84"), Subbasin/Kiskiminetas River Watershed. The applicant proposes to install the waterline within an existing Mamont Pipeline right-of-way with the exception of a 1,855 linear-foot section that was re-routed. The project will consist of 18 utility line crossings of 17 streams and 14 wetlands, 29 temporary road crossings, and the replacement of three water obstructions (water pipeline). This project is proposed to avoid direct impacts to exceptional value (EV) wetlands by using directional bore method of installation. A total of 0.505 acre of wetland and 1,401 linear feet of numerous named and unnamed tributaries to Beaver Run and Poke Run (HQ-CWF) and Beaver Run Reservoir will be temporarily impacted.

#### ENVIRONMENTAL ASSESSMENT

*Cambria District: Contact Person: Patrick M. Webb, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.*

**EA1009-017. Pennsylvania Department of Environmental Protection,** Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Cherry Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2,000 linear feet of

dangerous highwalls. The project will also include the backfilling of 0.4 acre of open water and 0.09 acre of PEM wetlands that have developed within the open surface mine pits. A 0.09 acre mitigation wetland will be constructed onsite. (West Sunbury Quadrangle 41° 03' 11.98" N, 79° 55' 48.17" W).

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-2 #ESG14-019-0031—Constellation Pipeline Project

Applicant EM Energy Pipeline Pennsylvania, LLC  
Contact Mr. Hugh Caperton

Address 601 Technology Drive, Suite 300  
City Canonsburg State PA Zip Code 15317

County Butler Township(s) Jackson, Forward,  
Connoquenessing, Butler, Center, Oakland, and  
Concord(s)

Receiving Stream(s) and Classification(s) Connoquenessing Creek, Unnamed Tributaries (UNTs) to Connoquenessing Creek, Little Connoquenessing Creek, UNTs to Little Connoquenessing Creek, Crooked Run, UNT to Crooked Run, Stony Run, UNT to Stony Run, Sullivan Run, Pine Run, UNT to Pine Run

ESCGP-2 #ESG13-073-0006A—130600/130700 Pipeline Project—Major Modification

Applicant Pennant Midstream, LLC  
Contact Farrah Lowe

Address 5151 San Felipe, Suite 2500  
City Houston State TX Zip Code 77002

County Lawrence and Mercer Township(s) Mahoning,  
North Beaver, Pulaski, Union, Jefferson, Lackawannock, Shenango, and Wilmington(s)

Receiving Stream(s) and Classification(s) Lackawannock Creek, Little Neshannock Creek, Harthegig Run, Sugar Creek, Buchanan Run, Shenango River, Mahoning River, Hickory Run, HQ, TSF, WWF, CWF

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESX29-023-14-0003 (01)

Applicant Name Endeavour Operating Corporation  
Contact Person Eric Kolstad  
Address 1125 17th Street, Suite 1525  
City, State, Zip Denver, CO 80202  
County Cameron County  
Township(s) Shippen Township  
Receiving Stream(s) and Classification(s) May Hollow Run, Miller Hollow, Portable Run Watersheds (CWF);  
Secondary: Sterling Run

ESCGP-2 # ESX29-115-14-0057

Applicant Name Williams Field Services Company, LLC  
Contact Person Julie Nicholas  
Address 310 State Route 29 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna County  
Township(s) Gibson Township  
Receiving Stream(s) and Classification(s) UNT to Butler Creek (CWF/MF)

ESCGP-2 # ESG13-115-14-0119 (01)

Applicant Name Talisman Energy USA, Inc.  
Contact Person Lance Ridall  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Susquehanna and Bradford Counties  
Township(s) Apolacon and Warren Townships  
Receiving Stream(s) and Classification(s) Apolacon Creek (CWF/MF) UNTs thereto

ESCGP-2 # ESG29-081-14-0024

Applicant Name Pennsylvania General Energy Company, LLC  
Contact Person Douglas Kuntz  
Address 120 Market Street  
City, State, Zip Warren, PA 16365  
County Lycoming County  
Township(s) McHenry Township  
Receiving Stream(s) and Classification(s) UNT Silver Branch (HQ-CWF, NRT);  
Secondary: Otter Run (HQ-CWF, NRT)

ESCGP-2 # ESG29-115-14-0050

Applicant Name Southwestern Energy Production Company  
Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna County  
Township(s) New Milford Township  
Receiving Stream(s) and Classification(s) UNT to Salt Lick Creek (HQ-CWF/MF); Salt Lick Creek (HQ-CWF/MF)

ESCGP-2 # ESX29-115-14-0068

Applicant Name Williams Field Services Co., LLC  
Contact Person Lauren Miladinovich  
Address 2000 Commerce Drive  
City, State, Zip Pittsburgh, PA 15275  
County Susquehanna County  
Township(s) Bridgewater Township  
Receiving Stream(s) and Classification(s) East and South Branch of Wyalusing Creek (CWF/MF), UNTs thereto and Pettis Creek (CWF/MF)

ESCGP-2 # ESX29-115-14-0066

Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840

County Susquehanna County  
Township(s) Auburn Township  
Receiving Stream(s) and Classification(s) UNT to Tuscarora Creek (CWF);  
Secondary: Tuscarora Creek (CWF)

ESCGP-2 # ESX10-117-0074 (01)

Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 2100 Georgetown Drive, Suite 400  
City, State, Zip Sewickley, PA 15143  
County Tioga County  
Township(s) Rutland and Sullivan Townships  
Receiving Stream(s) and Classification(s) UNT to Elk Run (TSF/MF);  
Secondary: Mill Creek (TSF/MF)

ESCGP-2 # ESX29-115-14-0063

Applicant Name Chief Oil & Gas LLC  
Contact Person Jeffrey Deegan  
Address 6051 Wallace Road Ext., Suite 300  
City, State, Zip Wexford, PA 15090  
County Susquehanna County  
Township(s) Lenox Township  
Receiving Stream(s) and Classification(s) UNT to Tower Branch (CWF/MF)

ESCGP-2 # ESX29-115-14-0070

Applicant Name Kenneth Marcum  
Contact Person Cabot Oil & Gas  
Address 5 Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna County  
Township(s) Auburn Township  
Receiving Stream(s) and Classification(s) #6450 Riley Creek (CWF/MF)

ESCGP-2 # ESX29-015-14-0049

Applicant Name Appalachia Midstream Service, LLC  
Contact Person Randy DeLaune  
Address 100 IST Center  
City, State, Zip Horseheads, NY 14845  
County Bradford County  
Township(s) Canton Township  
Receiving Stream(s) and Classification(s) UNT Towanda Creek Trib 30582 to Towanda Creek, Williams Hollow Creek, UNT 30590 to Beech Flats Creek (All CWF);  
Secondary: Towanda Creek, Beech Flats Creek

ESCGP-2 # ESG29-131-14-0009

Applicant Name Regency Marcellus Gas Gathering  
Contact Person Kevin Roberts  
Address 101 West Third Street  
City, State, Zip Williamsport, PA 17701  
County Wyoming County  
Township(s) Washington Township  
Receiving Stream(s) and Classification(s) UNT to Susquehanna River (CWF/MF);  
Secondary: Susquehanna River

ESCGP-2 # ESX29-115-14-0060

Applicant Name Williams Field Services Co., LLC  
Contact Person Sandra Lojeck  
Address 2000 Commerce Drive  
City, State, Zip Pittsburgh, PA 15275  
County Susquehanna County  
Township(s) Brooklyn Township  
Receiving Stream(s) and Classification(s) Dry Creek (CWF/MF) and UNTs thereto

ESCGP-2 # ESX29-015-14-0052

Applicant Name Chief Oil & Gas, LLC  
Contact Person Jeffrey Deegan  
Address 6051 Wallace Road Ext., Suite 300

City, State, Zip Wexford, PA 15090  
 County Bradford County  
 Township(s) Canton Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Towanda Creek (CWF);  
 Secondary: Towanda Creek

ESCGP-2 # ESG29-035-14-0004  
 Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Mary C. Patton  
 Address 100 Throckmorton Street, Suite 200  
 City, State, Zip Fort Worth, TX 76102  
 County Clinton County  
 Township(s) Gallagher Twp  
 Receiving Stream(s) and Classification(s) UNT East  
 Branch Queens Run (HQ-CWF/MF);  
 Secondary: Queens Run

ESCGP-2 # ESX29-015-14-0051  
 Applicant Name Appalachia Midstream Services  
 Company, LLC  
 Contact Person Randy DeLaune  
 Address 100 IST Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Wysox Township  
 Receiving Stream(s) and Classification(s) UNT to Wysox  
 Creek (CWF);  
 Secondary: Susquehanna River

ESCGP-2 # ESX29-015-14-0041  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford County  
 Township(s) Asylum and Terry Townships  
 Receiving Stream(s) and Classification(s) Durell Creek  
 (CWF/MF); Susquehanna River (WWF/MF)

ESCGP-2 # ESX29-015-14-0046  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford County  
 Township(s) Terry Township  
 Receiving Stream(s) and Classification(s) UNTs to  
 Susquehanna River (WWF/MF); Susquehanna  
 River (WWF/MF)

ESCGP-2 # ESG29-081-14-0022  
 Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Rane Wilson  
 Address 33 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Pine Township  
 Receiving Stream(s) and Classification(s) UNT to Block-  
 house Creek (EV/MF);  
 Secondary: Blockhouse Creek

ESCGP-2 # ESX29-015-14-0019  
 Applicant Name Angelina Gathering Company, LLC  
 Contact Person Danny Spaulding  
 Address 2350 N. Sam Houston Pkwy E., Ste 125  
 City, State, Zip Houston, TX 77032  
 County Bradford County  
 Township(s) Herrick Township  
 Receiving Stream(s) and Classification(s) Cold Creek,  
 Camps Creek, Rummerfield Creek and Their UNTs  
 (All WWF/MF);  
 Secondary: Wyalusing Creek, NB Susquehanna River

ESCGP-2 # ESX29-015-14-0032  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford County  
 Township(s) Albany Township  
 Receiving Stream(s) and Classification(s) Sugar Run  
 (CWF/MF);  
 Secondary: Sugar Run (CWF/MF)

ESCGP-2 # ESX11-115-0025 (02)  
 Applicant Name Southwestern Energy Company  
 Contact Person Dave Sweeley  
 Address 917 State Route 92 North  
 City, State, Zip Tunkhannock, PA 18657  
 County Susquehanna County  
 Township(s) Jackson Township  
 Receiving Stream(s) and Classification(s) UNTs to  
 Drinker Creek (CWF/MF) and South Branch  
 Canawacta Creek (CWF/MF)

ESCGP-2 # ESX13-115-0003 (01)  
 Applicant Name Susquehanna Gathering Company  
 Contact Person Herman Van Eck, Jr.  
 Address 1299 Oliver Road  
 City, State, Zip New Milford, PA 18834  
 County Susquehanna County  
 Township(s) New Milford Township  
 Receiving Stream(s) and Classification(s) UNT to Meylert  
 Creek (HQ-CWF, MF)

ESCGP-2 # ESG13-023-0001 (02)  
 Applicant Name EQT Gathering, LLC  
 Contact Person Brain Clauto  
 Address 455 Racetrack Road  
 City, State, Zip Washington, PA 15301  
 County Cameron County  
 Township(s) Shippen Township  
 Receiving Stream(s) and Classification(s) Beldin Hollow,  
 Bell Run, UNTs to East Branch Hicks Run, UNTs to  
 Big Run, Whippoorwill Hollow, UNTs to Beldin Hollow  
 (All HQ-CWF); UNTs to Sugar Bush Hollow (EV)

ESCGP-2 # ESX29-015-14-0036  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Joe Katruska  
 Address 50 Pennwood Place  
 City, State, Zip Warrendale, PA 15086  
 County Bradford County  
 Township(s) Canton Township  
 Receiving Stream(s) and Classification(s) UNT to Alba  
 Creek (CWF/MF);  
 Secondary: Alba Creek (CWF/MF)

ESCGP-2 # ESX29-131-14-0010  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Randy DeLaune  
 Address 100 IST Center  
 City, State, Zip Horseheads, NY 14845  
 County Wyoming County  
 Township(s) Mehoopany Township  
 Receiving Stream(s) and Classification(s) Susquehanna  
 River (WWF); Mehoopany Creek, 2 UNTs Mehoopany  
 Creek, Little Mehoopany Creek, 5 UNTs Little  
 Mehoopany Creek, Fox Hollow, UNT to Fox Hollow  
 (All CWF);  
 Secondary: Susquehanna River

ESCGP-2 # ESX29-015-14-0039  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane



City, State, Zip Sayre, PA 18840  
 County Bradford County  
 Township(s) Terry Township  
 Receiving Stream(s) and Classification(s) UNT Sugar Run  
 (CWF/MF);  
 Secondary: Sugar Run (CWF/MF)

ESCGP-2 # ESX29-015-14-0040  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford County  
 Township(s) West Burlington Township  
 Receiving Stream(s) and Classification(s) UNT Sugar  
 Creek, Sugar Creek (TSF/MF);  
 Secondary: Susquehanna River (WWF/MF)

ESCGP-2 # ESX29-015-14-0043  
 Applicant Name Regency Marcellus Midstream, LLC  
 Contact Person Kevin Roberts  
 Address 101 West Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Bradford County  
 Township(s) Stevens and Pike Townships  
 Receiving Stream(s) and Classification(s) Mill Creek,  
 UNT to Rockwell Creek, Rockwell Creek (All  
 WWF/MF);  
 Secondary: Wyalusing Creek (WWF/MF)

ESCGP-2 # ESX29-015-14-0024  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford County  
 Township(s) Granville Township  
 Receiving Stream(s) and Classification(s) UNTs to North  
 Branch Towanda Creek (CWF);  
 Secondary: North Branch Towanda Creek (CWF)

ESCGP-2 # ESX29-115-14-0058  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Sandra Lojek  
 Address 2000 Commerce Drive  
 City, State, Zip Pittsburgh, PA 15275  
 County Susquehanna County  
 Township(s) Lathrop and Lenox Townships  
 Receiving Stream(s) and Classification(s) Martins Creek,  
 UNT Martins Creek, Millard Creek and Willow Brook  
 (All CWF/MF);  
 Secondary: Susquehanna River

*Southwest Region: Oil & Gas Program Mgr. 400 Water-  
 front Dr. Pittsburgh PA*

ESCGP-2 No: ESX14-059-0043  
 Applicant Name: Chevron Appalachia LLC  
 Contact Person Mr Branden Weimer  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Greene Township: Dunkard  
 Receiving Stream (s) And Classifications: Dunkard Creek  
 WWF, Monongahela River WWF; Other WWF

ESCGP-2 No.: ESX14-007-0005  
 Applicant Name: PennEnergy Resources LLC  
 Contact Person: Mr Joseph Schwab  
 Address: 1000 Commerce Drive Park Place One Suite 100  
 City: Pittsburgh State: PA Zip Code: 15275  
 County: Beaver Township(s): Marion  
 Receiving Stream(s) and Classifications: UNT to Muntz  
 Run, UNT to Connoquenessing Creek / Connoqueness-  
 ing Creek; Other WWF

ESCGP-2 No.: ESG13-059-0060  
 Applicant Name: CNX Gas Company LLC  
 Contact Person: Ms Sarah Baughman  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Center  
 Receiving Stream(s) and Classifications: 4 UNTs to  
 Claylick Run / Wheeling Creek; HQ; Other WWF

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## SPECIAL NOTICES

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### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of July 2014 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Roger Baker	1564 Dry Hollow Rd. Warriors Mark, PA 16877	Testing
Ralph D'Angelo	474 Burnley Ln. Drexel Hill, PA 19026	Testing
Joseph Donnelly, III	3650 Concorde Pkwy., Ste. 100 Chantilly, VA 20151	Testing
David Grammer RAdata, Inc.	27 Ironia Rd. Unit 2 Flanders, NJ 07836	Mitigation
Judith Hood-Scheidler Alltech Inspection Services, LLC	5225 Library Rd., #194 Bethel Park, PA 15102	Testing
Travis Hoverter	452 Allen Dr. Chambersburg, PA 17202	Testing
Kevin Kenny	47 Cook Rd. Duncannon, PA 17020	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
John Kerrigan	100 Old Kennett Rd. Wilmington, DE 19807	Mitigation
Neil Klein	702 Manchester Dr. Maple Glen, PA 19002	Testing
Harry Lehman Alpha Radon Reduction, LLC	2625 Bristol Rd., Ste. 100 Warrington, PA 18976	Mitigation
Judy O'Loughlin	1936 Butler Bridge Rd. Mills River, NC 28759	Laboratory Analysis
Michael Rhodes	14324 Rte. 104 Middleburg, PA 17842	Testing
Gerden Riemenschneider	11909 Crestwood Cir. Waynesboro, PA 17268	Testing
Stephen Sedlock	130 S. Rosewood St. Easton, PA 18042	Testing
Clarence Sisco	PO Box 954 Blue Bell, PA 19422	Testing

#### Environmental Assessment

*Northeast Regional Office, Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711; Telephone: 570-826-2511*

*Location: Wynnewood Terrace Development, North Whitehall Township, Lehigh County*

*Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Lehigh County Authority proposes to replace an existing deteriorated sewage Pump Station and Force Main system serving Wynnewood Terrace development that has surpassed its life cycle, in order to prevent future sanitary sewer overflow events, equipment failures, and force main pipe failures. 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.*

#### General NPDES Permit for Stormwater Discharges Associated with Construction Activities

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**PAG-2-27-32-14-001, Britt Energies, Inc.**, P. O. Box 515, Indiana, PA 15701. General NPDES Permit for Stormwater Discharges Associated with Construction Activities on GFCC Permit No. 32-13-01 in Center Township, **Indiana County**. Receiving stream: unnamed tributary to Two Lick Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for coverage received: June 11, 2014. Coverage Approved: July 28, 2014.

[Pa.B. Doc. No. 14-1742. Filed for public inspection August 15, 2014, 9:00 a.m.]

#### Bid Opportunity

**OOGM 14-3R, Cleaning Out and Plugging One Abandoned Gas Well (Mr. and Mrs. Charles Dewing Property), Orwell Township, Bradford County.** The principal items of work and approximate quantities are to clean out and plug one abandoned gas well, estimated to be 4,420 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well sites/site; and to mobilize and demobilize plugging equipment. This project issues on August 15, 2014, and bids will be opened on September 16, 2014, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid meeting will be held on August 29, 2014, at 12 p.m. Contact the Construction Contracts Section at (717) 787-7820 or dhopp@pa.gov for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-1743. Filed for public inspection August 15, 2014, 9:00 a.m.]

#### Coastal Zone Grants; Acceptance of Applications for Federal Fiscal Year 2015 Grants

The Department of Environmental Protection's (Department) Interstate Waters Office will begin accepting applications August 18, 2014, for Federal Fiscal Year 2015 Coastal Zone grants (grants). Applications must be received no later than October 20, 2014.

Applicants must meet certain eligibility requirements (for example, the applicant must be an authority, an incorporated nonprofit organization, a political subdivision or an educational institution) and must be located within the Delaware Estuary Coastal Zone or the Lake Erie Coastal Zone. Proposals must also support the Coastal Resources Management Program's mission to protect and enhance coastal resources in this Commonwealth.

Applications for grants must be submitted electronically through the eGrants system. To access an online application go to [www.grants.dcnr.state.pa.us](http://www.grants.dcnr.state.pa.us), register as a user by clicking the "Log In/Register" link, click on "Find a Grant" to find this grant opportunity and select the option

to “Apply for This Grant.” eGrants will guide applicants through the process of starting the electronic grant application.

More information concerning grants is available on the Department’s web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (select “DEP Programs A—Z,” then “Coastal Zone” then “Grants”) or by contacting the Interstate Waters Office, 400 Market Street, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-4785.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-1744. Filed for public inspection August 15, 2014, 9:00 a.m.]

### Mine Families First Response and Communications Advisory Council Meeting

The Department of Environmental Protection (Department), Bureau of Mine Safety, announces a meeting of the Mine Families First Response and Communications Advisory Council at 1 p.m. on September 10, 2014, in the Marion Center Mine Rescue Facility, 21 Griffith Drive, Home, PA.

The agenda and meeting materials for the September 10, 2014, meeting and subsequent meetings, when scheduled, will be available through the Public Participation Center on the Department’s web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (select “Public Participation Center,” then “Advisory Committees” then “Mine Families First Response and Communications Advisory Council”).

Questions regarding the meetings can be directed to Allison D. Gaida at (724) 439-7289 or [agaida@pa.gov](mailto:agaida@pa.gov).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Allison Gaida directly at (724) 439-7289 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-1745. Filed for public inspection August 15, 2014, 9:00 a.m.]

### Pennsylvania Energy Development Authority; Administrative Review of Applications

The Pennsylvania Energy Development Authority (PEDA) announces that the Department of Environmental Protection (Department) will conduct an administrative review for completeness of all applications received for the PEDA competitive funding program. This program provides funding for clean, advanced energy projects.

The application period for this program opened upon publication at 44 Pa.B. 3636 (June 14, 2014). The deadline for receipt of applications is 4 p.m. on Friday, August 15, 2014.

Administrative completeness reviews will be conducted from August 18, 2014, until August 29, 2014. The administrative review will determine the completeness of information for the application. The review to determine eligibility for funding will be conducted separately from the completeness review.

Applicants who have submitted applications that are found to be missing information during the administra-

tive completeness review will be notified by e-mail of the missing information. Applicants will have 5 business days from the date of the e-mail to submit the missing information to be considered for eligibility. Missing information must be submitted within the time frame and by the method indicated in the notification.

PEDA anticipates awarding approximately \$10 million of the \$12.5 million in available funding to support projects identified as advanced energy projects, with an emphasis on renewable energy projects. If PEDA does not receive \$10 million in suitable advanced energy projects, other eligible projects may receive this funding.

Questions regarding the administrative completeness review or the PEDA competitive funding program can be directed to PEDA at (717) 783-8411 or [ra-peda@pa.gov](mailto:ra-peda@pa.gov).

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-1746. Filed for public inspection August 15, 2014, 9:00 a.m.]

### Pennsylvania Energy Development Authority; Finalization of the 2014 Energy Development Plan

The Pennsylvania Energy Development Authority (PEDA) announces the finalization of the 2014 Energy Development Plan (Plan).

The Plan includes changes to remove outdated references and the incorporation of current data from Governor Corbett’s recently published State Energy Plan. The revised 2014 Plan was approved by the PEDA Board at its April 7, 2014, meeting.

The draft Plan was published at 44 Pa.B. 3285 (May 31, 2014) announcing a 60-day public comment period; the comment period closed on July 30, 2014. There were no comments received on the draft Plan.

The finalized Plan is available on the Department of Environmental Protection’s web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (Keyword: PEDA).

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-1747. Filed for public inspection August 15, 2014, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Lease Office Space to the Commonwealth Delaware County

Proposals are invited to provide the Department of General Services with 21,105 usable square feet of office space for the Pennsylvania State Police in Delaware County. For more information on SFP No. 94628, which is due on Friday, October 3, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact David Weyandt at (717) 525-5255 or [daweyandt@pa.gov](mailto:daweyandt@pa.gov).

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 14-1748. Filed for public inspection August 15, 2014, 9:00 a.m.]



### Lease Office Space to the Commonwealth Lebanon County

Proposals are invited to provide the Department of General Services with 11,922 usable square feet of office space for the Department of Public Welfare in Lebanon County. For more information on SFP No. 94544, which is due on Tuesday, September 30, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact David Weyandt at (717) 525-5255 or [daweyandt@pa.gov](mailto:daweyandt@pa.gov).

SHERI PHILLIPS,  
Secretary

[Pa.B. Doc. No. 14-1749. Filed for public inspection August 15, 2014, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of The Children's Hospital of Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Children's Hospital of Philadelphia 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: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 2.1-8.4.4 and 2.2-2.6.2.2(1) (relating to medical gas and vacuum systems; and area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1750. Filed for public inspection August 15, 2014, 9:00 a.m.]

### Application of Meadville Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Meadville Medical Center has requested an

exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 3.1-7.2.2.1 (relating to corridors).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-1751. Filed for public inspection August 15, 2014, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Dock Terrace  
275 Dock Terrace  
Lansdale, PA 19446  
FAC ID # 044402

Kade Health and Rehabilitation  
1198 West Wylie Avenue  
Washington, PA 15301  
FAC ID # 110102

Kirkland Village  
One Kirkland Village Circle  
Bethlehem, PA 18017  
FAC ID # 055402

Pleasant Ridge Manor—West  
8300 West Ridge Road  
Girard, PA 16417  
FAC ID # 311002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Lutheran Nursing and Rehabilitation Center—  
The Village at Sprenkle Drive  
1801 Folkemer Circle  
York, PA 17404-1771  
FAC ID # 15902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.9(a) (relating to corridors):

Church of God Home, Inc.  
801 North Hanover Street  
Carlisle, PA 17013  
FAC ID # 291602

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-1752. Filed for public inspection August 15, 2014, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
AUS of DE., Inc., AUS of Delaware, Inc. William Russell, a/k/a Bill Russell, individually	1212 Pimpermell Path Middletown, DE 1709-7506	8/1/2014

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 14-1753. Filed for public inspection August 15, 2014, 9:00 a.m.]

### Prevailing Wage Appeals Board; Simplex Industries, Inc.; Doc. No. PWAB-2G-2014

#### Notice to Potential Interested Parties

This serves to provide notification, under 34 Pa. Code § 213.8(e) (relating to grievances arising from administration of the act), that the Prevailing Wage Appeals Board (Board) received a grievance in the previously-referenced matter regarding application of the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17) to the repair work performed by Simplex Industries, Inc. on the Mansfield Student Housing Project, Phase II, Serial No. 12-02201. A copy of this grievance can be obtained by contacting Gina Meckley, Administrative Assistant for the Board at (717) 783-9276.

Persons claiming a right to intervene or an interest of the nature that intervention is necessary or appropriate to the administration of the act should file a petition to intervene under 1 Pa. Code §§ 35.27—35.32 (relating to intervention) by September 2, 2014.

Petitions to intervene shall be filed with the Prevailing Wage Appeals Board, Department of Labor and Industry,

901 North 7th Street, 3rd Floor North, Harrisburg, PA 17102. Copies of all Petitions to Intervene shall be served on counsel of the parties of record as follows:

<i>Bureau of Labor Law Compliance</i>	<i>Simplex Industries, Inc.</i>
Rebecca A. McClincy Assistant Counsel Office of Chief Counsel Department of Labor and Industry 651 Boas Street, 10th Floor Harrisburg, PA 17121	Michael R. Mey, Esquire Mey & Sulla, LLP 318 Penn Avenue Scranton, PA 18503

Answers to Petitions to Intervene shall be filed with the Board, at the address listed previously, by September 12, 2014.

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 14-1754. Filed for public inspection August 15, 2014, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## Availability of Pennsylvania's Statewide Transition Plan for Home and Community-Based Settings; Public Input Meetings

The Department of Public Welfare (Department) is making available for public review and comment Pennsylvania's proposed Statewide Transition Plan for Home and Community-Based Settings. Comments on this notice and comments received at the public input meetings will be used to formulate Pennsylvania's Final Statewide Transition Plan that will be submitted to the Centers for Medicare and Medicaid Services (CMS).

### *Background*

On January 16, 2014, CMS published a final rule for home and community-based services (HCBS) in the *Federal Register* with an effective date of March 17, 2014. See 79 FR 2948. This final rule, among other things, amends the Medicaid regulations for HCBS waivers under section 1915(c) of the Social Security Act (42 U.S.C.A. § 1396n(c)) to provide requirements regarding person-centered plans of care, characteristics of settings that are home and community-based as well as settings that may not be home and community-based. See 42 CFR Parts 430, 431, 435, 436, 440, 441 and 447. These requirements reflect CMS's intent that individuals receiving services and supports through Medicaid waivers receive services in settings that are integrated in and support full access to the greater community.

All 1915(c) Medicaid waivers must comply with these requirements. In this Commonwealth there are ten 1915(c) Medicaid HCBS waivers:

- Adult Autism Waiver
- AIDS Waiver
- Aging Waiver
- Attendant Care Waiver
- COMMCARE Waiver
- Consolidated Waiver
- Independence Waiver
- Infant, Toddlers and Families Waiver
- OBRA Waiver
- Person/Family-Directed Support Waiver

The final rule recognized that a transition period may be needed for states with existing approved 1915(c) HCBS waivers to meet the provisions of the final rule. The final rule provides the Commonwealth with the opportunity to develop a transition plan that encompasses a period of up to 5 years after the effective date of the regulation to meet the provisions of the final rule. For more details about the Home and Community-Based Services Final Rule, refer to the CMS HCBS web page at <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>.

### *Transition Plan*

The Department has made Pennsylvania's proposed Statewide Transition Plan for all ten 1915(c) Medicaid

HCBS waivers available at <http://www.dpw.state.pa.us/dpworganization/officeoflongtermliving/hcbswaiver/index.htm>. The proposed Statewide transition plan includes the steps the Department anticipates taking to assess compliance in the following areas: Unallowable Settings; Settings that are Presumed not Eligible; Qualifications for all Home and Community-Based Settings; and Requirements for Provider-Owned or Controlled Home and Community-Based Residential Settings.

The Department will hold five public input meetings throughout this Commonwealth to receive comments on the proposed Statewide transition plan.

### *Locations, Dates and Times*

Pittsburgh—Monday, August 25, 2014  
Human Services Building  
Homestead Grays Room (Lower Level)  
One Smithfield Street  
Pittsburgh, PA 15222  
1:30 p.m. to 4:30 p.m.

Erie—Tuesday, August 26, 2014  
Erie City Hall  
Main Council Chambers  
626 State Street  
Erie, PA 16501  
9 a.m. to 12 p.m.

Scranton—Thursday, August 28, 2014  
B3—Scranton State Office Building  
100 Lackawanna Ave  
Scranton PA, 18503  
1 p.m. to 4 p.m.

Philadelphia—Thursday, September 4, 2014  
Vision For Equality, Inc.  
The Cast Iron Building  
718 Arch Street, 6N  
Philadelphia PA, 19106  
1 p.m. to 4 p.m.

Harrisburg—Friday, September 5, 2014  
Dauphin County Case Management Unit  
1100 South Cameron Street  
Harrisburg PA, 17104  
1 p.m. to 4 p.m.

### *Registering for a Public Input Meeting*

Persons who wish to provide verbal comments at a public input meeting must register prior to the date. Registration is not required for persons attending to listen, but the Department is requesting those interested in attending register to help ensure there is adequate seating. If there are capacity limitations, priority will be given to those who have registered to attend.

To register to present verbal comments or attend the public input meeting, go to the previously listed Department web site and follow the registration instructions. Individuals may also register by calling (717) 783-8412 or (800) 654-5984 (TDD users) with name and telephone number.

Verbal comments at the public input meeting will be limited to 5 minutes to allow others time to share their comments. To assist the Department in accurately capturing verbal comments, individuals are asked to submit a written copy of their comments by submitting a copy at the public input meeting, e-mailing them or mailing them to the address noted as follows.



*Submitting Written Comments and Feedback*

Interested persons are invited to submit written comments regarding this notice and the proposed transition plan. Comments should be addressed to April Leonhard, Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, P. O. Box 8025, Harrisburg, PA 17105-8025. Comments may also be submitted to the Department at the Final Rule Mailbox at ra-pwhcbsfinalrulepl@pa.gov. Commenters are instructed to use subject header "TP Final Rule" when submitting electronic comments. Comments must be submitted by September 16, 2014.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,  
*Secretary*

[Pa.B. Doc. No. 14-1755. Filed for public inspection August 15, 2014, 9:00 a.m.]

**Availability of the Temporary Assistance for Needy Families State Plan**

The Department of Public Welfare (Department) is making available for comment an updated Temporary Assistance for Needy Families (TANF) State Plan. The State Plan was developed in accordance with the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (act) (Pub. L. No. 104-193). The act provides each state with a TANF Block Grant and the opportunity, with broad Federal guidelines, to design and operate its own programs. The original State Plan was published at 27 Pa.B. 342 (January 18, 1997). Updated Plans were published at 29 Pa.B. 5658 (October 30, 1999) and 32 Pa.B. 6401 (December 28, 2002). The availability of the 2005, 2008 and 2011 TANF State Plans were published at 35 Pa.B. 6289 (November 12, 2005), 38 Pa.B. 6342 (November 15, 2008) and 41 Pa.B. 5825 (October 29, 2011) respectively. The 2014 State Plan will be submitted to the United States Department of Health and Human Services in December 2014.

*Public Comment*

Future amendments to the State Plan will incorporate suggestions and recommendations received during the comment period. The 45-day comment period begins on the date this notice is published in the *Pennsylvania Bulletin*.

Copies of the State Plan are available for all interested individuals and groups by written request or at the Department's web site at [www.dpw.state.pa.us](http://www.dpw.state.pa.us). Written requests should be directed to Matthew J. McLees, Attention: TANF State Plan, Director, Bureau of Policy, Office of Income Maintenance, Room 431, Health and Welfare Building, Harrisburg, PA 17120.

Interested persons are invited to submit written comments regarding this notice to the Department at the Bureau of Policy address listed previously. Comments received within 45 days will be reviewed and considered for any subsequent revision of the State Plan.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,  
*Secretary*

[Pa.B. Doc. No. 14-1756. Filed for public inspection August 15, 2014, 9:00 a.m.]

**ENVIRONMENTAL HEARING BOARD****The Delaware Riverkeeper Network, et al. v. DEP and XTO Energy, Inc., Permittee; EHB Doc. No. 2014-101-M**

The Delaware Riverkeeper Network, et al. has appealed the issuance by the Department of Environmental Protection of an approval of coverage under Erosion and Sediment Control General Permit (ESCGP-2) issued to XTO Energy, Inc. for a project located in Franklin Township, Butler County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 14-1757. Filed for public inspection August 15, 2014, 9:00 a.m.]

**Michael Sauers v. DEP and Bryan Baumgartner, Permittee; EHB Doc. No. 2014-104-C**

Michael Sauers has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Bryan Baumgartner, for the Lake View Estates Residential Subdivision located in Towamensing Township, Carbon County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be re-

viewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 14-1758. Filed for public inspection August 15, 2014, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
#126-9	Philadelphia Parking Authority Annual Filing Requirements	7/31/14	9/4/14

JOHN F. MIZNER, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 14-1759. Filed for public inspection August 15, 2014, 9:00 a.m.]

## INSURANCE DEPARTMENT

### 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 Philadelphia, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in Strawbridge and Clothier, Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Robert T. Holman; file no. 14-130-165095; Capitol Insurance Company; Doc. No. P14-07-018; September 19, 2014, 9 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 docu-

mentation 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 at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-1760. Filed for public inspection August 15, 2014, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 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 Depart-

ment's regional office in Harrisburg, PA. Failure by an appellant to appear at a 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 Gregory Skotnicki; file no. 14-115-167713; Phoenix Insurance Company; Doc. No. P14-07-019; September 30, 2014, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/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.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (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 at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-1761. Filed for public inspection August 15, 2014, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Manual No. M210.3—Index of Issuances, Amended July 1, 2014.

Administrative Circular No. 14-11—Revenue Estimates, 2014-15 & 2015-16 Fiscal Years, Dated July 18, 2014.

LAURA CAMPBELL,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 14-1762. Filed for public inspection August 15, 2014, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Joint Application of PPL Interstate Energy Company and PPL Electric Utilities Corporation to Transfer Interests in PPL Interstate Energy Company

**A-2014-2435752 and A-2014-2435833. PPL Interstate Energy Company and PPL Electric Utilities Corporation.** Joint application of PPL Interstate Energy Company and PPL Electric Utilities Corporation for all of the necessary authority, approvals and certificates of public convenience: (1) for the transfer of PPL Corporation's ownership interests in PPL Interstate Energy Company to Talen Energy Corporation and certain post-closing transactions associated therewith; (2) for the transfer of certain property interests between PPL Electric Utilities Corporation and PPL Energy Supply, LLC and its subsidiaries in conjunction with the transfer of all of the interests of PPL Energy Supply, LLC and its subsidiaries to Talen Energy Corporation; (3) for any modification or amendment of associated affiliated interest agreements; and (4) for any other approvals necessary to complete the contemplated transactions.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on Administrative Law Judge Susan D. Colwell and PPL Electric Utilities Corporation, on or before Friday, September 5, 2014. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicants:* PPL Interstate Energy Company, PPL Electric Utilities Corporation

*Through and By Counsel:* David B. MacGregor, Esquire, Michael W. Gang, Esquire, Christopher T. Wright, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601; Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18106

#### Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Thursday, September 18, 2014  
*Time:* 1:30 p.m.  
*Location:* Hearing Room 1  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
*Presiding:* Administrative Law Judge Susan D. Colwell  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 783-5452  
Fax: (717) 787-0481

Persons with a disability who wish to attend the prehearing may be able to make arrangements for special needs. To make arrangements for any special needs, call



the scheduling office at the Commission at least 2 business days prior to the conference.

\* Scheduling Office: (717) 787-1399

\* Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-1763. Filed for public inspection August 15, 2014, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 2, 2014. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to *begin operating as common carriers* for transportation of persons as described under each application.

**A-2014-2422052. Robert Snyderman** (49 Misty Meadow Drive, Richboro, Bucks County, PA 18954) for the right to begin to transport, as a common carrier, by motor vehicle, persons in airport transfer service, from points in Bucks County, to the Wilkes-Barre/Scranton International Airport.

**A-2014-2422938. Victory Painting, LLC** (7030 City Avenue, Philadelphia, Philadelphia County, PA 19151) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from the City and County of Philadelphia, to correctional facilities in Pennsylvania, and return.

**A-2014-2424796. Maximo Services, LLC** (100 East Broad Street, Hazleton, Luzerne County, PA 18201) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from the Humboldt Industrial Park in Hazleton Township, Luzerne County, to points in Pennsylvania, and return.

**A-2014-2426755. Christie R. Hockenberry** (432 Flint Road, Mifflintown, Juniata County, PA 17059) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Juniata County, to points in Pennsylvania, and return.

**A-2014-2428260. Constance Love Connection Van Service, LLC** (2209 South Lambert Street, Philadelphia, Philadelphia County, PA 19145) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from the City and County of Philadelphia, to correctional facilities in Pennsylvania, and re-

turn; and transporting seniors, from the City and County of Philadelphia, to various points in Pennsylvania, and return.

**A-2014-2428844. Clarion Medical, LLC** (515 Shoemaker Street, Suite D, King of Prussia, Montgomery County, PA 19406) in paratransit service, from points in Delaware County, and the City and County of Philadelphia, to points in Pennsylvania, and return.

#### Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers* for the transportation of persons by *transfer of rights* as described under the application.

**A-2014-2423974. M & J Limo Services, LLC, t/a Your Special Occasion Limousine** (2222 Ebbvale Road, Manchester, MD 21102) for the right to begin to transport as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania, excluding service that is between points in Allegheny County and service that is under the jurisdiction of the Philadelphia Parking Authority; which is to be a transfer of all the rights from A-00123095 issued to An Affair to Remember, LLC, t/a A Special Occasion Limousine Service.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-1764. Filed for public inspection August 15, 2014, 9:00 a.m.]

### Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due September 2, 2014, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Cusa Es LLC t/a Coach America Crew Transport;*  
Doc. No. C-2012-2330131

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Cusa Es LLC, t/a Coach America Crew Transport, (respondent) is under suspension effective October 09, 2012 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 5430 LBJ Freeway, 3 Lincoln Center #1075, Dallas, TX 75240.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 02, 2009, at A-6210936.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6210936 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 10/23/2012

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, Pennsylvania 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord Certificates of Insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the proposed penalty in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-1765. Filed for public inspection August 15, 2014, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Authorization of Wheelchair Accessible Taxicab Medallions; Doc. No. 14-003

#### Order

*By the Authority:*

The Philadelphia Parking Authority (the "Authority"), regulates all taxicab and limousine service in the City of Philadelphia (the "City").<sup>1</sup> The Authority is currently empowered to issue and sell 45 new taxicab medallions.<sup>2</sup>

#### *Background*

In 2012 the General Assembly increased the statutory ceiling on the number of Philadelphia taxicab medallions from 1,600 to 1,615.<sup>3</sup> Each of those 15 new medallions is required to be affixed to a vehicle capable of providing wheelchair accessible taxicab service.<sup>4</sup> Act 119 also increased that statutory ceiling by 15 medallions on June 1, 2013, and an additional 15 each June 1, thereafter until the statutory ceiling reaches 1,750.<sup>5</sup> The primary impetus for Act 119 was the failure of existing medallion owners to address the transportation needs of the disabled community. In order to begin to address this short coming in Philadelphia's public transportation system, the Authority will restrict all 45 of the new medallions authorized as of the date of this order for use on wheelchair accessible vehicles ("WAVs").<sup>6</sup>

*Therefore,*

*It Is Ordered That:*

1. The Director of the Authority's Taxicab and Limousine Division ("TLD"), or his designee (the "Director"), shall administer the sale of the 45 Philadelphia taxicab medallions currently authorized by Act 119 (collectively the "45 medallions"). Each of the 45 medallions is hereby designated a WAV medallion, in perpetuity.

2. Prior to the effective date of Act 119, 1,600 medallions were authorized for issuance by statute. One of those medallions had been surrendered by the owner, which made that medallion nontransferable. However, a 1,600th medallion remains available for issuance. That medallion will be numbered "1601" (the number used to identify the surrendered and nontransferable medallion will not be used again). This issue was addressed in the Board's Order dated March 28, 2013, at Docket No. P-12-02-01.

3. In the event that the review of the Authority's March 28, 2013 Order is finally resolved in the Authority's favor, the Director is also authorized to administer the sale of medallion 1601, as provided in this Order. Medallion 1601 will be sold as a WAV medallion.

4. The 45 medallions will be identified by a numbering system to include "WP" (Wheelchair Philadelphia) before the number assigned to the medallion. The first of the 45 Medallions will be identified as "WP-1602," the second will be "WP-1603," and so on. Medallion 1601 will be identified as "WP-1601."

5. Each medallion authorized by this Order will be sold separately by sealed competitive bid, as provided by the Authority's regulations.

6. Each sealed bid for a medallion must be filed with the TLD Clerk, by hand delivery, at the TLD's headquarters at 2415 South Swanson Street, Philadelphia, PA 19148.

7. In order to be considered filed, a medallion bid must be time stamped by the TLD's Clerk.

8. The Clerk may only time stamp a medallion bid as follows:

a) Between 9:00 a.m. and 4:00 p.m. on the business day preceding the date of the scheduled medallion sale; or

b) Between 9:00 a.m. and 9:30 a.m. on the day of the scheduled medallion sale.

9. The upset price for each medallion will be \$475,000.

10. The Director may, in his discretion, remove any medallion from a scheduled bid opening date. In this case, the sale of that medallion will be rescheduled for sale as provided in this Order.

11. The Director may, in his discretion, remove any medallion from a scheduled bid opening date and place the medallion before this Board for a new sale authorization, pursuant to such terms and conditions as the Board may then impose.

12. The sealed bids for the medallions will be opened by the Director at the TLD's headquarters at 11:00 a.m. at 2415 South Swanson Street, Philadelphia, PA 19148 as follows:

a) On October 22, 2014: Medallion Nos. WP-1602 and 1603.

b) On October 29, 2014: Medallion Nos. WP-1604, WP-1605 and 1606.

c) On November 13, 2014: Medallion Nos. WP-1607, WP-1608, WP-1609 and WP-1610.

d) On November 19, 2014: Medallion Nos. WP-1611, WP-1612, WP-1613 WP-1614 and WP-1615.

e) On November 25, 2014: Medallion Nos. WP-1616, WP-1617, WP-1618, WP 1619 and WP-1620.

f) On December 3, 2014: Medallion Nos. WP-1621, WP-1622, WP-1623 WP-1624, WP-1625, WP-1626 and WP-1627.

g) On December 10, 2014: Medallion Nos. WP-1628, WP-1629, WP-1630, WP-1631, WP-1632, WP-1633 and WP-1634.

h) On December 23, 2014: Medallion Nos. WP-1635, WP-1636, WP-1637, WP-1638, WP-1639, WP-1640 and WP-1641.

i) On December 30, 2014: Medallion Nos. WP-1642, WP-1643, WP-1644, WP-1645, WP-1646 and WP-1601.

<sup>1</sup> See 53 Pa.C.S. § 5701 et seq., as amended, (the "act").

<sup>2</sup> See 53 Pa.C.S. §§ 5711(c)(2) and 5717(a).

<sup>3</sup> See The act of July 5, 2012, (P. L. 1022, No. 119) ("Act 119")

<sup>4</sup> See 53 Pa.C.S. § 5711(c)(2)(i).

<sup>5</sup> See 53 Pa.C.S. § 5711(c)(2)(ii).

<sup>6</sup> In our Final Rulemaking Order No. 126-5, entered on June 12, 2014, the Authority committed to restricting all 150 of the Act 119 medallions to WAV use.



13. Medallions scheduled for bid in October, but rescheduled by the Director, may be scheduled for sale as follows:

a) On January 21, 2015: the first 5 of any medallions removed from the bid schedule.

b) On January 28, 2015: all other medallions removed from the bid schedule.

14. Medallions scheduled for bid in November, but rescheduled by the Director, may be scheduled for sale as follows:

a) On February 4, 2015: the first 5 of any medallions removed from the bid schedule.

b) On February 18, 2015: all other medallions removed from the bid schedule.

15. Medallions scheduled for bid in December, but rescheduled by the Director, may be scheduled for sale as follows:

a) On March 11, 2015: the first 5 of any medallions removed from the bid schedule.

b) On March 18, 2015: all other medallions removed from the bid schedule.

16. Upon removal of a medallion from a scheduled bid date, the Director shall promptly identify the alternate bid date that will apply to that medallion as provided for in this Order on the Authority's Internet website and through a notice published in the *Pennsylvania Bulletin*.

17. On any scheduled bid date in November 2014, a bidder may be designated the successful bidder as to no more than 3 medallions.

18. On any scheduled bid date in December 2014, a bidder may be designated the successful bidder as to no more than 4 medallions.

19. A bidder shall immediately inform the Director if it has reached the ceiling established in paragraph Nos. 17 or 18 ("Capped Bidder"), but also has submitted a bid for any other medallion to be sold that day. Upon such notice, the Director shall return the bid, unopened, and the bid will not be considered.

20. The medallion sale cap will not apply when a Capped Bidder is the only bidder on any other medallion sold on that date.

21. The mandatory closing date for every medallion assigned to a successful bidder is 45 days from the date of the successful bid.

22. This Board's Order dated July 30, 2014 at Docket No. 14-002 is rescinded and replaced by this Order.

23. The contact person for this Order is James R. Ney, Director, Taxicab and Limousine Division, (215)-683-9417.

24. The Executive Director shall cause this Order to be deposited with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 14-1766. Filed for public inspection August 15, 2014, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Michelle O. Maclean, RN; File No. 13-51-05742; Doc. No. 1081-51-13

On June 16, 2014, Michelle O. Maclean, RN, license no. RN521420L, last known of Philadelphia, Philadelphia County, was suspended for no less than 3 years for violating The Professional Nursing Law (63 P. S. §§ 211—225.5).

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 14-1767. Filed for public inspection August 15, 2014, 9:00 a.m.]

### Bureau of Professional and Occupational Affairs v. Stephen Joseph Strayer, RN; File No. 13-51- 05742; Doc. No. 0796-51-13

On July 21, 2014, Stephen Joseph Strayer, RN, license no. RN597322, last known of Bedford, Bedford County, was actively suspended for 14 months, retroactive to May 17, 2013, followed by no less than 4 years probation, for violating The Professional Nursing Law (63 P. S. §§ 211—225.5).

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 14-1768. Filed for public inspection August 15, 2014, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Leslie Brooks Vonada, LPN; File No. 14-51-00343; Doc. No. 0212-51-14**

On July 11, 2014, Leslie Brooks Vonada, LPN, license no. PN264849, last known of Ponca City, OK, was indefinitely suspended for no less than 3 years for violating the Practical Nurse Law (63 P. S. §§ 651—667.8).

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 14-1769. Filed for public inspection August 15, 2014, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Meadow Dawn Walsh, LPN; File No. 12-51-03283; Doc. No. 1394-51-12**

On July 10, 2014, Meadow Dawn Walsh, LPN, license no. PN270892, last known of Meadville, Crawford County, was reprimanded for violating the Practical Nurse Law (63 P. S. §§ 651—667.8).

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 14-1770. Filed for public inspection August 15, 2014, 9:00 a.m.]

## STATE POLICE

**Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems**

The State Police, under 18 Pa.C.S. §§ 5704(16)(ii)(C) and 5706(b)(4) (relating to exceptions to prohibition of interception and disclosure of communications; and excep-

tions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices), published at 44 Pa.B. 2147 (April 5, 2014) a notice of Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems for use until the next comprehensive list is published.

As an addendum to the listing of approved mobile video recording systems published at 44 Pa.B. 2147, the State Police, under the authority cited previously, has approved for use, until the next comprehensive list is published, subject to interim amendment, the following additional non-vehicle-mounted mobile video recording system, which meets the minimum equipment standards published at 44 Pa.B. 2147:

LE 3 Mobile Video Recorder, VIEVU, Seattle, WA

Comments, suggestions or questions should be directed to the State Police, Bureau of Patrol, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110.

COLONEL FRANK NOONAN,  
*Commissioner*

[Pa.B. Doc. No. 14-1771. Filed for public inspection August 15, 2014, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Commission Meeting

The Susquehanna River Basin Commission (Commission) will hold its regular business meeting on September 4, 2014, at 8:30 a.m. in the Radisson Hotel Corning, Finger Lakes Ballroom, 125 Denison Parkway East, Corning, NY 14830. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

For further information contact Jason Oyler, Regulatory Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436.

#### *Supplementary Information*

The business meeting will include actions or presentations on the following items: (1) informational presentation of interest to the Corning area; (2) release of proposed rulemaking for public comment; (3) rescission of unneeded or outdated policies; (4) ratification/approval of contracts/grants; (5) regulatory compliance matters for Carrizo (Marcellus), LLC, JKT Golf, LLC and Southwestern Energy Production Company; and (6) Regulatory Program projects. Projects listed for Commission action are those that were the subject of a public hearing conducted by the Commission on August 7, 2014, and identified in the notice for the hearing, which was published at 79 FR 40188 (July 11, 2014).

#### *Opportunity to Appear and Comment:*

Interested parties are invited to attend the business meeting and encouraged to review the Commission's Public Meeting Rules of Conduct, which are posted on the Commission's web site at [www.srbc.net](http://www.srbc.net). As identified in the public hearing notice referenced previously, written comments on the Regulatory Program projects that were the subject of the public hearing and are listed for action at the business meeting are subject to a comment deadline of August 18, 2014. Written comments pertaining to any other matters listed for action at the business

meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788 or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Comments mailed or electronically submitted must be received by the Commission on or before August 29, 2014, to be considered.

*Authority:* Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* July 31, 2014.

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 14-1772. Filed for public inspection August 15, 2014, 9:00 a.m.]

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