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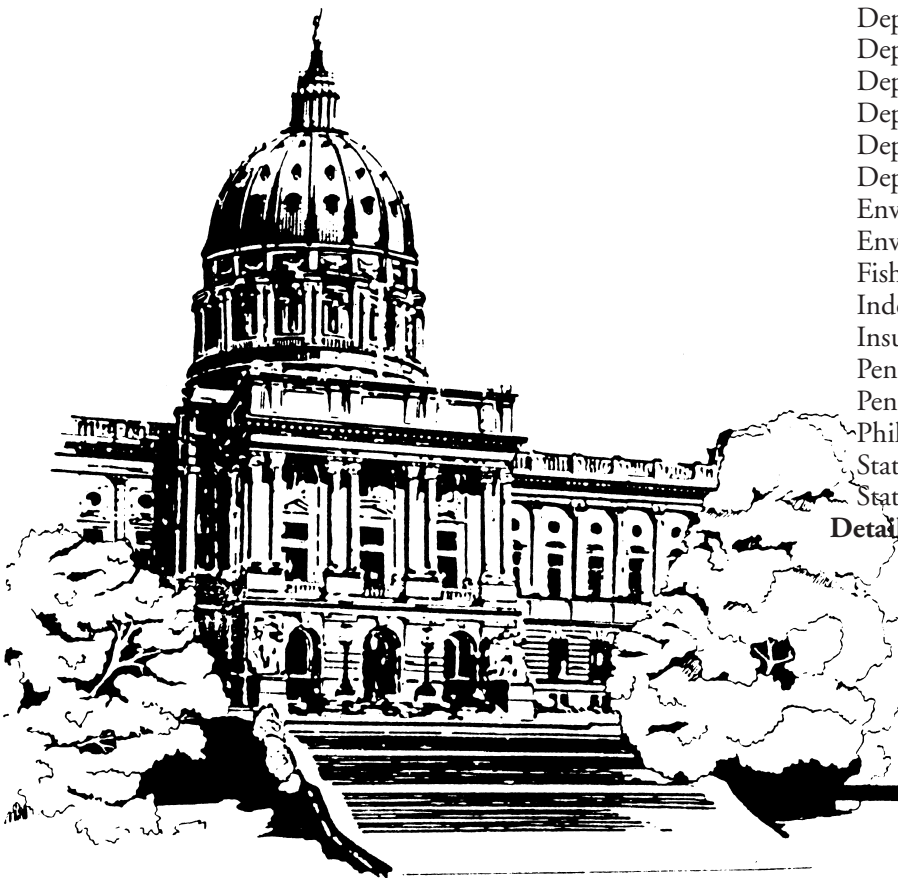
# PENNSYLVANIA BULLETIN

Volume 41  
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Pages 5941—6070

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State Conservation Commission

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

**No. 444, November 2011**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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

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

Unclassified .. 14, 218, 344, 346, 521, 588, 589, 590, 724,  
 837, 838, 839, 924, 1016, 1017, 1168, 1169, 1332,  
 1456, 1620, 1763, 1896, 2001, 2002, 2221, 2224,  
 2225, 2525, 2532, 2537, 2843, 3083, 3184, 3541,  
 3821, 3822, 3823, 3972, 3973, 3974, 4085, 4086,  
 4089, 4097, 4098, 4208, 4532, 4533, 4534, 4621,  
 4622, 4852, 4853, 4944, 4945, 4946, 5063, 5154  
 5359, 5746, 5955, 5956

# THE GOVERNOR

## Declaration of Fiscal Emergency—City of Harrisburg, Pennsylvania

October 24, 2011

*Whereas*, a duly authorized Request for Determination of Municipal Financial Distress was filed by the Honorable Linda D. Thompson, Mayor of the City of Harrisburg, pursuant to the provisions of Sections 202 and 203 of the Municipalities Financial Recovery Act, 53 P. S. § 11701.101 et seq. (Act 47), on October 1, 2010; and

*Whereas*, on December 15, 2010, the Secretary of Community and Economic Development determined that the City of Harrisburg had met the criteria set forth in Sections 201(3) and 201(9) of Act 47 and, therefore, issued a determination of municipal financial distress; and

*Whereas*, the City of Harrisburg has failed to adopt a plan for relieving the City's financial distress pursuant to Act 47, having rejected the Final Act 47 Recovery Plan filed by the Recovery Plan Coordinator in accordance with Section 244 of Act 47 on July 8, 2011, and the alternate Final Recovery Plan presented by Mayor Thompson pursuant to the provisions of Section 246 of Act 47 on August 22, 2011; and

*Whereas*, there exists a sustained failure by the City of Harrisburg's governing body to enact or implement a fiscal plan to adequately address or prevent insolvency despite repeated opportunities to do so; and

*Whereas*, the ongoing fiscal distress of the City of Harrisburg jeopardizes the health, safety and welfare of its citizens and threatens the fiscal stability of neighboring communities; and

*Whereas*, the City of Harrisburg is insolvent; and

*Whereas*, the City of Harrisburg is subject to various pending legal actions, all of which seek money judgments that the City does not have the ability to pay without jeopardizing the provision of vital and necessary services to its citizens and, therefore, is unable to ensure the continued provision of such services.

*Now, Therefore*, pursuant to the provisions of Sections 602(a)(1)(i) & (ii) and 602(a)(2)(i) of the Act of July 10, 1987 (P. L. 246, No. 47), as amended, 53 P. S. §§ 11701.101—11701.712 (Act 47 as amended), I hereby determine that a fiscal emergency exists in the City of Harrisburg.

*Further*, in accordance with Section 602(b)(1) of Act 47 as amended, and contemporaneously with this Proclamation, I hereby adopt and issue, and incorporate herein by reference, a Concise Statement of Facts supporting the determination of the existence of a fiscal emergency in the City of Harrisburg.

*Further*, in accordance with Section 602(b)(1) of Act 47, I hereby direct the Secretary of Community and Economic Development forthwith to serve written notice of this Declaration, along with the Concise Statement of Facts, upon the governing body of the City of Harrisburg and its Chief Executive Officer.

*Further*, having determined that a fiscal emergency exists in the City of Harrisburg, and acting pursuant to the powers by law vested in me to invoke the Commonwealth of Pennsylvania's sovereign and plenary police power in emergency fiscal conditions to protect the health, safety and welfare of a municipality's citizens when local officials are unwilling or unable to accept a solvency plan developed for the benefit of the community, and pursuant to the Commonwealth's paramount right and duty to maintain law and order and protect and preserve the health, safety and welfare of its citizens and ensure compliance with Act 47 as amended under Article IX of the Constitution of Pennsylvania, and pursuant to the provisions of

Section 602(a) & (b) of Act 47 as amended, I do hereby declare a state of fiscal emergency within the City of Harrisburg, Pennsylvania.

*Further*, I hereby direct the Secretary of Community and Economic Development, within ten (10) days of this Declaration, to develop an Emergency Action Plan as prescribed by Sections 602(c) and 603 of Act 47 as amended to ensure that vital and necessary services are maintained within the City of Harrisburg during the state of fiscal emergency.

*Further*, I hereby delegate the authority conferred upon me as Governor pursuant to the provisions of Section 604 of Act 47 as amended to the Secretary of Community and Economic Development, and I hereby authorize and direct the Secretary or his designee to carry out any emergency powers and issue any Orders otherwise reserved for the Governor pursuant to the aforesaid Section 604.

*Given* under my hand and the Seal of the Governor, at the City of Harrisburg, this twenty-fourth day of October in the year of our Lord two thousand eleven, and of the Commonwealth the two hundred and thirty-fifth.



Governor

**CONCISE STATEMENT OF FACTS SUPPORTING THE DETERMINATION  
OF FISCAL EMERGENCY IN THE CITY OF HARRISBURG  
REQUIRED BY 53 P. S. § 11701.602(b)(1)**

On October 1, 2010, Linda D. Thompson, Mayor of the City of Harrisburg, filed a Request for Determination of Municipal Financial Distress pursuant to the provisions of Sections 202 and 203 of the Municipalities Financial Recovery Act, 53 P. S. § 11701.101 *et seq.* ("Act 47"). By and through the aforesaid Request, Mayor Thompson requested that the Secretary of Community and Economic Development determine that the City of Harrisburg is a financially distressed municipality pursuant to the provisions of Section 201 of Act 47.

Subsequent to its receipt of the City of Harrisburg's Request for Determination of Municipal Financial Distress, the Department of Community and Economic Development fulfilled its obligations pursuant to the provisions of Section 203 of Act 47 to investigate the financial affairs of the City prior to rendering a determination of financial distress. On December 15, 2010, following public hearings on the City's Request for Determination of Municipal Financial Distress, and upon consideration of the Certified Record of such proceedings and review and consideration of the Proposed Findings of Fact and Conclusions of Law submitted by the City and other interested parties, Austin Burke, the former Secretary of Community and Economic Development, ordered that the City of Harrisburg had met the criteria set forth in Sections 201(3) and 201(9) of Act 47 and, therefore, a determination of municipal financial distress was issued.

On January 12, 2011, Secretary Burke appointed the Novak Consulting Group as Recovery Plan Coordinator for the City of Harrisburg pursuant to the provisions of Section 221 of Act 47. The Recovery Plan Coordinator filed Harrisburg's Act 47 Recovery Plan with the municipal clerk in accordance with Section 242 of Act 47 on June 13, 2011, containing a comprehensive plan designed to overcome the City of Harrisburg's financial distress. The Recovery Plan Coordinator filed Harrisburg's Final Act 47 Recovery Plan with the municipal clerk in accordance with Section 244 of Act 47 on July 8, 2011, containing a revised comprehensive plan designed to overcome the City's financial distress. On July 19, 2011, a majority of the Harrisburg City Council rejected the Recovery Plan Coordinator's Final Act 47 Recovery Plan.

Following the City Council's failure to adopt the Recovery Coordinator's Final Act 47 Plan, Mayor Thompson developed an alternate Final Recovery Plan pursuant to the provisions of Section 246 of Act 47 and filed such Plan with the municipal clerk on August 22, 2011. On August 31, 2011, a majority of the Harrisburg City Council rejected Mayor Thompson's Final Recovery Plan. On September 13, 2011, a majority of the Harrisburg City Council declined to reconsider its rejection of Mayor Thompson's Final Recovery Plan, leaving the City with no plan to alleviate its fiscal distress.

The City of Harrisburg is insolvent. Notwithstanding this fact, the City has repeatedly failed to enact or implement a fiscal plan to adequately address or prevent insolvency after repeated opportunities to do so. The City has repeatedly failed to pay guaranteed bond debt associated with the Harrisburg Materials, Energy, Recycling and Recovery Facilities (the "Incinerator") for which it is liable in the principal amount of \$242 Million, and for which the approximate amount of \$83 Million, representing past due payments and additional sums for 2011 debt service, is required in order to bring the City's guaranteed bond debt obligations current. The Incinerator debt is the subject of six (6) lawsuits currently pending in the Dauphin County Court of Common Pleas against the City of Harrisburg, each case seeking a money judgment and mandamus against the City pursuant to the provisions of the Debt Act which would require the City Treasurer to apply all tax monies received by the City first to the repayment of the Incinerator bonds.

The City of Harrisburg carried a budget deficit in 2010 of \$5.35 Million and is projected to have a budget deficit of approximately \$3 Million in 2011. The City's budget deficits in 2010 and 2011 were incurred despite the fact that the City paid no guaranteed bond obligations associated with the Incinerator in either year. The City has not budgeted for any bond debt service payments associated with the Incinerator debt in its 2011 budget.

An award of the relief requested in the pending lawsuits will render the City of Harrisburg incapable of providing for vital and necessary services by eliminating the City's receipt of tax revenues that would preclude the City's payment and/or provision of essential government services, including but not limited to, basic and fundamental municipal services such as police and fire services; ambulance and rescue services; water supply and distribution; wastewater services; refuse collection and disposal; snow removal; payroll and pension obligations; and fulfillment of payment of debt obligations or any other financial obligations. This threat to the City of Harrisburg's ability to provide vital and necessary services jeopardizes the health, safety and welfare of the citizens of Harrisburg, as well as citizens of the Commonwealth who work in or visit the City. Moreover, the City's ongoing fiscal distress threatens the fiscal stability of neighboring communities.

As a result of the totality of the fiscal circumstances existing in the City of Harrisburg, including but not limited to the City's insolvency, the City's inability to ensure the continued provision of vital and necessary services as such term is defined by Section 601 of the Act of July 10, 1987, P. L. 246, (as amended), 53 P. S. § 11701.601 ("Act 47 as amended"), and the City's continued failure to adopt a fiscal recovery plan prepared for the City and designed to alleviate its fiscal distress, a determination of the existence of a fiscal emergency is warranted.

[Pa.B. Doc. No. 11-1866. Filed for public inspection November 4, 2011, 9:00 a.m.]



# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 1 ]

#### Proposed Rule of Appellate Procedure 125

The Appellate Court Procedural Rules Committee proposes to recommend adoption of new Pennsylvania Rule of Appellate Procedure 125 authorizing and enabling a pilot electronic filing program for certain legal papers in the Pennsylvania Supreme Court. This proposed new rule is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed amendment should be sent no later than December 5, 2011 to:

Dean R. Phillips, Counsel  
D. Alicia Hickok, Deputy Counsel  
Scot Withers, Deputy Counsel  
Appellate Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Ave., Suite 6200  
P. O. Box 62635  
Harrisburg, Pennsylvania 17106-2635

or Fax to (717) 231-9551  
or E-Mail to [appellaterules@pacourts.us](mailto:appellaterules@pacourts.us)

An Explanatory Comment precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court  
Procedural Rules Committee*

HONORABLE RENÉE COHN JUBELIRER,  
*Chair*

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 1. GENERAL PROVISIONS

#### DOCUMENTS GENERALLY

#### Rule 125. Electronic Filing.

The appellate courts may establish and maintain a system for electronic filing of legal papers in the appellate courts. Electronic filing procedures shall be governed by an Administrative Order of the Supreme Court of Pennsylvania and by an Electronic Filing Policies and Procedures Manual prepared by the Administrative Office of Pennsylvania Courts.

**Official Note:** This is an interim rule authorizing electronic filing of legal papers in the Pennsylvania appellate courts through the internet. It is anticipated that the appellate courts will implement an electronic filing system in pilot phases governed by an Administrative Order of the Supreme Court and by an Electronic Filing Policies and Procedures Manual prepared by the Administrative Office of Pennsylvania Courts. The initial

pilot phase will include certain legal papers filed in the Supreme Court only. Prior to implementation of the initial pilot phase, the Supreme Court's Administrative Order and an Electronic Filing Policies and Procedures Manual, will be posted on the Unified Judicial System's website at [www.pacourts.us](http://www.pacourts.us). The Administrative Order and an Electronic Filing Policies and Procedures Manual may be subject to frequent amendment, especially during the pilot phases as the system and related procedures evolve and the program is expanded to include filings in the intermediate appellate courts. Following the pilot phase or phases, it is anticipated that the Supreme Court will amend or replace this interim rule based on experience.

#### Explanatory Comment

The Supreme Court and the Administrative Office of Pennsylvania Courts ("AOPC") plan to implement a voluntary pilot electronic filing ("e-filing") program for the filing of certain legal papers in the Supreme Court. The pilot program will permit electronic filing of a petition for allowance of appeal and any legal papers filed after a docket number is issued such as briefs, reproduced records and applications for relief. The petition for allowance of appeal is the only initiating legal paper included in the pilot program and it does not include any other legal paper that begins a matter in the Supreme Court such as a petition for extraordinary relief and a notice of appeal. Users will be permitted to file legal papers electronically in direct appeal and original jurisdiction matters after filing the initiating legal paper with the Supreme Court in the conventional manner as provided in the Rules of Appellate Procedure. The Supreme Court and AOPC anticipate that the pilot program will be expanded later to include legal papers in the Superior and Commonwealth Courts.

The proposed general rule authorizes the implementation of an e-filing program. The Committee expects the Supreme Court to implement the program by adopting an Administrative Order to be posted on the Unified Judicial System ("UJS") website with two manuals: the Electronic Filing Administrative Policies and Procedures Manual and the Electronic Filing User's Manual.

The Administrative Order will cover topics including: (a) authorization for AOPC to prepare and post the Electronic Filing Administrative Policies and Procedures Manual and the Electronic Filing User's Manual on the UJS website; (b) identification of the legal papers which may be filed; (c) a description of the electronic format for electronically filed legal papers; (d) details regarding filing, such as the deadline for filing legal papers and acknowledgment of receipt of filing; (e) service of legal papers; and (f) the consequences of a technical failure of the Court's electronic filing system.

The Electronic Filing Administrative Policies and Procedures Manual and the Electronic Filing User's Manual will include the details of registration, payment of filing fees, and access to the system. The Committee reiterates that the pilot program for the electronic filing system will be voluntary. The Committee expects that, before it is expanded or made mandatory, the Rules of Appellate Procedure would codify the policies and procedures in more detail following publication and an opportunity for comment based on experience with the pilot program.

[Pa.B. Doc. No. 11-1867. Filed for public inspection November 4, 2011, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## DAUPHIN COUNTY

### Rescission and Repromulgation of Rule of Criminal Procedure 117 (MDJ Night Court Duty Procedure); No. 1793 S 1989; (Amending M.D. 2006); A.O. 2011

#### Order of Court

*And Now*, this 17th day of October, 2011, Dauphin County Local Rule of Criminal Procedure 117 is rescinded in its entirety and repromulgated as follows:

#### Rule 117. Magisterial District Judge Night Court Duty Procedures.

(1) (a) The standard business hours for all Dauphin County Magisterial District Courts shall be Monday through Friday, 8:00 A.M. to 4:30 P.M. Any magisterial district judge (MDJ) who is unavailable during these times due to vacation, illness, night duty, continuing education, or any other reason, must make arrangements to have his or her district covered by another MDJ.

(b) Any matter presented to an MDJ between 8:00 A.M. and 4:00 P.M. Monday through Friday shall be resolved by that judge, or by the MDJ temporarily covering that district. Any matter presented to an MDJ after 4:00 P.M. Monday through Friday may be handled by the MDJ or may be held for Night Court.

(2) The standard business hours for Dauphin County Night Court shall be as follows:

(a) Monday through Thursday: 5:00 P.M. to midnight. The Night Court Duty Judge ("Duty Judge") shall be available from 9:00 P.M. to midnight, either by presence at Night Court or by video conference, to handle all relevant matters. The Duty Judge shall arraign all defendants whose paperwork is received by Night Court no later than midnight.

(b) Friday through Sunday: 5:00 P.M. Friday until midnight Sunday night. The Duty Judge shall be available Friday night and Saturday night from 9:00 P.M. until all matters are concluded, Saturday and Sunday morning at 8:00 A.M. until all matters are concluded, Saturday and Sunday afternoon at 4:00 P.M. until all matters are concluded, and Sunday night from 9:00 P.M. until midnight. The Duty Judge shall arraign all defendants whose paperwork is received by Night Court during those hours.

The Duty Judge may call in to Night Court one hour prior to the morning and afternoon arraignment times. If no matters are pending, the Duty Judge does not need to be present at Night Court or by video.

(c) Holidays: The Duty Judge shall be available at 8:00 A.M. until all matters are concluded, at 4:00 P.M. until all matters are concluded, and at 9:00 P.M. until midnight. The Duty Judge shall arraign all defendants whose paperwork is received by Night Court during those hours.

The Duty Judge may call Night Court one hour prior to the morning and afternoon arraignment times. If no matters are pending, the judge does not need to be present at Night Court or by video.

(d) Any emergency situations requiring search warrants and arrest warrants arising between midnight - 8:00 A.M. Monday through Friday shall be the responsibility of the Duty Judge.

(3) Morning Arraignments Monday—Friday: Each MDJ shall be responsible to handle his/her own arraignments for those defendants arrested after the close of Dauphin County Night Court the previous night. These arraignments shall be held at 8:30 A.M. each weekday morning, either by having the defendant brought to the district court in person or by video conferencing. If an MDJ is absent from his/her office it is the responsibility of the sitting judge to make sure that another MDJ is available to perform the morning arraignments.

(4) The schedule for Night Court duty shall be the responsibility of the Deputy Court Administrator for Magisterial District Judges.

This rule shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

*By the Court*

TODD A. HOOVER,  
*President Judge*

[Pa.B. Doc. No. 11-1868. Filed for public inspection November 4, 2011, 9:00 a.m.]

## LACKAWANNA COUNTY

### Adult Probation Drug Test Fees; 2011-MISC-501

#### Administrative Order

*Now*, this 14th day of October, 2011, effective 30 days following publication in the *Pennsylvania Bulletin*, the Adult Probation and Parole Department will impose a \$50.00 annual fee for those ordered by the courts to undergo one or more Drug Tests. The Clerk of Judicial Records shall collect this fee as part of Court fees levied on defendants and the Lackawanna County Treasurer shall establish and administer a separate Lackawanna County Adult Probation Drug Test Fund, consisting of those funds received from this Drug Test Fee.

It is further ordered that, in accordance with Pa.R.C.P. 239, the District Court Administrator of Lackawanna County, Pennsylvania, shall:

(a) File seven (7) certified copies hereof with the Administrative Office of Pennsylvania Courts;

(b) Distribute two (2) certified copies hereof to the Legislative Reference Bureau for Publication on the *Pennsylvania Bulletin*;

(c) File one (1) certified copy hereof with the Criminal Rules Committee;

(d) Cause a copy hereof to be published one (1) time in the *Lackawanna Jurist* at the expense of the County of Lackawanna; and

(e) Supervise and distribute hereof to all Judges of this Court.

It is Further Ordered that copies of this Order are directed to: the Court of Common Pleas; the District Court Administrator; the Lackawanna County District Attorney's Office; the Lackawanna County Public Defender's Office; the Lackawanna County Clerk of Judicial Records Office; the Lackawanna County Adult Probation and Parole Office; and the Lackawanna County Treasurer's Office.

*By the Court*

THOMAS J. MUNLEY,  
*President Judge*

[Pa.B. Doc. No. 11-1869. Filed for public inspection November 4, 2011, 9:00 a.m.]

**LANCASTER COUNTY**  
**Exceptions to Master's Report**

**Rule 1920.55-2. Exceptions to Master's Report.**

A. A party filing exceptions to a master's report shall also file a praecipe in the Prothonotary's office to list the exceptions for argument and shall serve all parties with a copy. The Prothonotary shall list said matter in the Argument Watch Book and assign it to the appropriate judge. The assigned judge shall notify the parties by way of court order of the briefing schedule and of the date and time when argument shall be presented.

JOSEPH C. MADENSPACHER,  
*President Judge*

[Pa.B. Doc. No. 11-1870. Filed for public inspection November 4, 2011, 9:00 a.m.]

**LANCASTER COUNTY**  
**Family Business Court**

**Rule 1931.**

A. Family Court motions and petitions for special relief or other Family Court rulings must be in writing and must be presented in the Family Business Court session of the judge assigned to the case, as indicated in the Court's calendar, or for urgent matters, to the assigned judge by appointment. A copy of the motion or petition with proposed Order, as well as notice of when and where it will be presented, must be provided to all parties at least five (5) days before presentation to the Court. A certificate of service of the proposed Order, notice of presentation, and the motion or petition must be attached.

B. The notice of presentation required by Local Rule 1931 shall be directed to the respondents(s) to the motion or petition and shall be in substantially the following form:

[Caption]

NOTICE OF FAMILY BUSINESS COURT  
PRESENTATION

To: [Name of Respondent]

You are hereby notified that the attached [Petition or motion] and the preceding proposed Order will be presented in Family Business Court before the Honorable Judge [Name of judge] on [Date] at [Time] in Courtroom Number [ ] of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania 17602.

You may appear in person or by a lawyer at the time and place set forth.

Your failure to appear in person or by a lawyer at the time and place set forth may result in the Court granting the relief requested in the attached [Petition or motion] in the form of the preceding proposed Order, or other relief, without further notice to you.

\_\_\_\_\_ [Name of Movant or Petitioner]

\_\_\_\_\_ [Attorney for Movant or Petitioner]

C. The document shall be assembled so that the proposed Order is on top, followed by the notice of presentation, next by the petition or motion with any supporting exhibits, next by the verification, and finally by the certificate of service.

JOSEPH C. MADENSPACHER,  
*President Judge*

[Pa.B. Doc. No. 11-1871. Filed for public inspection November 4, 2011, 9:00 a.m.]

**LANCASTER COUNTY**  
**Physical Characteristics of Legal Papers**

**Rule 205.2(a). Physical Characteristics of Legal Papers.**

Legal papers submitted to the Prothonotary shall comply with the following requirements:

- A. The first page shall set forth:
  1. The case caption.
  2. The case number.
  3. The name of the assigned judge, if applicable.
  4. The name, identification number, address and telephone number of the attorney and law firm or pro se party submitting the legal papers.
  5. In medical malpractice actions, "Code 96" shall appear beneath the case number.
- B. No manuscript cover or manuscript backing such as a blue back or firm identification strip shall be attached to any legal papers.
- C. Legal papers shall be stapled once in the upper left hand corner. No tape or other material shall cover the staple.
- D. All originals shall be marked "ORIGINAL." Copies shall be marked "COPY."
- E. Each page shall be numbered at the bottom center of the page. The case number shall appear, in twelve point font or larger, in the upper right hand corner of each page.

F. Tabs shall be placed at the bottom of all exhibits and appendices.

G. The name of each person signing a legal paper shall be typed beneath the person's signature.

H. Briefs and memoranda shall be filed separately and not appended to other documents.

I. Verifications shall be dated.

J. Unless required by an applicable law or rule of court or unless so directed by the Court, parties or their attorneys may include only:

- (1) the last four digits of the social security number of the taxpayer identification number;
- (2) the year of the individual's birth;
- (3) the last four digits of the financial account information in documents filed with the Prothonotary. The responsibility for redacting these personal identifiers rests solely with the parties.



Documents will not be reviewed by the Prothonotary for compliance with the rule.

JOSEPH C. MADENSPACHER,  
*President Judge*

[Pa.B. Doc. No. 11-1872. Filed for public inspection November 4, 2011, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated September 20, 2011, under Rule 111(b) Pa.R.C.L.E., which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$200.00. The Order became effective October 20, 2011.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Abreu, Aismara Janet New York, NY	Blythe, Kenneth Alan Greensboro, NC	DePamphilis, Dominic Roman Egg Harbor Township, NJ	Kates, Richard Andrew Metuchen, NJ
Acchione, Thomas John Phoenix, MD	Boler, Megan Denise Charlotte, NC	DeSimone, Mark Anthony Boca Raton, FL	Kelin, Richard Scott West Orange, NJ
Acosta, Rafael Damian Newark, DE	Boyer, John Scott Moorestown, NJ	Dewland, Mark C. Cherry Hill, NJ	Kloecker, Michelle M. Bloomsbury, NJ
Agee, William Paul Newark, NJ	Brady, George Moore, III Washington, DC	Dickens, Lynette C. Suwanee, GA	Krysiak, Susan E. North Cape May, NJ
Aham-Neze, L. Obioma Houston, TX	Brown, Michael T. Capitol Heights, MD	Dodig, Lorrie Matty Cinnaminson, NJ	La Polt, Monica Indianapolis, IN
Alenciewicz, Robert G. Florham Park, NJ	Bucknor, Kevin Bruce Houston, TX	DuBois, Austin Fitzgerald Haddonfield, NJ	Lubin, David S. Beachwood, NJ
Arnett, Jeffrey Lovett Morgantown, WV	Burg, Ivy Barton Columbia, MD	Ellen, Benita Webster Palmyra, VA	Magargee, W. Scott, IV Charlottesville, VA
Bah, Mohamed Sadu Washington, DC	Butler, Cynthia L. Washington, DC	Evans, Leslie S. Brooklyn, NY	Maher, Steven J. Naples, FL
Baldus, Bradford A. Kingshill, Virgin Islands	Butler, David Earl Vestal, NY	Franks, Kimberly Scott Springfield, VA	McCartan, Kathleen Patricia Austin, TX
Bamford, Sean Patrick Laytonsville, MD	Cahill, Susan Lynne Rozet, WY	Gambone, Angela Collingswood, NJ	McGinnis, Mary L. North Cape May, NJ
Bart, Andrew Ian Brooklyn Heights, NY	Carson-Smith, Winifred Y. Washington, DC	Georgino, Damian C. Rancho Santa Fe, CA	McGinty, David Brandon Opelika, AL
Beauvais, Danielle Hillsboro, OR	Cavanaugh, Theresa Z. Washington, DC	Green, Rebecca B. Washington, DC	Merritt, John Milton Oklahoma City, OK
Bennett, Eva Raczkowski Douglas, AK	Chuey-Cosca, Mary Kay Cincinnati, OH	Harmon, Joshua Lee Las Vegas, NV	Millar, Fredrick Lloyd Sacramento, CA
Berman, Eric M. Babylon, NY	Conwell, John Fredrick Riva, MD	Heimbuch, William J. Hackensack, NJ	Mitchell, Charles L. New York, NY
Bileci, Michael Lawrence Woodbury, NJ	Cord, John J., Jr. Glen Burnie, MD	Henderson, Carolyn V. Rockville, MD	Moghaddam, Ali Michael, II Los Angeles, CA
Bilka, Nicholas Joseph Washington, DC	Crabtree, Scott Christopher Saugus, MA	Henley, Angela Cecile McLean, VA	Mollenthiel, Ashley Theresa Collingswood, NJ
Blasko, John Patrick France	deGrouchy, William John Stone Harbor, NJ	Henry, Scott Randall Cape Coral, FL	Moore, Marc Alan, Sr. East Liverpool, OH
		Herdelin, Thomas McGlade Haddonfield, NJ	Mundie, Steven Andrew New York, NY
		Heston, Michael E. Mount Laurel, NJ	Nelson, Keith Barclay Washington, DC
		Hickman, Keith O'Neal Sierra Vista, AZ	Niksa Thomas St. Albans, VT
		High, Elizabeth Carleton Atlanta, GA	Novin, Allison Courtney Voorhees, NJ
		Hoehing, Kimberly A. Wenonah, NJ	O'Connell, Jennifer Lynn Estero, FL
		Holloway, Charlisa M. Middletown, DE	Ogden, Judith Stilz Morrow, GA
		Holmes, Joshua David Pennsville, NJ	Parsard, Keston Orane Brooklyn, NY
		Hughes, Tara Jones Milton, GA	Pauley, Troy A. Kansas City, MO
		Hull, John Daniel, IV San Diego, CA	Peluso, Matthew Angelo Lambertville, NJ
		Jackson, Ronald Douglas Portland, OR	Pike, Kenneth Ronald Medford, NJ
		Jensen, James Clark Morristown, NJ	Pina, Stephen A., II Deptford, NJ
		Johnson, Jared Russell Las Vegas, NV	

Plunk, Jay E., Jr. Hainesport, NJ	Seem, Steven Joseph Arlington, VA
Polin, Richard L. Salisbury, MD	Seiple, Terry Guthrie, Jr. Boulder, CO
Powell, Wayne Mullica Hill, NJ	Smolin, Michele Ann Cleveland, OH
Price, Peter Eyre, Jr. Peoria, IL	Suter, Dana Christine East Brunswick, NJ
Rachuba, Rosina Anna Bridgeton, NJ	Tenny, Nathan Andrew APO, AA
Rainone, Michael C. Binghamton, NY	Thelen, Christine Elizabeth Central Point, OR
Rednor, Howard S. Trenton, NJ	Thomas, Windell Wilfred Hyattsville, MD
Reeves, Elizabeth Anne Solomons, MD	Thornton, Tamika Nicole Trenton, NJ
Riblett, Gail F. Wilmington, DE	Tomei, Kimberly Ann Manalapan, NJ
Richards, Travis J. Mount Holly, NJ	Tong, Kin-Wah Eatontown, NJ
Roberts, Kelly Anne Wilmington, DE	Tumpson, Barry P. Simpsonville, SC
Roberts, Paul Andrew Reston, VA	Tyminski, Patricia Daffodil Los Angeles, CA
Rodriguez, Ruben A. Woodbury, NJ	Vazquez, Joe Alexis New York, NY
Rosenello, Regina North Wildwood, NJ	Waddington, Michael S. Evans, GA
Sanders, Robert Alexander Bowie, MD	Williams, Kevin Theodore Detroit, MI
Scolaro, Richard S. Jamesville, NY	Williams, Shermela Jarmez Atlanta, GA
Scott, Andrea K. Los Angeles, CA	York, Carol M. Wilmington, DE

SUZANNE E. PRICE,  
*Attorney Registrar*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 11-1873. Filed for public inspection November 4, 2011, 9:00 a.m.]

# PROPOSED RULEMAKINGS

## BOARD OF COAL MINE SAFETY

[ 25 PA. CODE CH. 208 ]

### Requirements for Automated External Defibrillators

The Board of Coal Mine Safety (Board) proposes to amend the Department of Environmental Protection's (Department) regulations in Chapter 208 (relating to underground coal mine safety) to read as set forth in Annex A. This proposed rulemaking establishes safety standards relating to automated external defibrillators (AED).

This proposal was adopted by the Board at its meeting on October 26, 2010.

#### A. *Effective Date*

This proposed rulemaking will go into effect 90 days after final-form publication in the *Pennsylvania Bulletin*.

#### B. *Contact Persons*

For further information, contact Joseph Scaffoni, Director, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469; or Richard Morrison, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available through the Department's web site: <http://www.depweb.state.pa.us>.

#### C. *Statutory Authority*

The rulemaking is proposed under the authority of sections 106, 106.1 and 106.2 of the Bituminous Coal Mine Safety Act (BCMSA) (52 P. S. §§ 690-106, 106.1 and 106.2), which authorizes the adoption of regulations implementing the BCMSA including additional safety standards. The Board is directed to consider adopting regulations implementing the Mine Improvement and New Emergency Response Act of 2006 (MINER Act) (Pub. L. No. 109-236) from the United States Department of Labor, Mine Safety and Health Administration (MSHA). This rulemaking is also proposed under section 1917-A of The Administrative Code of 1929 (71 P. S. § 510-17), which authorizes the Department to prevent the occurrence of a nuisance.

#### D. *Background and Purpose*

At the National level, MSHA regulates mine safety under the Federal Mine Safety and Health Act of 1977 (Mine Safety Act) (30 U.S.C.A. §§ 801—965). The MSHA regulations are in 30 CFR Parts 1—199. The operating requirements for underground coal mines are in 30 CFR Part 75 (relating to mandatory safety standards—underground coal mines).

The Mine Safety Act only preempts state laws or regulations that are less stringent than or that conflict with MSHA standards. See section 955 of the Mine Safety Act (30 U.S.C.A. § 955), regarding state laws. Unlike a state's ability under other Federal statutes to obtain

primacy (primary enforcement authority), a state cannot obtain authority to enforce the Mine Safety Act in that state's jurisdiction. As a result, a number of states maintain an independent underground coal mine safety program with the mine operator being subject to two mine safety programs.

On June 15, 2006, the United States Congress amended the Mine Safety Act by enacting the MINER Act. The MINER Act addresses safety issues raised by fatal mine accidents at the Sago and Alma Mines in West Virginia and the Darby Mine in Kentucky. In addition, Congress adopted the Consolidated Appropriations Act of 2008 (Pub. L. No. 110-161) directing the MSHA to adopt new belt conveyor flame-resistance standards. In accordance with these congressional mandates, the MSHA has promulgated regulations addressing the flammability of belt conveyors, the strength of seals for abandoned areas, escapeways, refuge alternatives, post-accident breathable air, communications, tracking and mine rescue teams.

The Commonwealth has been regulating safety at underground bituminous coal mines since 1889. See the act of May 9, 1889 (P. L. 154, No. 171), regarding the recovery of the bodies of workmen. On July 7, 2008, the General Assembly enacted the BCMSA. The BCMSA is the first significant update of the Commonwealth's underground bituminous coal mine safety laws since 1961. See section 103(a) of the BCMSA (52 P. S. § 690-103(a)).

One of the significant changes made by the BCMSA is authority to promulgate regulations for mine safety. The General Assembly established the Board to promulgate regulations. The seven-member Board consists of the Department's Secretary as chairperson and three members representing the viewpoint of mine workers and the viewpoint of underground bituminous coal mine operators respectively. See section 106 of the BCMSA.

A significant problem with the pre-existing law is that its safety standards were becoming outdated. See section 103 of the BCMSA. There was not an effective mechanism to modify existing standards or to adopt new safety standards to address changes in technology or other hazards.

To rectify this problem, the BCMSA contains broad rulemaking authority to adopt regulations to either modernize safety standards in the BCMSA or adopt new safety standards not in the BCMSA. See section 106 of the BCMSA. The Board was directed to start considering whether to adopt Federal mine safety standards not in the BCMSA. See section 106.1 of the BCMSA. Of particular concern is the adoption of regulations implementing safety standards established by the MINER Act regulations. See section 106.1(h) of the BCMSA.

#### E. *Summary of Regulatory Requirements*

##### § 208.70. *Automated external defibrillators*

The Board is responding to a letter from a citizen, Karen J. Hampton of Fairview, who requested that AEDs be placed at coal mines for miners' safety. An AED is a portable device that uses electric shock to restore a stable heart rhythm. The Board agreed that placing AEDs at coal mines would be in the best interests of the miners' safety.

This regulation requires mine operators to place one AED at a surface location of each mine as well as one AED at each coal producing section of each mine. Emergency medical personnel shall be trained in the proper use of an AED.



### F. *Benefits, Costs and Compliance*

#### *Benefits*

The intent of this proposed rulemaking is to ensure that an AED is available should a miner have a heart attack while on the job. Trained emergency management personnel may be able to save a miner's life with the use of an AED at the mine rather than waiting for an ambulance to arrive. Since the 38 underground bituminous coal mines in this Commonwealth employ approximately 4,420 people, this proposed rulemaking protects all mine workers.

#### *Compliance costs*

Each mine owner will be required to purchase the requisite number of AEDs.

### G. *Sunset Review*

This proposed regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the proposed regulation effectively fulfills the goals for which it was intended.

### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 26, 2011, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

### I. *Public Comments*

*Written comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Board of Coal Mine Safety, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by December 5, 2011. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by December 5, 2011. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form rulemaking will be considered.

*Electronic comments*—Comments may be submitted electronically to the Board at RegComments@pa.gov and must also be received by the Board by December 5, 2011. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

MICHAEL L. KRANER,  
Chairperson

**Fiscal Note:** 7-463. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

#### ARTICLE IV. OCCUPATIONAL HEALTH AND SAFETY

#### CHAPTER 208. UNDERGROUND COAL MINE SAFETY

#### GENERAL PROVISIONS

#### § 208.1. Definitions.

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

**AED—Automated external defibrillator**—A portable device that uses electric shock to restore a stable heart rhythm to an individual in cardiac arrest.

\* \* \* \* \*

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

#### AUTOMATED EXTERNAL DEFIBRILLATORS

#### § 208.70. Automated external defibrillators.

(a) *Location.* A mine operator shall provide for use in an emergency one AED at the following locations, consistent with the Equipment Approval Task Force guidelines:

- (1) A location on the surface of the mine.
- (2) On or near each coal producing section.

(b) *Training.*

(1) Emergency medical personnel at the mine shall complete training in the use of an AED. The mine operator may include the required AED training in its continuing education plan for emergency medical personnel. Training in the use of the AED for emergency medical personnel shall be provided in accordance with the standards of the American Heart Association, the American National Red Cross or through an equivalent course of instruction approved by the Department of Health.

(2) Mine personnel, other than emergency medical personnel, shall receive yearly training in the operation of the AED. Training may be provided as part of the annual refresher training provided under 30 CFR 48.8(c) (relating to annual refresher training of miners; minimum courses of instruction; hours of instruction).

(c) *Maintenance and inspection.* AEDs shall be maintained and inspected according to manufacturer's operational guidelines.

(d) *Good Samaritans.* Section 8331.2 of 42 Pa.C.S. (relating to Good Samaritan civil immunity for use of automated external defibrillators) applies to miners who render care with an AED.

[Pa.B. Doc. No. 11-1874. Filed for public inspection November 4, 2011, 9:00 a.m.]

# COMMISSION ON CRIME AND DELINQUENCY

[ 37 PA. CODE CH. 431 ]

## Constables' Education and Training Board Amendments

The Constables Education and Training Board (Board) of the Commission on Crime and Delinquency (Commission) proposes to amend §§ 431.14, 431.15, 431.22, 431.32 and 431.42 and rescind §§ 431.45 and 431.46 (relating to eligibility for waiver; and scope of waiver) to read as set forth in Annex A.

### *Statutory Authority*

The proposed rulemaking is authorized under 44 Pa.C.S. § 7144(10) (relating to program established).

### *Purpose*

This proposed rulemaking will amend regulations to coincide with current Board policy and practices regarding certification, training attendance policies and financial responsibility. This proposed rulemaking will also eliminate waiver of the firearms qualification course for law enforcement officers, add the 21 years of age requirement for the firearm qualification and eliminate 10MM caliber firearm.

### *Effective Date*

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

### *Contact Person*

For further information on the proposed rulemaking, contact John Pfau, Manager, Bureau of Training Services, Commission on Crime and Delinquency, P. O. Box 1167, Harrisburg, PA 17108-1167, (717) 265-8546. This proposed rulemaking is available on the Commission's web site at [www.pccd.state.pa.us](http://www.pccd.state.pa.us).

### *Summary of Amendments*

Proposed amendments to § 431.14(d) (relating to lapse of certification) allow the Board to reactivate a constable's lapsed certification if the constable has successfully completed the basic training course.

Proposed amendments to § 431.15 (relating to certification numbers) allow the Board to reactivate the original certification of a constable who has been re-elected or reappointed after the constable has completed a basic training course. Subsection (b) is proposed to be deleted because it is not necessary.

Proposed amendments to § 431.22 (relating to requirements) require that a constable who fails a first and second examination in basic training bear the financial responsibility for a second and third basic training. Additionally, amendments are proposed for language consistency.

Proposed amendments to §§ 431.25 and 431.35 (relating to attendance policies) discourage "no-shows," thereby saving the Board money for reserving a place in class. Proposed amendments also place financial responsibility for subsequent class enrollments on the constable.

Proposed amendments to § 431.42 (related to eligibility for firearms qualification) allow only certified constables who are 21 years of age or older to enroll in a firearms qualification course.

Proposed amendments to § 431.43 (related to firearm and ammunition) eliminate the 10MM caliber from the list of firearms in subsection (b).

Sections 431.45 and 431.46 are proposed to be rescinded to eliminate waivers of firearms training for law enforcement officers to ensure that constables have the same level of training as provided by the Board.

Proposed amendments to § 431.47 (relating to attendance policies) discourage "no shows" and place financial responsibility for subsequent enrollments on the constable. Proposed subsections (c)—(e) reflect current existing policies.

Proposed amendments to § 431.48 (relating to lapse of qualification) address language consistency and add subsection (b) to address reactivation of firearms qualification.

### *Paperwork*

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements. Paperwork will be decreased with the process of reactivating lapsed, rather than issuing new certifications.

### *Fiscal Impact*

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. Constables who fail to achieve a passing score in a second examination following basic training will be adversely affected because they will be required to bear financial responsibility for a second training. If the constable fails the second basic training examination, he will bear the responsibility for a third basic training course.

Because waiver of firearms training is proposed to be eliminated, additional costs will be incurred for training. However, the Constables' Education and Training Account is the only fund affected by this proposed rulemaking. This account is funded by the \$5 surcharge collected for services that constables perform for the minor judiciary. Presuming that 11 law enforcement officers apply for training in a given year (an average of past years), the cost would be \$516 per law enforcement officer or \$5,676. The on-going costs of retraining those 11 constables every year would be \$3,333. These costs can be supported by the Constable's Education and Training Account.

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 26, 2011, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Local Government Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria 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 Comments*

Interested persons are invited to submit written comments about the proposed rulemaking to John Pfau, Manager, Bureau of Training Services, Commission on

Crime and Delinquency, P. O. Box 1167, Harrisburg, PA 17108-1167 within 30 days after this publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments will be posted on IRRC's web site. Personal information will be redacted from the public comments received.

HONORABLE RICHARD OPIELA,  
*Chairperson*  
*Constables' Education and Training Board*

**Fiscal Note:** 35-32. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 37. LAW

#### PART VI. COMMISSION ON CRIME AND DELINQUENCY

#### CHAPTER 431. CONSTABLES' EDUCATION AND TRAINING BOARD

#### CERTIFICATION

##### § 431.14. Lapse of certification.

\* \* \* \* \*

(d) The Board will [ **not** ] reactivate a certification 5 years or more after the lapse of a constable's certification[. **The Board will issue a new certification**] upon the constable's successful completion of a basic training course.

##### § 431.15. Certification numbers.

\* \* \* \* \*

(b) [ **If a person who successfully completes basic training has not been elected or appointed as constable, the Board will issue a certification number upon the individual's election or appointment and the notification to the Board by the constable of the election or appointment.**

(c) [ The Board will reissue the original certification number to a constable who successfully completes continuing education.

[ (d) ] (c) A person is required to notify the Board by telephone, facsimile transmission or electronic mail within 48 hours after the person has vacated the office of constable or deputy constable. The Board will place the person's certification number into inactive status upon notification.

[ (e) ] (d) A person who is reelected or reappointed to the office of constable after vacating it shall notify the Board. Based upon the timing of reelection or reappointment, the Board will do one of the following:

\* \* \* \* \*

(3) If the reelection or reappointment occurs 5 years or more after the date on which the office was vacated, the Board will [ **issue a new certification number** ] reactivate the original certification upon the constable's successful completion of a basic training course.

#### BASIC TRAINING

##### § 431.22. Requirements.

(a) A constable [ **or other person shall** ] will be required to attain the following to complete a basic training course:

\* \* \* \* \*

(b) A constable [ **or other person** ] who fails to achieve a passing score on a written examination may undergo a second **written** examination.

(c) A constable [ **or other person** ] who fails to achieve a passing score [ **in** ] on a second **written** examination may attend and complete a second basic training course in its entirety. **The constable shall bear financial responsibility for the cost of the additional basic training course.**

(d) A constable [ **or other person** ] may attend a third basic training course upon failing to complete the second **basic training** course, but [ **shall** ] **will not** be given [ **no** ] additional opportunities upon failing to complete the third course. **The constable shall bear financial responsibility for the cost of the additional basic training course.**

##### § 431.25. Attendance policies.

(a) [ **A person who is not a constable but who intends to seek election or appointment as a constable may register and attend basic training if an opening is available and the person bears financial responsibility for the cost.**

(b) [ **A constable [ or other person who registers for ] who enrolls in a basic training course may withdraw from the course without penalty upon timely notification to [ the director of ] the school conducting the basic training course. A notification shall be deemed timely if it is delivered to the director of the school or a designee no later than 7 calendar days prior to the start of classes. The school may assess a failing grade for [ all or part of ] the basic training course if the constable [ or other person ] fails to provide timely notification [ and the Board finds that substantial mitigating circumstances do not exist ] or to show good cause.**

(b) **If notification to withdraw is not given or is deemed untimely and good cause is not shown and the constable wishes to attend another basic training course in the same training year or in the next training year, the constable shall bear financial responsibility for the cost of the additional basic training course. Payment must be received by the Commission within 2 weeks of class start date in the form of a certified check or money order.**

(c) **A constable who successfully completes a basic training course may not attend another basic training course in the same training year.**

#### CONTINUING EDUCATION

##### § 431.35. Attendance policies.

(a) A constable who [ **registers for** ] enrolls in a continuing education course may withdraw without penalty upon timely notification to [ **the director of** ] the school conducting the continuing education course. A notification [ **will** ] **shall** be deemed timely if it is delivered to the director of the school or a designee no later than 7 **calendar** days prior to the **class start [ of classes ] date**. The school may assess a failing grade for [ **the entire course or applicable topic** ] **all or part of the continuing education course** if the constable fails to provide timely notification [ **and the Board**



finds that substantial mitigating circumstances do not exist ] or to show good cause.

(b) If notification to withdraw is not given or is deemed untimely and good cause is not shown and the constable wishes to attend another continuing education course in the same training year or in the next training year, the constable shall bear financial responsibility for the cost of the additional continuing education course. Payment must be received by the Commission within 2 weeks of class start date in the form of a certified check or money order.

(c) A constable or deputy constable who successfully completes a continuing education course may not attend another continuing education course in the same training year.

**FIREARMS QUALIFICATION**

**§ 431.42. Eligibility for firearms qualification.**

A constable holding certification who is 21 years of age or older and who is not precluded under State or Federal law from possessing or using a firearm may enroll in a firearms qualification course.

**§ 431.43. Firearm and ammunition.**

\* \* \* \* \*

(b) The firearm provided shall be of a design generally acceptable for law enforcement usage, and shall be in a condition for safe operation as designed and intended by the firearm manufacturer. The firearm provided shall be one of the following calibers:

\* \* \* \* \*

[ (7) 10MM. ]

**§ 431.45. [ Eligibility for waiver ] (Reserved).**

[ (a) A constable who is currently employed as a municipal police officer, deputy sheriff or officer of the Game Commission or the Fish and Boat Commission may apply to the Board for a full or partial waiver of a Board firearms qualification course if the constable demonstrates that training and certification required to carry and use a firearm in the other occupation are current.

(b) A constable shall apply to the Board for each separate firearms qualification course for which the constable is seeking waiver. ]

**§ 431.46. [ Scope of waiver ] (Reserved).**

[ The Board may grant a waiver relating to a Board firearms qualification course for those topics that also were covered in the firearms training for the other occupation. ]

**§ 431.47. Attendance policies.**

(a) *Withdrawal.* A constable who enrolls in a firearms qualification course may withdraw from the course without penalty upon timely notification to the school conducting the **firearms qualification** course. A notification [ will ] shall be deemed timely if it is delivered to the director of the school [ at least 7 ] or a designee no later than 7 calendar days prior to the start of classes. The school may assess a failing grade for all or part of the course if the constable fails to provide timely notice [ and the Board finds that substantial mitigating circumstances do not exist ].

(b) *Financial responsibility.* If notification to withdraw is not given or is deemed untimely and good cause is not shown and the constable wishes to attend another firearms qualification course in the same training year or in the next training year, the constable shall bear financial responsibility for the cost of the additional firearms qualification course. Payment must be received by the Commission within 2 weeks of class start date in the form of a certified check or money order.

(c) *New weapons.*

(1) A constable who successfully completes a firearms qualification course may not attend another firearms qualification course in the same training year.

(2) If a constable obtains a new weapon after having successfully completed the annual firearms qualification, the constable may attend, without penalty, another firearms training class and complete the qualification course-of-fire using the new weapon. Attendance at another firearms course is subject to course availability.

(d) *Advanced firearms failures.* If a constable attends an advanced firearms qualification course and fails to successfully complete the qualification course-of-fire, the constable may attend, without penalty, a basic or annual firearms qualification course in its entirety.

(e) *Weapons malfunctions.* If a constable fails to successfully complete the qualification course-of-fire during a firearms qualification course because of a weapon malfunction, the constable may attend, without penalty, another firearms qualification course in its entirety or may retake, without penalty, the portion of the firearms qualification course during and after which the malfunction occurred. Attendance at another firearms course is subject to course availability. A firearms instructor shall document weapons malfunctions.

**§ 431.48. Lapse of qualification.**

(a) A firearms qualification will lapse immediately if a [ person ] constable no longer meets all of the eligibility criteria [ of ] in § 431.42 (relating to eligibility for firearms qualification), or does not complete a firearms qualification course in the calendar year following the person's most recent completion of [ such ] a firearms qualification course.

(b) The Board will reactivate a firearms certification that is lapsed for 3 years or more upon the constable's successful completion of a basic firearms qualification course.

[Pa.B. Doc. No. 11-1875. Filed for public inspection November 4, 2011, 9:00 a.m.]

**PENNSYLVANIA GAMING CONTROL BOARD**

[ 58 PA. CODE CHS. 551, 553, 571, 573, 635a, 637a, 655a AND 657a ]

**Table Game Rules for Spanish 21, Poker, Mississippi Stud and Crazy 4 Poker**

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30)

(relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1)—(4) (relating to regulatory authority), proposes to rescind Chapters 551, 553, 571 and 573 and add Chapters 635a, 637a, 655a and 657a to read as set forth in Annex A.

*Purpose of the Proposed Rulemaking*

With this proposed rulemaking, the Board is proposing to replace the temporary regulations in Chapter 551 (relating to Spanish 21) with the permanent regulations in Chapter 635a (relating to Spanish 21), temporary regulations in Chapter 553 (relating to Poker) with the permanent regulations in Chapter 637a (relating to Poker), the temporary regulations in Chapter 571 (relating to Mississippi Stud) with the permanent regulations in 655a (relating to Mississippi Stud) and the temporary regulations in Chapter 573 (relating to Crazy 4 Poker) with the permanent regulations in Chapter 657a (relating to Crazy 4 Poker).

*Explanation of Chapter 635a*

Chapter 635a contains the rules governing the play of Spanish 21. Section 635a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 635a.2 (relating to Spanish 21 table; card reader device; physical characteristics; inspections), the physical characteristics of the table and card reader device are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Spanish 21 table for play; the shuffling of cards; permissible wagers; dealing procedures; the payout odds for permissible wagers; and how irregularities in play are to be handled.

*Explanation of Chapter 637a*

Chapter 637a contains the rules governing the play of nonbanked Poker games. Section 637a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 637a.2 (relating to Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Poker table for play; the shuffling of cards; the value and rank of the cards; placement of bets; dealing procedures; how Poker revenue is calculated; the conduct of players at a Poker table; and how irregularities in play are to be handled.

Based on requests received from the operators on the temporary rulemaking, an additional Seven-card Stud Poker game, Seven-card Stud Low, also known as Razz, was added to the proposed rulemaking. Additionally, in Hold 'Em and Omaha Poker, the Straddle Bet was added as an optional bet if allowed by the certificate holder.

*Explanation of Chapter 655a*

Chapter 655a contains the rules governing the play of Mississippi Stud. Section 655a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 655a.2 (relating to Mississippi Stud table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Mississippi Stud table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

*Explanation of Chapter 657a*

Chapter 657a contains the rules governing the play of Crazy 4 Poker. Section 657a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 657a.2 (relating to Crazy 4 Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Crazy 4 Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

*Implementation of Subpart K*

To reduce confusion in the regulated community and to ensure that references are valid when printed as a final-form rulemaking, the Legislative Reference Bureau will hold all final-form rulemakings which contain references to other chapters that have not been printed as final-form rulemakings. Those approved final-form rulemakings will be published collectively.

*Affected Parties*

Certificate holders that elect to offer the games of Spanish 21, Poker, Mississippi Stud and Crazy 4 Poker shall be required to comply with these requirements. The requirements for the games are standard throughout the industry, consistent with 4 Pa.C.S. Part II (relating to gaming) and necessary for the protection of the gaming public and the revenues generated from table games.

The Board has experienced increased regulatory demands resulting from the implementation of table games including the review of Rules Submissions, table layouts, signage and gaming guides.

*Fiscal Impact*

*Commonwealth.* The Board will have to review each certificate holder's table games Rules Submissions, table layouts, signage and gaming guides to ensure compliance with the regulatory requirements in this proposed rulemaking. These reviews will be conducted by existing Bureau of Gaming Operations and Bureau of Casino Compliance staff. The Board does not project that it will incur significant cost increases as a result of this proposed rulemaking.

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

*Private sector.* This proposed rulemaking will result in additional costs for certificate holders that elect to offer Spanish 21, Poker, Mississippi Stud and Crazy 4 Poker. Certificate holders will be required to purchase the table games they elect to offer and to hire and train employees to operate the games. The costs for table game equipment do vary depending on the type and number of tables purchased. The costs are expected to be offset by the revenues generated from table game operations.

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

*Paperwork Requirements*

This proposed rulemaking will require certificate holders to post signs at gaming tables, have complete sets of rules for the games they offer available for public inspection.

tion, produce a gaming guide summarizing the rules of the games they offer and file Rules Submissions for each table game they elect to offer. The Rules Submissions are standardized checklists for each game, relatively simple to fill out and available on the Board's web site. Additionally, there is a link on the web site for submitting the forms directly to the Bureau of Gaming Operations for review and approval.

*Effective Date*

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

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin*, to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Table Games Rules, Regulation # 125-159.

*Contact Person*

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 346-8300.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 26, 2011, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at [www.pgcb.state.pa.us](http://www.pgcb.state.pa.us).

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

WILLIAM H. RYAN, Jr.,  
Chairperson

*(Editor's Note: Proposed Chapters 635a, 637a, 655a and 657a reference proposed Chapters 601a, 603a and 605a, which will be adopted on or before the date of final adoption of this proposed rulemaking.)*

**Fiscal Note:** 125-159. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart K. TABLE GAMES**

**CHAPTER 551. (Reserved)**

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 551 which appears in 58 Pa. Code pages 551-1—551-14, serial pages (352375), (352376), (350057), (350058) and (351013)—(351022).)*

Sec.  
551.1—551.16. (Reserved).

**CHAPTER 553. (Reserved)**

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 553 which appears in 58 Pa. Code pages 553-1—553-28, serial pages (356603)—(356607), (350069)—(350072), (348539)—(348556) and (356609)—(356612).)*

Sec.  
553.1—553.21. (Reserved).

**CHAPTER 571. (Reserved)**

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 571 which appears in 58 Pa. Code pages 571-1—571-16, serial pages (357211)—(357224), (357979) and (357980).)*

Sec.  
571.1—571.13. (Reserved).

**CHAPTER 573. (Reserved)**

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 573 which appears in 58 Pa. Code pages 573-1—573-15, serial pages (357981)—(357995).)*

Sec.  
573.1—573.13. (Reserved).

**CHAPTER 635a. SPANISH 21**

- Sec.
- 635a.1. Definitions.
  - 635a.2. Spanish 21 table; card reader device; physical characteristics; inspections.
  - 635a.3. Cards; number of decks; value of cards.
  - 635a.4. Opening of the table for gaming.
  - 635a.5. Shuffle and cut of the cards.
  - 635a.6. Wagers.
  - 635a.7. Procedure for dealing the cards; completion of each round of play.
  - 635a.8. Insurance Wager.
  - 635a.9. Surrender.
  - 635a.10. Double Down Wager; rescue.
  - 635a.11. Splitting pairs.
  - 635a.12. Payout odds.
  - 635a.13. Irregularities.

**§ 635a.1. Definitions.**

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

*Blackjack*—An ace and any card having a point value of 10 dealt as the initial two cards to a player or a dealer.

*Card reader device*—A device which permits the dealer to determine if the hole card will give the dealer a Blackjack.

*Hard total*—The total point count of a hand which contains no aces or which contains an ace that is counted as 1 in value.

*Hole card*—The second card dealt face down to the dealer.

*Soft total*—The total point count of a hand containing an ace when the ace is counted as 11 in value.

**§ 635a.2. Spanish 21 table; card reader device; physical characteristics; inspections.**

(a) Spanish 21 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 Spanish 21 table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Spanish 21 Wager for each player.
- (3) The following inscriptions:
  - (i) Blackjack pays 3 to 2.
  - (ii) Insurance pays 2 to 1.
  - (iii) Dealer shall draw to 16 and stand on all 17s or similar language approved by the Bureau of Gaming Operations.
- (4) A sign, approved by the Bureau of Gaming Operations, at each Spanish 21 table which explains that the doubled down hands are not eligible for the additional payouts in § 635a.12(b) and (c) (relating to payout odds).
- (5) If the certificate holder offers the Match-the-Dealer Wager authorized under § 635a.6(e) (relating to wagers), a separate area designated for the placement of the Match-the-Dealer Wager for each player.
- (6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers must be posted at each Spanish 21 table.

(c) Each Spanish 21 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. 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.

(d) Each Spanish 21 table must have a card reader device, approved by the Bureau of Gaming Operations, attached to the top of the dealer's side of the table. The floorperson assigned to the Spanish 21 table shall inspect the card reader device at the beginning of each gaming day to ensure that there has been no tampering with the device and that it is in proper working order.

(e) Each Spanish 21 table must have a discard rack securely attached to the top of the dealer's side of the table. The height of the discard rack must either:

(1) Equal the height of the cards, stacked one on top of the other, in the total number of decks that are to be used in the dealing shoe at that table.

(2) Be taller than the height of the total number of decks being used if the discard rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards in the number of decks to be used in the dealing shoe at that table.

**§ 635a.3. Cards; number of decks; value of cards.**

(a) Spanish 21 shall be played with six or eight decks of cards that are identical in appearance and at least one cover card. The decks shall consist of 48 cards, with the 10 of each suit removed from each deck during the inspection required under § 635a.4 (relating to opening of the table for gaming).

(b) The decks of cards opened for use at a Spanish 21 table shall be changed at least once every 24 hours.

(c) The value of the cards shall be as follows:

- (1) Any card from 2 to 9 shall have its face value.
- (2) Any jack, queen or king shall have a value of 10.
- (3) An ace shall have a value of 11, unless that value would give a player or the dealer a score in excess of 21, in which case, the ace shall have a value of 1.

**§ 635a.4. Opening of the table for gaming.**

(a) After receiving the decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) If the decks contain the 10 of any suit, the dealer and a floorperson shall ensure that these cards are removed from the decks, torn in half and placed in the box, envelope or container that the decks came from.

(c) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(d) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 635a.5 (relating to shuffle and cut of the cards).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a), (c) and (d) do not apply.

**§ 635a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each shoe of cards is dealt or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the decks of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with backs facing up, to the player determined under subsection (c). If no player accepts the cut, the dealer shall cut the cards.

(c) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player on whose box the cover card appeared during the last round of play.

(3) The player at the farthest point to the right of the dealer if the cover card appeared on the dealer's hand during the last round of play. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(4) The player at the farthest position to the right of the dealer if the reshuffle was initiated at the discretion of a floorperson. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(d) The player or dealer making the cut shall place the cover card in the stack at least ten cards from the top or bottom of the stack. Once the cover card has been inserted, the dealer shall take all cards on top of the cover card and place them on the bottom of the stack. The dealer shall then take the entire stack of cards and align them along the side of the dealing shoe which has a mark that will allow the dealer to insert the cover card in the stack at a position at least 1/4 of the way in from the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be cut either by the player who last cut the cards or by the next player entitled to cut the cards, as determined by subsection (c).

(f) A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe as provided for in § 635a.7(d) (relating to procedure for dealing the cards; completion of each round of play), except that a floorperson may determine that the cards should be reshuffled after any round of play.

(g) If there is no gaming activity at a Spanish 21 table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack and spread out on the table for inspection face down unless a player requests that the cards be spread face up on the table. After the first player at the table is afforded an opportunity to visually inspect the cards, the procedures in § 635a.4(d) (relating to opening of the table for gaming) and this section shall be completed.

(h) In lieu of the dealing and shuffling requirements in this section, a certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards, provided that the device and the procedures for dealing and shuffling the cards through the use of this device are approved by the Bureau of Gaming Laboratory Operations.

#### § 635a.6. Wagers.

(a) Wagers at Spanish 21 shall be made by placing value chips or plaques on the appropriate areas of the Spanish 21 layout. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(b) After the cards have been shuffled as required under § 635a.5 (relating to shuffle and cut of the cards), a certificate holder may prohibit any person, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent rounds of play at that gaming table until either:

- (1) The certificate holder chooses to permit the player to begin wagering again.
- (2) A reshuffle of the cards has occurred.

(c) All wagers, except an Insurance Wager under § 635a.8 (relating to Insurance Wager), a Double Down

Wager under § 635a.10 (relating to Double Down Wager; rescue) or a wager on split pairs under § 635a.11 (relating to splitting pairs), shall be placed prior to the first card being dealt for each round of play. A player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect that that wager.

(d) To participate in a round of play and compete against the dealer's hand, a player shall place a Spanish 21 Wager.

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Spanish 21 Wager in accordance with subsection (d) the option of placing a Match-the-Dealer Wager that either of the player's initial two cards will match the rank of the dealer's up card.

(f) The certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a Spanish 21 Wager in one round of play.

#### § 635a.7. Procedure for dealing the cards; completion of each round of play.

(a) All cards used to play Spanish 21 shall be dealt from a dealing located on the table in a location approved by the Bureau of Casino Compliance. Once the procedures under § 635a.5 (relating to shuffle and cut of the cards) has been completed, the stacked cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand. The dealer may deal cards to the first two betting positions closest to the dealing shoe with the same hand.

(c) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack. Each new dealer who comes to the table shall also remove one card and place it in the discard rack before dealing any cards to the players.

(d) If the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand shall be completed. The dealer shall then collect and reshuffle the cards in accordance with § 635a.5.

(e) At the commencement of each round of play, the dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

- (1) One card face up to each box on the layout in which a Spanish 21 Wager is contained.
- (2) One card face up to the dealer.
- (3) A second card face up to each box in which a wager is contained.
- (4) A second card face down to the dealer.

(f) Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before a card reader device is utilized, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a

counterclockwise direction, settle all Match-the-Dealer Wagers by collecting all losing wagers and paying all winning wagers as follows:

(1) If either of the player's initial two cards match the rank of the dealer's up card, the dealer shall pay the winning Match-the-Dealer Wager in accordance with § 635a.12 (relating to payout odds). Any card with a point value of 10 (a jack, queen or king) must only match an identical card without regard to value.

(2) If both of the player's initial two cards match the rank of the dealer's up card, the player shall be paid for each matching card.

(g) After settling the player's optional wagers in accordance with subsection (f), if the dealer's first card is an ace, king, queen or a jack, the dealer shall, after offering the Insurance Wager in accordance with § 635a.8 (relating to Insurance Wager), determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone at the table, including the dealer. If the dealer has a Blackjack, no additional cards shall be dealt and each player's Spanish 21 and Insurance Wagers, if applicable, shall be settled.

(h) After the procedures in subsection (g) have been completed, if necessary, the dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise direction, announce the point total of each player. Each player at the table shall be responsible for correctly computing the point count of his hand and no player shall rely on the point counts announced by the dealer.

(i) If the player:

(1) Has Blackjack and the dealer's up card is:

(i) A 2, 3, 4, 5, 6, 7, 8 or 9, the dealer shall announce and pay the Blackjack and remove the player's cards.

(ii) An ace, king, queen or jack but the dealer's hole card will not give the dealer a Blackjack, the dealer shall announce the player's Blackjack but make no payment nor remove any cards until all other cards are dealt to the player and the dealer reveals his second card.

(2) Does not have Blackjack, as each player's point total is announced, the player shall indicate whether he wishes to surrender, as permitted under § 635a.9 (relating to surrender), double down as permitted under § 635a.10 (relating to Double Down Wager; rescue), split pairs as permitted under § 635a.11 (relating to splitting pairs), stand or draw additional cards.

(j) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision and announce the new point total of the player after each additional card is dealt.

(k) A player may elect to draw additional cards whenever his point count total is less than 21, except that the player:

(1) Having Blackjack or a hard or soft total of 21 may not draw additional cards.

(2) Electing to make a Double Down Wager may draw only one additional card.

(l) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn the hold card face up. Any additional cards required to be dealt to the hand of the dealer, in

accordance with subsection (m), shall be dealt face up. The dealer shall announce the dealer's total point count after each additional card is dealt.

(m) Except as provided in subsection (n), the dealer shall draw additional cards until he has a hard or soft total of 17, 18, 19, 20 or 21.

(n) A dealer may not draw additional cards to his hand, regardless of the point count, if decisions have been made on all players' hands and the point count of the dealer's hand will not have an effect on the outcome of the round of play.

(o) A player shall win and be paid in accordance with the payout odds in § 635a.12(a)—(c) if:

(1) The total value of the player's hand is 21 or less and the total value of the dealer's hand is in excess of 21.

(2) The total value of the player's hand exceeds the total value of the dealer's hand without exceeding 21.

(3) The player has a Blackjack and the dealer's hand has a total value of 21 in two or more cards.

(4) The player has achieved a score of 21 in more than two cards and the dealer has achieved a score of 21 in more than two cards.

(p) Except as provided in subsection (o)(3) and (4), a Spanish 21 Wager shall tie and be returned to the player if the total value of the player's hand is the same as the dealer's. A player's Spanish 21 Wager shall be lost if the dealer has a Blackjack and the player's hand has a total value of 21 in more than two cards.

(q) The dealer shall collect all losing wagers and pay off all winning wagers in accordance with one of the following procedures designated in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) Collect all losing wagers and then pay off all winning wagers.

(2) Pay off all winning wagers and collect all losing wagers beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall place any losing wagers directly into the table inventory and may not pay off any winning wagers by using value chips collected from a losing wager.

(r) 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.

(s) Players and spectators may not handle, remove or alter any cards used to play Spanish 21.

#### § 635a.8. Insurance Wager.

(a) If the first card dealt to the dealer is an ace, each player shall have the right to make an Insurance Wager which shall win if the dealer's hole card is a king, queen or jack.

(b) An Insurance Wager shall be made by placing a value chip on the insurance line of the layout in an amount not more than 1/2 the player's initial Spanish 21 Wager. A player may wager an amount in excess of 1/2 the initial Spanish 21 Wager to the next unit that can be wagered in chips when, because of the limitation of the value of chip denominations, half the initial Spanish 21



Wager cannot be bet. Insurance Wagers shall be placed prior to the dealer inserting his hole card into the card reader device.

(c) Winning Insurance Wagers shall be paid in accordance with the payout odds in § 635a.12(d) (relating to payout odds).

(d) Losing Insurance Wagers shall be collected by the dealer immediately after the dealer inserts his hole card into the card reader device and determines that he does not have a Blackjack and before he draws any additional cards.

**§ 635a.9. Surrender.**

(a) After the first two cards are dealt to the player and the player's point total is announced, the player may elect to discontinue play on his hand for that round by surrendering 1/2 of his Spanish 21 Wager. All decisions to surrender shall be made prior to the player indicating whether he wishes to double down as permitted under § 635a.10 (relating to Double Down Wager; rescue), split pairs as permitted under § 635a.11 (relating to splitting pairs), stand or draw. If the first card dealt to the dealer is:

(1) Not an ace or 10 card, the dealer shall immediately collect 1/2 of the wager and return 1/2 to the player.

(2) An ace or 10 card, the dealer shall place the player's wager on top of the player's cards. When the dealer's second card is revealed, the hand shall be settled by immediately collecting the entire wager if the dealer has Blackjack or collecting 1/2 of the wager and returning 1/2 of the wager to the player if the dealer does not have Blackjack.

(b) If the player has made an Insurance Wager and then elects to surrender, each wager will be settled separately in accordance with subsection (a) and § 635a.8 (relating to Insurance Wager).

**§ 635a.10. Double Down Wager; rescue.**

(a) Except when a player has Blackjack, a player may elect to make a Double Down Wager, which may not exceed the amount of his original Spanish 21 Wager, on the first two cards dealt to him or the first two cards of any split pair. Only one additional card shall be dealt to the hand on which the player has elected to double down. The one additional card shall be dealt face up and placed sideways on the layout.

(b) If a dealer obtains Blackjack after a player makes a Double Down Wager, the dealer shall collect only the amount of the original Spanish 21 Wager of the player and may not collect the additional Double Down Wager.

(c) A winning Double Down Wager shall be paid in accordance with § 635a.12(a) (relating to payout odds). The additional payouts in § 635a.12(b) and (c) are not applicable to winning Double Down Wagers.

(d) After the additional card required under subsection (a) has been dealt to the hand, a player may "rescue" (take back) the Double Down Wager and forfeit his original wager, as long as the additional card does not result in the hand having a point count in excess of 21.

**§ 635a.11. Splitting pairs.**

(a) If the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands, provided that he makes a wager on the second hand formed in an amount equal to his

original Spanish 21 Wager. For example, if a player has two 7s or a king and a jack, the player may elect to split the hand.

(b) When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to the second hand.

(c) After a second card is dealt to a split pair hand, the dealer shall announce the point total of the hand and the player shall indicate his decision to stand, draw or double down with respect to that hand. A certificate holder shall specify in its Rules Submission under § 601a.2 (relating to table games Rules Submissions) the number of additional times a patron may split pairs, including aces.

(d) If the dealer obtains Blackjack after a player splits pairs, the dealer shall only collect the amount of the original wager of the player and may not collect the additional amount wagered in splitting pairs.

(e) The additional payouts provided in § 635a.12(b) and (c) (relating to payout odds) are not applicable to a winning wager on a split hand.

**§ 635a.12. Payout odds.**

(a) Except as provided in subsections (b) and (c), the certificate holder shall pay each winning Spanish 21 Wager at odds of 1 to 1 with the exception of Blackjack which shall be paid at odds of 3 to 2.

(b) Except when a player has made a Double Down Wager under § 635a.10 (relating to Double Down Wager; rescue), in which case all of the following wagers shall be paid at odds of 1 to 1, a certificate holder shall pay the following payout odds for winning Spanish 21 Wagers:

(1) Three cards consisting of 6, 7 and 8 of mixed suits shall be paid at odds of 3 to 2.

(2) Three cards consisting of 6, 7 and 8 of the same suit shall be paid at odds of 2 to 1, except that three cards consisting of the 6, 7 and 8 of spades shall be paid at odds of 3 to 1.

(3) Three cards consisting of three 7s of mixed suits shall be paid at odds of 3 to 2.

(4) Three cards consisting of three 7s of the same suit shall be paid at odds of 2 to 1, except that three cards consisting of three 7s of spades shall be paid at odds of 3 to 1.

(5) Five cards totaling 21 shall be paid at odds of 3 to 2.

(6) Six cards totaling 21 shall be paid at odds of 2 to 1.

(7) Seven or more cards totaling 21 shall be paid at odds of 3 to 1.

(c) In addition to the payouts under subsection (b)(4), a winning hand that consists of three 7s of the same suit, when the dealer's exposed card is also a 7 of any suit, shall be paid an additional fixed payout in accordance with the following requirements:

(1) If the player's original wager was \$5 or more but less than \$25, the player shall receive an additional payout of \$1,000.

(2) If the player's original wager was \$25 or more, the player shall receive an additional payout of \$5,000.

(3) All other players at the table who placed a wager during that round of play shall also be paid an additional fixed payout of \$50.

(4) The additional fixed payouts are not be applicable if a Double Down Wager was made on a winning hand or the winning hand had been split under § 635a.11 (relating to splitting pairs).

(d) The certificate holder shall pay out winning Insurance Wagers at odds of 2 to 1.

(e) The certificate holder shall pay out winning Match-the-Dealer Wagers at the odds in the following paytables:

(1) If six decks of cards are being used:

<i>Hand</i>	<i>Payout</i>
Each matching card of a different suit	4 to 1
Each matching card of the same suit	9 to 1

(2) If eight decks of cards are being used:

<i>Hand</i>	<i>Payout</i>
Each matching card of a different suit	3 to 1
Each matching card of the same suit	12 to 1

#### § 635a.13. Irregularities.

(a) A card found face up in the shoe may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe during the dealing of the cards, the round of play shall be void and the cards shall be reshuffled.

(b) If a 10 card of any suit is found in the shoe, it may not be used in the game and shall be removed from the shoe and torn in half by a floorperson and placed in the box, envelope or container that the decks came from. If more than one 10 card is found in the shoe during the dealing of the cards, the round of play shall be void and the decks of cards shall be removed from play.

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

(d) After the initial two cards have been dealt to each player and a card is drawn in error and exposed to the players, the card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept the card may not have any additional cards dealt to him during the round. If the card is refused by the players and the dealer cannot use the card, the card shall be placed in the discard rack.

(e) If the dealer has 17 and accidentally draws a card for himself, the card shall be placed in the discard rack.

(f) If the dealer misses dealing his first or second card to himself, the dealer shall continue dealing the first two cards to each player and then deal the appropriate number of cards to himself.

(g) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack shall be shuffled and cut in accordance with § 635a.5 (relating to shuffle and cut of the cards). The first card shall be drawn face down and placed in the discard rack and the dealer shall complete the round of play.

(h) If no cards are dealt to the player's hand, the player's hand is dead and the player shall be included in the next deal. If only one card is dealt to the player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.

(i) If after receiving the first two cards, the dealer fails to deal an additional card to a player who has requested a card then, at the player's option, the dealer shall either

deal the additional card after all other players have received their additional cards but prior to the dealer revealing his hole card or call the player's hand dead and return the player's original Spanish 21 Wager.

(j) If the dealer inserts his hole card into a card reader device when the value of his first card is not an ace, king, queen or jack, the dealer, after notification to a floorperson or higher, shall, if the particular card reader device in use:

(1) Provides any player with the opportunity to determine the value of the hole card, call all hands dead, collect the cards and return each player's wager.

(2) Does not provide any player with the opportunity to determine the value of the hole card, continue play.

(k) If a card reader device malfunctions, the dealer may not continue dealing the game of Spanish 21 at that table until the card reader device is repaired or replaced.

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

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

### CHAPTER 637a. POKER

#### Sec.

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#### § 637a.1. Definitions.

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

*All-in*—When a player bets all of his funds remaining on the Poker table, does not have funds to continue betting in a round of play but still retains the right to contend for that portion of the pot in which the player has already placed a bet.

*Bad Beat*—One or more predesignated high value Poker hands which, when held by a player as a losing hand in a round of play, shall result in a Bad Beat payout if offered by the certificate holder in accordance with § 637a.15

(relating to Bad Beat payout; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation).

*Bad Beat payout*—One or more payouts made to a player upon the occurrence of a Bad Beat.

*Bet*—When a player places value chips, tournament chips or plaques into the pot during a betting round.

*Betting round*—A complete betting cycle in which all players have called, folded or gone All-in.

*Blind Bet*—A mandatory bet in Hold'em or Omaha Poker which players sitting in specific betting positions shall be required to place prior to any cards being dealt.

*Burn card*—A card taken from the top of a deck which is not in play, is discarded face down and the identity of which remains unknown.

*Button*—An object that is moved clockwise around the table to determine the betting and dealing sequence.

*Call*—When a player places a bet in an amount equal to the immediately preceding bet.

*Check*—When a player waives the right to initiate the betting in a betting round but retains the right to place a bet if another player initiates the betting.

*Common card*—A card that is dealt, in any game of Stud Poker, face up if there are insufficient cards left in the deck to deal each player a card individually and which can be used by all players at the showdown.

*Community card*—A card that is dealt face up and can be used by all players to form the best possible poker hand.

*Draw*—In any game of Draw Poker, when a player exchanges the cards held in his hand for an equal number of new cards from the deck.

*Fold*—The withdrawal of a player from a round of play by refusing to make an equal bet during a betting round and discarding his hand of cards.

*Forced Bet*—A bet that is required to start the first betting round in Seven-card or Five-card Stud Poker.

*Fouled hand*—A hand that either has an improper number of cards or has come into contact with other cards in a way as to render it impossible to determine accurately which cards are in the hand.

*Half-kill option*—In the game of Omaha High-low Split Eight or Better Poker, when one player wins an entire qualifying pot, the betting limits are increased by 1/2 the posted table betting limits for the next hand and remain in effect until a pot is split between one player winning the high hand and another player winning the low hand or until a pot does not equal or exceed the qualifying pot.

*High hand*—A game of Poker in which the highest ranking hand, in accordance with § 637a.6 (relating to Poker rankings), wins the pot.

*High Hand Jackpot payout*—The total of the contribution amounts collected during a qualifying period which are payable to one or more players upon the occurrence of a Qualifying High Hand.

*High-low Split*—A form of Poker in which there is a winner for both the highest and lowest ranking hands.

*High-low Split Eight or Better*—A version of High-low Split Poker in which a winning low hand may not contain pairs or any card ranked above an 8.

*Hole card*—Any card dealt face down to a player.

*Kill option*—In the game of Omaha High-low Split Eight or Better Poker, when one player wins an entire qualifying pot, the betting limits are twice the posted table betting limits for the next hand and remain in effect until a pot is split between one player winning the high hand and another player winning the low hand or until a pot does not equal or exceed the qualifying pot.

*Low hand*—A game of Poker in which the lowest ranking hand, in accordance with § 637a.6, wins the pot.

*Opening bet*—The first bet in a round of play.

*Pot*—The amount that is awarded to the winning player or players at the conclusion of a round of play and is equal to the total amount bet by the players during the round of play, less any rake extracted under § 637a.17 (relating to Poker revenue) and, if applicable, any amount contributed to a Bad Beat or High Hand Jackpot payout fund in accordance with § 637a.15 or § 637a.16 (relating to Bad Beat payout; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation; and High Hand Jackpot payout; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation).

*Protected hand*—A hand of cards that a player is physically holding or has placed under one or more chips or plaques.

*Qualifying High Hand*—A high hand held by any player or players during a qualifying period which may result in a High Hand Jackpot payout if offered by the certificate holder in accordance with § 637a.16.

*Qualifying period*—A duration of time, as specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), during which a certificate holder offers the High Hand Jackpot payout.

*Qualifying pot*—In the game of Omaha High-low Split Eight or Better Poker, a pot which equals or exceeds an amount established by the certificate holder which triggers the increase in the minimum and maximum bets when the Kill or Half-kill option is used.

*Raise*—When a player bets an amount greater than the immediately preceding bet in that betting round.

*Rake*—The amount of value chips, tournament chips, plaques or currency collected by the dealer as Poker revenue in accordance with § 637a.17.

*Round of play*—Once complete cycle of play during which all cards have been dealt, all bets have been placed and the winner of the pot is determined and paid in accordance with this chapter.

*Showdown*—The revealing of the hands of each player to determine who shall win the pot.

*Side pot*—A separate pot formed when one or more players are All-in.

*Table stakes*—A player's currency, value chips, tournament chips and plaques on the table that are available for betting during a round of play.

*Up card*—In a game of Stud Poker, any card dealt face up to a player.

#### § 637a.2. Poker table physical characteristics.

(a) Poker shall be played on an oval table which has places for up to ten players and a dealer. The design of each Poker table authorized under this chapter shall be approved by the Bureau of Gaming Operations.



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

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

(2) A holding area located to the right of the dealer designated for the collection of the Poker rake prior to final placement of the rake in the drop box.

(c) Decks of cards used for the play of Poker shall be kept on the Poker table in a location approved by the Bureau of Casino Compliance. This area may be part of the table inventory container.

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

(e) If a certificate holder offers a Bad Beat or High Hand Jackpot payout at a designated Poker table, a transparent locked box or container must be attached on the same side of the table as the drop box and be used to hold the pot contributions that fund the Bad Beat or High Hand Jackpot payout.

**§ 637a.3. Cards; number of decks.**

(a) Poker shall be played with one deck of cards that are identical in appearance and one cover card. Two decks of cards with different color backs shall be maintained for use at each Poker table at all times. Each deck shall be continuously alternated in and out of play with each deck being used for every other round of play. Unless an automated card shuffling device is being used in accordance with subsection (b), while one deck of cards is in use, the other deck shall be stored in the area designated under § 637a.2(c) (relating to Poker table physical characteristics).

(b) If an automated card shuffling device is being used, one deck shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(c) The decks of cards used in Poker shall be changed at least every 6 hours.

**§ 637a.4. Opening of the table for gaming.**

(a) After receiving two decks of cards at the table, the dealer shall inspect each deck for any defects. The floorperson or above shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first two players seated at the table. The cards shall be spread out according to suit and in sequence.

(c) After the first two players seated at the table are afforded an opportunity to visually inspect the cards, each deck shall separately be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Each deck of cards shall then be shuffled in accordance with § 637a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is not being used, one of the decks shall be shuffled and cut in accordance with § 637a.5 and the other deck shall be placed in the area designated under § 637a.2(c) (relating to Poker table physical characteristics). In the alternative, a certificate holder may mix, shuffle and cut only the

deck intended for immediate use and place the other deck in the area designated under § 637a.2(c). Upon rotation of the decks of cards as required under § 637a.3 (relating to cards; number of decks), the other deck shall be mixed, shuffled and cut in accordance with § 637a.5 and this section.

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

**§ 637a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by the floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack.

(b) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 637a.7(e) (relating to Poker overview; general dealing procedures for all types of Poker).

(2) If the cards were shuffled manually or were reshuffled, cut the deck by placing the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack.

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

(d) If there is no gaming activity at the Poker table which is open for gaming, each deck of cards at the table shall be spread out on the table face up. After the first two players who arrive at the table are afforded an opportunity to visually inspect both of the decks, the procedures in § 637a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

**§ 637a.6. Poker rankings.**

(a) The rank of the cards used in all types of Poker other than Low hand 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 formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example, queen, king, ace, 2 and 3). All suits shall be considered equal in rank.

(b) The permissible five-card high hands, in order of highest to lowest rank, shall be:

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

(2) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest ranking straight flush.

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

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit.

(6) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

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

(8) Two pairs, which is a hand containing two pairs, with two aces and two kings being the highest ranking two pairs and two 3s and two 2s being the lowest ranking two pairs.

(9) One pair, which is a hand containing two cards of the same rank, regardless of suit, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) The rank of the cards used in Low hand Poker in order of highest to lowest rank, shall be: ace, 2, 3, 4, 5, 6, 7, 8, 9, 10, jack, queen and king. All suits shall be considered equal in rank.

(d) The ranking of a five-card low hand shall be the inverse of the rankings for a five-card high hand as set forth in subsection (b). Straights and flushes will not be considered for purposes of determining a winning hand at low hand.

(e) When comparing two hands that are of identical rank under subsection (b) or (d), or which do not contain the hands authorized for that game, the hand that contains the highest ranking card as provided in subsection (a) or (c), whichever is applicable, which is not in the other hand shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands will be considered tied and the pot shall be divided equally among the players with the tied hands.

(f) In all games of Poker, a hand shall be ranked according to the cards actually in the player's hand and not by the player's opinion or statement of the hand's value.

**§ 637a.7. Poker overview; general dealing procedures for all types of Poker.**

(a) Poker shall be conducted in a separate area of the licensed facility designated specifically for the operation of Poker as approved by the Board or the Board's Executive Director.

(b) Poker shall be played with no less than two players. For all types of authorized Poker games in this chapter, the dealer may not participate in the playing or outcome of the game in any way except as otherwise authorized in this chapter.

(c) A player shall bet on the cards that the player holds in his hand. All bets by a player shall be placed by the dealer in the designated area of the table known as the

pot. A player may be required to place an Ante or Blind Bet prior to the receipt of any cards. After each round of cards is dealt, a betting round shall be conducted. Each player shall decide whether to continue contending for the pot by calling or raising the bet of the other players.

(d) The object of Poker is for a player to win the pot either by making a bet that no other player elects to call or, depending on the type of Poker being played, by having the highest ranking high hand, the highest ranking low hand or both the highest ranking high and low hands in accordance with § 637a.6 (relating to Poker rankings). If two or more players are still in contention for a pot after all cards have been dealt and the final betting round has been completed, there shall be a showdown among those players to determine which player has the winning hand.

(e) The following procedures shall be utilized by the dealer when dealing the game of Poker:

(1) The dealer shall place the stacked deck of cards in either hand. After the dealer has chosen which hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept in front of the dealer at all times and as level with the Poker table as possible. If during a round of play the deck shall be set down to handle a transaction, the dealer shall place a marker button on top of the deck until the transaction has been completed.

(2) The dealer shall verbalize or physically indicate the action that is occurring at the Poker table with regard to the conduct of the game and instruct each player as to the player's various turns to act and options.

(3) All burn cards required under this chapter must be kept separate from the pile of discarded cards.

(4) The dealer shall either:

(i) Count the entire deck of cards at least once every 5 rounds of play to determine if 52 cards are present provided, however, that the dealer may count the stub in the games of Hold 'Em Poker and Omaha Poker.

(ii) Utilize an automated card shuffling device, approved by the Bureau of Gaming Laboratory Operations, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present.

(5) If a count of the deck or stub indicates that the number of cards in the deck is incorrect, the deck shall be removed from the table.

(6) At the completion of a round of play, the dealer shall award the pot to the winning player or players after a showdown or to the last remaining player if all other players have folded. Prior to pushing the pot to the winner and collecting the winning hand, the dealer shall:

(i) Collect the cards from all losing players. The losing hands shall be counted by the dealer to determine that the proper number of cards has been returned.

(ii) Award all side pots.

(iii) Collect the rake in accordance with § 637a.17 (relating to Poker revenue).

(iv) Collect, if applicable, any amount required to be contributed to a Bad Beat or High Hand Jackpot payout fund in accordance with §§ 637a.15 and 637a.16 (relating to Bad Beat payout; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation; and High Hand Jackpot payout; posting

of rules; contributions; counting and displaying of payout amount; procedures for implementation).

**§ 637a.8. Placement of bets; minimum and maximum bets.**

(a) Only players who are seated at the Poker table may receive cards and participate in each betting round.

(b) A player may participate in the betting during a round of play in accordance with the following requirements:

(1) A player may bet only with the table stakes that were already on the Poker table in front of the player when the round of play commenced.

(2) A player may add to his table stakes only between rounds of play and, except as provided in paragraph (6), may not remove any of his table stakes from the Poker table at any time during a round of play.

(3) Currency that is available for use by a player may be utilized in accordance with this section to initiate, call or raise a bet if the currency is expeditiously converted into value chips, tournament chips or plaques by the dealer.

(4) To participate in a round of play, a player shall be required to have an amount of currency, value chips, tournament chips or plaques available on the Poker table prior to the start of the round of play which is sufficient to make any Ante, Blind or Forced Bet required by the Poker game being played and at least one bet at the posted table minimum.

(5) A player who satisfies the requirements in paragraph (4) but depletes his funds on the Poker table prior to the completion of a round of play shall be deemed All-in as follows:

(i) An All-in player shall retain a financial interest in the outcome of the round of play, but eligible to win only the amount of the pot to which he contributed.

(ii) An All-in player shall continue to receive all cards to which he would normally be entitled.

(iii) Betting shall continue unimpeded among the other players by generating a separate side pot which only those players shall be eligible to win.

(6) If a player indicates an intent to temporarily leave a Poker table during a round of play, without relinquishing his seat at the table, a flooper or above shall do either of the following:

(i) Determine the amount of the player's table stakes prior to the player's departure from the table and verify that the amount of the player's table stakes have not been changed upon the player's return to the table.

(ii) Maintain the player's table stakes on the table surface using a nontransparent cover until the player's return.

(c) A player's verbal statement of "fold," "check," "call" or "raise" or a player's announcement of a specific bet, which is within the rules of the Poker game being played and the minimum and maximum betting limits for the Poker table, shall be binding on the player if it is the player's turn to act.

(d) A player who announces a bet or raise of a certain amount but places a different amount of value chips, tournament chips or plaques in the pot shall be required to correct his bet or raise to the announced amount in accordance with the instructions of the dealer.

(e) A player shall be considered to have placed a bet if the player:

(1) Pushes value chips, tournament chips or plaques forward to indicate the intent of placing a bet.

(2) Places value chips, tournament chips or plaques at a sufficient distance from the player and towards the pot to make it obvious that the value chips, tournament chips or plaques are intended as a bet.

(3) Places currency into the pot to be exchanged for chips in accordance with subsection (b)(3).

(f) A player may not make a bet and thereafter attempt to increase the amount of the bet unless the player:

(1) Indicates at the time the bet is being made that the bet is not yet complete.

(2) Puts the proper amount of value chips, tournament chips or plaques into the pot to call a bet and also indicates his intention to raise.

(g) Subject to the posted table betting limits, a player who announces "raise" may continue to bet value chips, tournament chips or plaques until both of his hands come to rest in front of the pot.

(h) The dealer shall ensure that no player touches any of the value chips, tournament chips or plaques once they are placed into the pot.

(i) Unless a raise has been verbally announced by a player, the player who puts a single value chip or tournament chip into the pot that is larger than required is assumed to have only called the preceding bet and to be awaiting change from the dealer.

(j) Unless specifically posted to the contrary, a player may raise after the player has previously checked in a betting round.

(k) The certificate holder shall post a sign specifying any restrictions with regard to the maximum number of raises that may be permitted for any round of betting and the minimum and maximum bets in effect at each Poker table. If all players at a Poker table agree to increase the minimum bet at the table, the minimum bet posted at the table need not be followed. The certificate holder shall include in its Rules Submission under § 601a.2 (relating to table games Rules Submissions) any restrictions with regard to the maximum number of raises that may be permitted for any round of betting, provisions specifying the maximum amount that the minimum bet may be increased and how the dealer will determine that all of the players have agreed to the increased minimum bet amount.

**§ 637a.9. Permissible Poker games; announcement of available games and seats.**

(a) A certificate holder may offer the following types of Poker games:

(1) Seven-card Stud (High, Low, High-low Split and High-low Split Eight or Better).

(2) Hold'em (High).

(3) Omaha (High, High-low Split Eight or Better).

(4) Five-card Draw (High and Low).

(5) Five-card Stud (High).

(6) Other Poker games approved by the Board.

(b) A certificate holder may not offer or permit the playing of any Poker game which is not authorized by this chapter.



(c) A certificate holder may announce, in the areas where Poker tables are located, the particular types of available Poker games, the table minimum and maximum bets that are being offered and the availability of any vacant seats at particular Poker tables.

**§ 637a.10. Seven-card Stud Poker; procedures for dealing the cards; completion of each round of play.**

(a) A certificate holder that offers Seven-card Stud High, Seven-card Stud Low, Seven-card Stud High-low Split or Seven-card Stud High-low Split Eight or Better Poker shall observe the procedures in this section.

(b) No more than eight players may participate in a Seven-card Stud Poker game. Each player who elects to participate in a round of play may be required to place an Ante bet. The rules governing the placement of an Ante bet and the amount of the Ante bet, if any, shall be specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) Starting with the first player to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal two rounds of cards face down and one round of cards face up to each player.

(d) After each player has been dealt three cards in accordance with subsection (c), the first betting round shall commence with one player making a Forced Bet. The amount of the Forced Bet shall be specified in the certificate holder's Rules Submission under § 601a.2 and posted at the Poker table. The player required to place the Forced Bet shall be determined by comparing the up card of each player. In the event that two or more up cards are of the same rank, the up cards shall then be ranked by suit with the highest to lowest ranked suits in the following order: spades, hearts, diamonds and clubs. The Forced Bet shall be made by the player with the:

- (1) Lowest ranked up card for Seven-card Stud High Poker.
- (2) Highest ranked up card for Seven-card Stud Low Poker.
- (3) Highest ranked up card for Seven-card Stud High-low Split Poker. To determine the highest ranked up card, an ace shall be ranked below a two.
- (4) Lowest ranked up-card for Stud High-low Split Eight or Better Poker. To determine the lowest ranked up-card, an ace shall be considered the highest ranking card.

(e) Following the placement of the Forced Bet, each subsequent player, starting with the player to the left of player who placed the Forced Bet and continuing around the table in a clockwise manner, may fold, call or raise the bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(f) Upon completion of the first betting round, the dealer shall burn the top card of the deck and then, starting with the first remaining player to the dealer's left, deal a fourth card face up to each player who made or called the last bet. The next betting round shall commence as follows:

- (1) For Seven-card Stud High, Seven-card Stud High-low Split or Seven-card Stud High-low Split Eight or Better Poker, the player with the highest ranking high hand showing shall be required to bet or check.

(2) For Seven-card Stud Low, the player with the highest ranking low hand showing shall be required to bet or check.

(3) If the highest ranking hand showing is held by two or more players, the player closest to the left of the dealer shall be required to bet or check.

(g) Following the initial bet or check required under subsection (f), each subsequent player, proceeding in a clockwise rotation, may fold, call, raise or, if the preceding players have not made a bet, check. Once a bet has been made, the next player in a clockwise rotation may fold, call or raise. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(h) The dealer shall then deal two additional rounds of cards face up and one round of cards face down to each player who made or called the last bet. Prior to each round of cards being dealt, the dealer shall burn the top card of the deck. Notwithstanding the foregoing, if insufficient cards remain in the deck to give each remaining player either a sixth or seventh card, the top card of the deck shall be burned and a common card shall be dealt face up in the center of the table. If there is either one or no card remaining in the deck when a common card is to be dealt, the dealer shall shuffle the burn cards, burn a card and then deal the common card. The dealing of each round of cards or, if applicable, each common card under this subsection shall be followed by a betting round conducted in accordance with subsections (f) and (g).

(i) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form a five-card poker hand from the seven cards dealt to the player. The winner of the pot shall be:

- (1) In Seven-card Stud High Poker, the player with the highest ranking five-card high hand.
- (2) In Seven-card Stud Low Poker, the player with the highest ranking five-card low hand.
- (3) In Seven-card Stud High-low Split Poker or Seven-card Stud High-low Split Eight or Better Poker:

(i) The player with the highest ranking five-card high hand and the player with the highest ranking five-card low hand, subject to subsection (j), shall divide the pot equally. If a pot cannot be divided equally, the excess amount, which may not exceed \$1, shall be given to the player with the highest ranking high hand.

(ii) If a tie exists between two or more players for the highest ranking high hand, the high hand share of the pot shall be divided equally among the tied players. If the high hand share of the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player with the highest ranking high card by suit.

(iii) If a tie exists between two or more players for the highest ranking low hand, the low hand share of the pot shall be divided equally among the tied players. If the low hand share of the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player with the lowest ranking low hand Poker card by suit.

(iv) For purposes of this subsection, the cards shall be ranked by suit with the highest to lowest ranked suit in order as follows: spades, hearts, diamonds and clubs.



(j) In Seven-card Stud High-low Split Eight or Better Poker, a winning low-hand may not contain a pair, a three-of-a-kind or a four-of-a-kind or a 9, 10, jack, queen or king. In the event that none of the hands of the remaining players satisfies this requirement, the entire pot shall be awarded to the player with the highest ranking high hand.

(k) In Seven-card Stud High-low Split Poker and Seven-card Stud High-low Split Eight or Better Poker, the player may form two different hands of five cards each out of the player's seven available cards, enabling that player to contend for both the high hand and low hand share of the pot. A player may use the same five-card grouping to make a high hand and a low hand. For example:

(1) A hand consisting of a 2, 3, 4, 5 and 6 would qualify as a straight for purposes of the high hand and as a high ranking low hand.

(2) A hand consisting of five cards of the same suit, none higher than an 8, would qualify as a flush for purposes of the high hand and as a high ranking low hand.

(l) In Seven-card Stud High-low Split Poker and Seven-card Stud High-low Split Eight or Better Poker, an ace may be used concurrently as a low hand card to make up a low hand and as a high card to make up a high Poker hand.

**§ 637a.11. Hold'em Poker; procedures for dealing the cards; completion of each round of play.**

(a) A certificate holder that offers Hold'em Poker shall observe the procedures in this section. Hold'em Poker shall be played to determine a winning high hand only.

(b) No more than ten players may participate in a Hold'em Poker game. Each player who elects to participate in a round of play may be required to place an Ante bet. The rules governing the placement of an Ante bet and the amount of the Ante bet, if any, shall be specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) A button shall be used to indicate the order in which the cards shall be dealt and the order in which players shall bet in accordance with following procedures:

(1) At commencement of play, the button shall be placed in front of either:

(i) The first player to the right of the dealer.

(ii) The player randomly determined by rank of a single card dealt.

(2) Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(d) Before any cards are dealt, the player to the immediate left of the button shall initiate the first betting round by placing a Blind Bet. A certificateholder may require additional Blind Bets to be made immediately after the initial Blind Bet. The amount and number of all Blind Bets required shall be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at the table.

(e) The player to the left of the player who placed a Blind Bet may place a Straddle Bet, if offered by the certificate holder. The rules governing the placement of a Straddle Bet and the amount of the Straddle Bet, if any, shall be specified in the certificate holder's Rules Submis-

sion under § 601a.2 and posted on a sign at each Poker table. No more than one Straddle Bet may be made during a round of play.

(f) Starting with the player to the immediate left of the button and continuing around the table in a clockwise manner, the dealer shall deal two rounds of cards face down to each player. The player with the button shall be the last player to receive a card each time.

(g) After each player has been dealt two cards in accordance with subsection (e), each player, starting with the player to the left of the player or players who were required to place a Blind Bet or the player who placed a Straddle Bet, if offered, and continuing around the table in a clockwise manner, may either fold, call or raise the bet. The option to raise shall also apply to a player who made a Blind Bet or Straddle Bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(h) The dealer shall then burn the top card of the deck and proceed to deal three community cards face up in the center of the table. The first player to the left of the button who has not folded shall commence the next betting round and may bet or check. Each subsequent player may, in clockwise rotation, fold, call, raise or, if preceding players have not made a bet, make an opening bet or check. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(i) Upon completion of the betting round, the dealer shall burn the top card of the deck and deal a fourth community card face up in the center of the table. The next betting round shall be commenced and completed in accordance with subsection (g).

(j) Upon completion of the betting round, the dealer shall burn the top card of the deck and deal a fifth and final community card face up in the center of the table. The final betting round shall be commenced and completed in accordance with subsection (g).

(k) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form the highest ranking five-card high hand using any of the two cards dealt to the player and the five community cards. The winner of the pot shall be the player with the highest ranking five-card high hand. If the highest ranking five-card high hand that each of the remaining players can form is comprised of the five community cards, all players remaining in the round of play shall share equally in the pot.

**§ 637a.12. Omaha Poker; procedures for dealing the cards; completion of each round of play.**

(a) A certificate holder that offers Omaha High or Omaha High-low Split Eight or Better Poker shall observe the procedures in this section.

(b) No more than ten players may participate in an Omaha Poker game. Each player who elects to participate in a round of play may be required to place an Ante bet. The rules governing the placement of an Ante bet and the amount of the Ante bet, if any, and the Kill or Half-kill option, if offered, shall be specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) A button shall be used to indicate the order in which the cards shall be dealt and the order in which players shall bet in accordance with following procedures:

(1) At commencement of play, the button shall be placed in front of either:

(i) The first player to the right of the dealer.

(ii) The player randomly determined by rank of a single card dealt.

(2) Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(d) Before any cards are dealt, the player to the immediate left of the button shall initiate the first betting round by placing a Blind Bet. A certificate holder may require additional Blind Bets to be made immediately after the initial Blind Bet. The amount and number of all Blind Bets required shall be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at the table.

(e) The player to the left of the player who placed a Blind Bet may place a Straddle Bet, if offered by the certificate holder. The rules governing the placement of a Straddle Bet and the amount of the Straddle Bet, if any, shall be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at each Poker table. No more than one Straddle Bet may be made during a round of play.

(f) Starting with the player to the immediate left of the button and continuing around the table in a clockwise manner, the dealer shall deal four rounds of cards face down to each player. The player with the button shall be the last player to receive a card each time.

(g) After each player has been dealt four cards in accordance with subsection (e), each player, starting with the player to the left of the player or players who were required to place a Blind Bet or the player who placed a Straddle Bet, if offered, and continuing around the table in a clockwise manner, may fold, call or raise the bet. The option to raise shall also apply to a player who made a Blind Bet or Straddle Bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(h) The dealer shall then burn the top card of the deck and proceed to deal three community cards face up in the center of the table. The first player to the left of the button who has not folded shall commence the next betting round and may bet or check. Each subsequent player may, in clockwise rotation, fold, call, raise or, if preceding players have not made a bet, make an opening bet or check. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(i) Upon completion of the betting round, the dealer shall burn the top card of the deck and deal a fourth community card face up in the center of the table. The next betting round shall be commenced and completed in accordance with subsection (h).

(j) Upon completion of the betting round, the dealer shall burn the top card of the deck and deal a fifth and final community card face up in the center of the table. The final betting round shall be commenced and completed in accordance with subsection (g).

(k) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form a five-card hand using two of the four cards dealt to the player and three of the five community cards. The winner of the pot shall be:

(1) In Omaha High Poker, the player with the highest ranking five-card high hand.

(2) In Omaha High-low Split Eight or Better Poker:

(i) The player with the highest ranking five-card high hand and the player with the highest ranking five-card low hand, subject to subsection (l), shall divide the pot equally. If a pot cannot be divided equally, the excess amount, which may not exceed \$1, shall be given to the player with the highest ranking high hand.

(ii) If a tie exists between two or more players for the highest ranking high hand, the high hand share of the pot shall be divided equally among the tied players. If the high hand share of the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player with the highest ranking high card by suit.

(iii) If a tie exists between two or more players for the highest ranking low hand, the low hand share of the pot shall be divided equally among the tied players. If the low hand share of the pot cannot be divided equally among the tied players, the excess, which may not exceed \$1, shall be given to the player with the lowest ranking low hand Poker card by suit.

(iv) For purposes of this subsection, the cards shall be ranked by suit with the highest to lowest rank suit in order as follows: spades, hearts, diamonds and clubs.

(l) In Omaha High-low Split Eight or Better Poker, the winning low hand may not contain a pair, a three-of-a-kind or a four-of-a-kind or a 9, 10, jack, queen or king. In the event that none of the hands of the remaining players satisfies this requirement, the entire pot shall be awarded to the player with the highest ranking high hand.

(m) In Omaha High-low Split Eight or Better Poker, the player may form two different hands of five cards each, enabling that player to contend for both the high hand and low hand share of the pot. Each hand must consist of any three of the community cards and any two of four cards dealt to the player. A player may use the same five-card grouping to make a high hand and a low hand. An ace may be used concurrently as a low hand card to make up a low hand and as a high card to make up a high hand.

(n) In Omaha High-low Split Eight or Better Poker, the certificate holder may use either the Half-kill or Kill option. If the certificate holder elects to use either option, the certificate holder shall indicate which option is being used in the certificate holder's Rules Submission under § 601a.2 and post which option is being used and the minimum value of a qualifying pot on a sign at each Omaha Poker table.

**§ 637a.13. Five-card Draw Poker; procedures for dealing the cards; completion of each round of play.**

(a) A certificate holder that offers Five-card Draw High or Five-card Draw Low Poker shall observe the procedures in this section.

(b) No more than eight players may participate in a Five-card Draw Poker game. Each player who elects to participate in a round of play may be required to place an Ante bet. The rules governing the placement of an Ante bet and the amount of the Ante bet, if any, shall be specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) A button shall be used to indicate the order in which the cards shall be dealt and the order in which players shall bet in accordance with following procedures:

(1) At commencement of play, the button shall be placed in front of either:

(i) The first player to the right of the dealer.

(ii) The player randomly determined by rank of a single card dealt.

(2) Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(d) Starting with the first player to the immediate left of the button and continuing around the table in a clockwise manner, the dealer shall deal five rounds of cards face down to each player. The player with the button shall be the last player to receive a card each time.

(e) After each player has been dealt five cards in accordance with subsection (d), the player to the immediate left of the button shall initiate the first betting round by placing a Blind Bet. A certificate holder may require additional Blind Bets to be made immediately after the initial Blind Bet. The amount and number of all Blind Bets required shall be specified in the certificate holder's Rules Submission under § 601a.2 and posted on a sign at the table.

(f) Following the placement of the required Blind Bets, each player, starting with the player to the left of the player or players who were required to place a Blind Bet shall and continuing around the table in a clockwise manner, may fold, call or raise the bet. The option to raise shall also apply to a player who made a Blind Bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(g) Upon completion of the initial betting round, each player remaining in the round of play shall have an opportunity to draw new cards. This process shall be accomplished one player at a time starting with the player to the immediate left of the button and continuing around the table in a clockwise manner. Each player may keep his original hand or discard as many cards as he chooses. The dealer shall replace each discarded card with a new card dealt from the deck as follows:

(1) Prior to the first player receiving any new cards, the dealer shall burn the top card of the deck.

(2) If insufficient cards remain in the deck for each player remaining in the round of play to draw new cards, the discard pile shall be reshuffled and used for this purpose. The cards to be discarded by a player who has not yet requested new cards may not be included as part of the reshuffled cards.

(h) The first player to the left of the button who has not folded shall commence the final betting round and may bet or check. Each subsequent player may, in clockwise rotation, fold, call, raise or, if preceding players have not made a bet, make an opening bet or check. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(i) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. The winner of the pot shall be:

(1) In Five-card High Poker, the player with the highest ranking five-card high hand.

(2) In Five-card Low Poker, the player with the highest ranking five-card low hand.

**§ 637a.14. Five-card Stud Poker; procedures for dealing the cards; completion of each round of play.**

(a) A certificate holder that offers Five-card Stud Poker shall observe the procedures in this section. Five-card Stud Poker shall be played to determine a winning high hand only.

(b) No more than eight players may participate in a Five-card Stud Poker game. Each player who elects to participate in a round of play may be required to place an Ante bet. The rules governing the placement of an Ante bet and the amount of the Ante bet, if any, shall be specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions) and posted on a sign at each Poker table.

(c) Starting with the first player to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal one round of cards face down and one round of cards face up to each player.

(d) After each player has been dealt two cards in accordance with subsection (c), the first betting round shall commence with one player making a Forced Bet. The amount of the Forced Bet shall be specified in the certificate holder's Rules Submission under § 601a.2 and posted at the Poker table. The player required to place the Forced Bet shall be determined by comparing the up card of each player. The player with the lowest ranked up card shall be required to make a Forced Bet. In the event that two or more up cards are of the same rank, the up cards shall then be ranked by suit with the highest to lowest ranked suits in the following order: spades, hearts, diamonds and clubs.

(e) Following the placement of the Forced Bet, each subsequent player, starting with the player to the left of the player who placed the Forced Bet and continuing around the table in a clockwise manner, may bet, fold, call or raise the bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(f) Upon completion of the first betting round, the dealer shall burn the top card of the deck and then, starting with the first remaining player to the dealer's left, deal another round of cards face up to each player who made or called the last bet. The next betting round shall commence as follows:

(1) The player with the highest ranking hand showing shall be required to bet or check.

(2) If the highest ranking hand showing is held by two or more players, the player closest to the left of the dealer shall be required to bet or check.

(g) Following the bet or check required under subsection (f), each subsequent player, proceeding in a clockwise rotation, may fold, call, raise or, if the preceding players have not made a bet, check. Once a bet has been made, the next player in a clockwise rotation may fold, call or raise. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(h) The dealer shall then deal two additional rounds of cards face up to each player who made or called the last bet, with each round followed by a betting round conducted in accordance with subsections (f) and (g). Prior to each round of cards being dealt, the dealer shall burn the top card of the deck.



(i) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. The winner of the pot shall be the player with the highest ranking five-card high hand.

**§ 637a.15. Bad Beat payout; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation.**

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer a Bad Beat payout for a payout for one or more Bad Beat hands. A Bad Beat payout shall be made from a separate fund created from pot contributions required at tables where a Bad Beat payout is offered and shall be paid in accordance with the procedures established under this section.

(b) A certificate holder shall post at each Poker table that offers a Bad Beat payout, notice advising patrons of eligibility for the Bad Beat payout. The certificate holder shall display the current amount of the Bad Beat payout and post in a conspicuous location within the Poker room the Bad Beat payout rules which shall include:

(1) The maximum contribution amount that will be collected from each pot to fund the Bad Beat payout and the method of calculation for any contribution amount.

(2) The minimum pot amount required before the contribution to the Bad Beat payout is collected.

(3) Qualifying Bad Beat requirements and payouts.

(c) A certificate holder shall extract from each pot at a Poker table designated for participation in a Bad Beat payout a prescribed contribution to the Bad Beat payout. The contribution amount shall be collected in accordance with the Bad Beat payout rules as specified in the certificate holder's Rules Submission under § 601a.2. After the dealer has extracted the rake, the amount from each pot to be contributed to a Bad Beat payout shall be determined, segregated from the pot and deposited into the Bad Beat payout box. Notwithstanding the foregoing, a certificate holder may, upon amending its Bad Beat payout rules, terminate collection of Bad Beat contributions at any time in accordance with subsection (i).

(d) At least once each gaming day and upon notice to a casino compliance representative, a certificate holder shall count the accumulated contents of each Bad Beat payout box. The counting shall occur at a closed Poker table, the main cage or a satellite cage, in accordance with the certificate holder's approved internal controls, as follows:

(1) If the counting of the contents of a Bad Beat payout box occurs at a closed Poker table, the counting shall be performed by a Poker dealer in the presence of a floorperson or above and recorded by the surveillance department. Documentation of the count shall be prepared and signed by both the dealer and the floorperson or above who witnessed the count. The contents of the Bad Beat payout box shall then be placed in a locked container along with documentation of the count and transported to the main cage or satellite cage by a security department employee.

(2) If the counting of the contents of a Bad Beat payout box occurs in the main cage or a satellite cage, a floorperson or above shall account for all locked Bad Beat payout boxes transported from the Poker tables to the cage. A security department employee shall transport the Bad Beat boxes to the main cage or satellite cage for counting.

(e) Once each Bad Beat payout box or locked container is delivered to the main cage or satellite cage, a cashier shall count the contents of each box or, if the contents of the boxes were previously counted by Poker room personnel and combined in a locked container for transport, verify the aggregate count. The finance department shall maintain the official record of the amount of daily contributions to the Bad Beat payout.

(f) The Poker shift supervisor shall verify each Bad Beat Poker hand prior to awarding the Bad Beat payout. Upon verification, the Poker shift supervisor shall:

(1) Post a sign or otherwise provide visible notice that the applicable Bad Beat payout display amount is pending adjustment due to a Bad Beat payout.

(2) Notify a representative from the security department or finance department to deliver to the Poker table the applicable amount of the Bad Beat payout.

(g) The finance department shall prepare a Bad Beat payout distribution in cash or a recognized cash equivalent in accordance with the certificate holder's approved internal controls. Notwithstanding subsection (f)(2), a certificate holder may elect to pay a Bad Beat payout at the main cage.

(h) No less than once a day and immediately upon notification of a Bad Beat verification by the Poker shift supervisor, a finance department representative shall:

(1) In the presence of a floorperson or above, adjust each Bad Beat payout amount displayed in the Poker area to reflect the current Bad Beat payout amount.

(2) Verify that the amount of any Bad Beat payout maintained by the finance department corresponds to the amount being displayed to patrons.

(i) A Bad Beat payout may not be offered at a Poker table until a certificate holder has submitted to the Board and the Board has approved procedures for discontinuing any Bad Beat payout. The procedures must address the method by which pot contributions will be terminated or transferred to other Bad Beat payouts, or both, to ensure that all payout amounts are paid to Poker patrons.

**§ 637a.16. High Hand Jackpot payout; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation.**

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer a High Hand Jackpot payout for a Qualifying High Hand made during a qualifying period. A High Hand Jackpot payout shall be made from a separate fund created from pot contributions required at tables where a High Hand Jackpot payout is offered and shall be paid in accordance with the procedures established under this section.

(b) A certificate holder shall post at each Poker table that offers a High Hand Jackpot payout notice advising patrons of eligibility for the High Hand Jackpot payout. The certificate holder shall display the current amount of the High Hand Jackpot payout and post in a conspicuous location within the Poker room the High Hand Jackpot payout rules which must include:

(1) The collection and qualifying periods for the High Hand Jackpot payout.

(2) The maximum contribution amount that will be collected from each pot to fund the High Hand Jackpot payout.



(3) The minimum pot amount required before the contribution to the High Hand Jackpot is collected.

(4) The minimum number of players who shall be dealt into a hand to qualify for a High Hand Jackpot payout.

(5) The division of the High Hand Jackpot payout if two or more players have the same value Qualifying High Hand during a qualifying period.

(6) Any time limits on collecting High Hand Jackpot payouts including a statement notifying players that they do not need to be present at the end of the qualifying period to win the High Hand Jackpot payout.

(7) Any restrictions on collecting a High Hand Jackpot payout including a statement notifying players that valid identification shall be presented for a player's hand to qualify for a High Hand Jackpot payout.

(c) A certificate holder shall extract from each pot at a Poker table designated for participation in a High Hand Jackpot payout a prescribed contribution to the High Hand Jackpot payout. The contribution amount shall be collected in accordance with the High Hand Jackpot payout rules as specified in the certificate holder's Rules Submission under § 601a.2. After the dealer has extracted the rake, the amount from each pot to be contributed to a High Hand Jackpot payout shall be determined, segregated from the pot and deposited into the High Hand Jackpot payout box.

(d) At the end of each qualifying period, a certificate holder shall count the accumulated contents of each High Hand Jackpot payout box. The counting shall occur at a closed Poker table, the main cage or a satellite cage, in accordance with the certificate holder's approved internal controls, as follows.

(1) If the counting of the contents of a High Hand Jackpot payout box occurs at a closed Poker table, the counting shall be performed by a Poker dealer in the presence of a floorperson or above and recorded by the surveillance department. Documentation of the count shall be prepared and signed by both the dealer and the floorperson or above who witnessed the count. The contents of the High Hand Jackpot payout box shall then be placed in a locked container along with documentation of the count and transported to the main cage or satellite cage by a security department employee.

(2) If the counting of the contents of a High Hand Jackpot payout box occurs in the main cage or a satellite cage, a floorperson or above shall account for all locked High Hand Jackpot payout boxes transported from the Poker tables to the cage. A security department employee shall transport the High Hand Jackpot payout boxes to the main cage or satellite cage for counting.

(e) Once each High Hand Jackpot payout box or locked container is delivered to the main cage or satellite cage, a cashier shall count the contents of each box or, if the contents of the boxes were previously counted by Poker room personnel and combined in a locked container for transport, verify the aggregate count. The finance department shall maintain the official record of the amount of contributions to the High Hand Jackpot payout.

(f) At the start of each qualifying period, dealers shall begin tracking hands. When a player has a full house, as defined in § 637a.6(b) (relating to Poker rankings), the dealer shall call a floorperson or above who shall verify the hand and record the value on the High Hand Tracking Slip. As the value of the hands increase during the qualifying period, the value of the next higher hand shall be announced and the floorperson or above shall

record on the High Hand Tracking Slip the next higher value hand. The High Hand Tracking Slip must contain:

(1) The name, phone number and seat number of the player with the higher value hand.

(2) The table number.

(3) The higher value hand.

(4) The dealer's name and Board-issued credential number.

(5) The signature and Board-issued credential number of the floorperson or above who verified the higher value hand.

(g) When the qualifying period has ended, the contribution amount collected during the qualifying period shall be counted, verified and taken to the main cage or satellite cage in accordance with subsections (d) and (e). The pooled contribution amounts from all Poker tables that participated in the qualifying period shall then be announced and displayed.

(h) The player or players with the highest Qualifying High Hand during the qualifying period shall be awarded the High Hand Jackpot payout. High Hand Jackpot payouts shall be paid from the main cage or satellite cage. If, however, a full house was not made by any player during the qualifying period, the High Hand Jackpot payout contribution amounts shall be added to the next High Hand Jackpot payout qualifying period.

(i) The certificate holder shall specify in its Rules Submission under § 601a.2 the procedure for distributing High Hand Jackpot payouts which have not been collected within the time period specified in subsection (b)(6).

#### § 637a.17. Poker revenue.

(a) A certificate holder shall derive its Poker revenue at all Poker tables by extracting a rake. Each certificate holder shall submit as part of its Rules Submission under § 601a.2 (relating to table games Rules Submissions) the following:

(1) The types of rake utilized.

(2) The methodology used for calculating the rake.

(3) The amount of maximum permissible rake per round of play.

(b) A certificate holder may use one or more of the following procedures in determining and extracting the rake:

(1) A percentage rake, not to exceed 10% which shall be calculated and extracted from the pot and any side pots:

(i) After the conclusion of a betting round and placed into the designated rake area required under § 637a.2(b)(2) (relating to Poker table physical characteristics) as play progresses.

(ii) Upon completion of a round of play and immediately placed by the dealer into the drop box.

(2) An incremental rake, as certain predetermined dollar levels have been achieved which:

(i) Upon collection shall be placed into the designated rake area required under § 637a.2(b)(2).

(ii) Upon completion of a round of play shall be immediately placed by the dealer into the drop box.

(3) A rake based on time charges which:

(i) May be imposed on a per-player basis or on a per-table basis. If taken on a per-player basis, inactive players seated at the table shall also be assessed.

(ii) Shall be expressed as an hourly fee based on the minimum and maximum betting limits at a game.

(iii) May be assessed fractionally every 20 or 30 minutes as determined by the certificate holder.

(iv) Once assessed shall be placed by the dealer into the designated rake area required under § 637a.2(b)(2).

(v) Upon verification by a floorperson or above of the time charges collected shall be immediately placed by the dealer into the drop box.

(c) A sign describing the type and amount of rake to be collected under subsection (b) shall be posted at each Poker table.

(d) An uncalled final bet may not be considered part of the pot for purposes of calculating the amount of rake under subsection (b)(1) and (2).

(e) Once the dealer has extracted the rake and the pot and any side pots have been collected by the winning player or players, additional rake may not be taken.

**§ 637a.18. Conduct of players; general operating rules for all types of Poker; irregularities.**

(a) In all disputes in which a ruling, interpretation, clarification or intervention is required, the decision of the Poker shift supervisor is final.

(b) Each player in a Poker game shall play the game solely to improve the player's chance of winning and may not take action to improve another player's chance of winning. A player may not communicate any information to another player which could assist the other player in any manner respecting the outcome of a Poker game.

(c) A certificate holder who has reasonable cause to believe that a player has acted or is acting in violation of subsection (b) may require the player to leave the game and shall notify a casino compliance representative as expeditiously as possible.

(d) Each player shall keep all cards dealt to the player in full view of the dealer at all times. The dealer shall ensure compliance with this requirement.

(e) At a showdown, a winning hand must be clearly displayed in its entirety and properly identified. The player initiating the final bet shall be the first player to show his hand at the showdown. All other players who have not folded shall then reveal their hands in a clockwise rotation. Any player holding a losing hand may concede his rights to the pot and discard the hand without revealing the player's cards unless the certificate holder, in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), requires the disclosure of all discarded hands.

(f) It shall be the responsibility of each player in a showdown to ensure that the player's hand has lost to the other hands at the table before discarding the hand.

(g) Cards that are misdealt shall be returned to the dealer for a reshuffle. The following errors shall be cause for a misdeal:

(1) Failure to shuffle and cut the cards in accordance with § 637a.5 (relating to shuffle and cut of the cards).

(2) Dealing to an incorrect starting position if the error has been detected prior to two players voluntarily placing bets into the pot.

(3) If more than one card is found face up in the deck.

(4) Failure to deal to an eligible seated player, if the error has been detected prior to two players voluntarily placing bets into the pot.

(h) If one or more cards are mistakenly dealt to an ineligible player, the cards dealt to that player shall be discarded and the round of play shall continue.

(i) If at any time during a round of play missing cards are discovered or additional cards are found, the round of play shall be voided, all value chips, tournament chips and plaques in the pot shall be returned to the appropriate player and the deck shall be replaced.

(j) A card found face up in the deck may not be used in that round of play and shall be placed with the pile of discarded cards.

(k) A player who fails to take reasonable means to protect his hand shall have no redress if his hand becomes a fouled hand or the dealer accidentally collects the hand, provided that:

(1) Hole cards in a game of Stud Poker shall be considered protected for purposes of fouling a hand.

(2) If a protected hand comes into contact with discarded cards, every effort shall be made to reconstruct the hand and complete the round of play.

(3) A player who has a protected hand collected by the dealer or fouled by discarded cards shall be entitled to a refund from the pot of all moneys that the player put in the pot if the player has been a victim of and not a contributor to the error.

(4) A player who leaves the table without comment and has an unprotected hand shall be assumed to have no interest in the pot and his cards shall be collected and discarded.

(l) Verbal statements which are clearly audible by and directed to the dealer shall always have precedence over actions and gestures and are considered binding on the player whose turn it is to act.

(1) A player shall be deemed to have folded if, when faced with making or calling a bet, the player:

(i) Discards his hand face down towards the pile of discarded cards or the pot.

(ii) Turns his up cards in a game of Stud Poker face down.

(2) If a player is obligated to place a bet as a Blind Bet, Forced Bet or by virtue of a verbal statement, throwing away his cards does not relieve the player of that obligation.

(m) In Seven-card Stud, if a player's first or second hole card is accidentally turned face up in the dealing process, the third card shall be dealt face down. If both hole cards are accidentally turned face up, the dealer shall collect the two cards, call the player's hand void and return the player's Ante bet, if applicable. If a player's third hole card is accidentally turned face up in the dealing process, the player shall be afforded the option to either:

(1) End his obligation to make additional bets and contend only for that part of the pot formed prior to any additional betting.

(2) Continue to contend for the entire pot.

(n) In Five-card Stud, if a player's hole card is accidentally turned face up in the dealing process, the second card shall be dealt face down.

(o) If a card is accidentally dealt off the table, the card may not be used in that round of play and shall be placed with the pile of discarded cards after a thorough examination of the card by the dealer.

(p) In the games of Hold'em and Omaha Poker, if any of the cards that are required to be dealt face down to a player are accidentally dealt face up, the dealer shall exchange the exposed card with a card from the top of the deck and place the exposed card face down with the pile of discarded cards.

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

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

(s) A certificate holder may clarify and supplement the procedures related to irregularities in this section in the certificate holder's Rules Submission under § 601a.2.

#### CHAPTER 655a. MISSISSIPPI STUD

Sec.

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##### § 655a.1. Definitions.

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

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

*Community card*—A card which is used by all players to form the best possible five-card poker hand.

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

*Envy Bonus Qualifying Hand*—A Mississippi Stud hand with a rank of a royal flush or a straight flush as defined in § 655a.6(b) (relating to Mississippi Stud hand rankings).

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

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

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

*Progressive Payout Hand*—A Mississippi Stud hand formed using the two player cards and three community cards with a rank of a three-of-a-kind or better as defined in § 655a.6(b).

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

*Round of play*—One complete cycle of play during which all wagers have been placed, all cards have been dealt and all remaining wagers have been settled in accordance with this chapter.

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

##### § 655a.2. Mississippi Stud table physical characteristics.

(a) Mississippi Stud shall be played on a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

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

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

(2) Four separate designed betting areas designated for the placement of the wagers required under § 655a.7(d)(1) and (2) (relating to wagers) for each player.

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

(4) If the certificate holder offers the optional Progressive Payout Wager authorized under § 655a.7(d)(3), a separate area designated for the placement of the Progressive Payout Wager for each player.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers and the rules governing the required amount of the 3rd Street, 4th Street or 5th Street Wager as a multiple of the player's Ante Wager. If the information is not inscribed on the layout, a sign that sets forth the required information must be posted at each Mississippi Stud table.

(c) If a certificate holder offers the Progressive Payout Wager, in accordance with § 655a.7(d)(3), the Mississippi Stud table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

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

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

(e) Each Mississippi Stud table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 655a.3. Cards, number of decks.**

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

(b) If an automated card shuffling device is utilized, Mississippi Stud may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks are continually alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck shall be placed in the discard rack at any given time.

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

(1) Every 4 hours if the cards are dealt by hand.

(2) Every 8 hours if the cards are dealt from a manual or automated dealing shoe.

**§ 655a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 655a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspections and removal from use), subsections (a)—(d) do not apply.

**§ 655a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated card shuffling device shall place the deck of cards in a single stack provided, however, that the certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

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

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

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 655a.8, § 655a.9 or § 655a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

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

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for the commencement of play.

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

(f) If there is no gaming activity at a Mississippi Stud table that is open for gaming, the cards shall be removed from the dealing shoe and the discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures in § 655a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) In lieu of the dealing and shuffling requirements in this section, a certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device and procedures for dealing and shuffling the cards through the use of this device are approved by the Bureau of Gaming Laboratory Operations.

**§ 655a.6. Mississippi Stud hand rankings.**

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



or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example: king, queen, ace, 2 and 3). All suits shall be equal in rank.

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

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

(2) A straight flush, which is a hand, 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.

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

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

#### § 655a.7. Wagers.

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

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

(c) All Ante and Progressive Payout Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 655a.8, § 655a.9 or § 655a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 655a.11(b), (d) and (f) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer announces "no more bets" and begins dealing the cards.

(d) The following wagers may be placed in the game of Mississippi Stud:

(1) To participate in a round of play, a player shall place an Ante Wager.

(2) Third Street, 4th Street and 5th Street Wagers made in accordance with § 655a.11(b), (d) and (f).

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Mississippi Stud table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager, a player may make an additional Progressive Payout Wager by placing a value chip into the progressive wagering device desig-

nated 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 Mississippi Stud table.

#### § 655a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance. Once the procedures required under § 655a.5 (relating to the 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, 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. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(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 the cards as follows:

(1) Two cards face down to each player who placed an Ante Wager in accordance with § 655a.7(d)(1) (relating to wagers).

(2) Three cards face down to the area designated for the placement of the community cards.

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

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

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

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 2 cards or the area designated for the placement of the community cards has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 655a.9. Procedure for dealing the cards from the hand.**

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

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

(2) After the procedures required under § 655a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager 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 then collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) Two cards face down to each player who placed an Ante Wager in accordance with § 655a.7(d)(1) (relating to wagers).

(2) Three cards face down to the area designated for the placement of the community cards.

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

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

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 2 cards or the area designated for the placement of the community cards has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 655a.10. Procedures for dealing the cards from an automated dealing shoe.**

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

(1) After the procedures required under § 655a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the dealing shoe dispensing any stacks, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager in accordance with § 655a.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 face down to each of the other players who has placed an Ante Wager.

(c) After each stack of two cards has been dispensed and delivered in accordance with this section, the dealer shall remove the remaining cards from the automated dealing shoe and, following the procedures in § 655a.9(a)(2) (relating to procedure for dealing the cards from the hand), deal from his hand the three community cards. After all three community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

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

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 2 cards or the area designated for the placement of the community cards has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe that automatically reshuffles the cards, the three community cards may be dispensed before the two cards are dispensed to each player.

**§ 655a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 655a.8, § 655a.9 or § 655a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for

dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards, subject to the following limitations:

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

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

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

(b) After each player has examined his cards and replaced them face down on the layout, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to place a 3rd Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager or fold. If a player folds, the Ante Wager shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout Wager in which the cards shall be left on the table until all wagers are resolved in accordance with subsection (i).

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

(d) Each player shall then either place a 4th Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager in the designed 4th Street betting area or fold. If a player folds, the Ante Wager and 3rd Street Wager shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout Wager in which the cards shall be left on the table until all wagers are resolved in accordance with subsection (i).

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

(f) Each player shall then either place a 5th Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager in the designed 5th Street betting area or fold. If a player folds, the Ante Wager and the 3rd Street and 4th Street Wagers shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout Wager in which the cards shall be left on the table until all wagers are resolved in accordance with subsection (i).

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

(h) If a player has placed an Ante Wager and a Progressive Payout 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 (relating to payout odds; Envy Bonus; rate of progression).

(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 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 Wager, if offered by the certificate holder. If a player has won the 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 § 655a.12(c)(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 shall remain on the table until the necessary documentation has been completed.

(v) 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 provided, however, that a player is not entitled to an Envy Bonus for his own hand.

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

#### § 655a.12. Payout odds; Envy Bonus; rate of progression.

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

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



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

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

(1) The certificate holder shall pay each winning Progressive Payout Wager in accordance with the following odds:

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

(2) A player shall receive the payout for only the highest ranking hand formed from the player's two cards and the three community 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 (relating to table games Rules Submissions). The initial and reset amount must also be in the certificate holder's Rules Submission and may not be less than \$10,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 655a.11(i)(4)(iv) (related to procedures for completion of each round of play).

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

*\$1 Progressive Payout Wager*

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

*\$5 Progressive Payout Wager*

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

**§ 655a.13. Irregularities.**

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

(c) If any player or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the community cards are exposed prior to the dealer revealing the community cards in accordance with § 655a.11(c), (e) and (g) (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

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

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

**CHAPTER 657a. CRAZY 4 POKER**

- Sec.
- 657a.1. Definitions.
- 657a.2. Crazy 4 Poker table physical characteristics.
- 657a.3. Cards; number of decks.
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- 657a.10. Procedures for dealing the cards from an automated dealing shoe.
- 657a.11. Procedures for completion of each round of play.
- 657a.12. Payout odds; Envy Bonus; rate of progression.
- 657a.13. Irregularities.

**§ 657a.1. Definitions.**

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

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Crazy 4 Poker table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—A player's four-card poker hand with a rank of four-of-a-kind or, if included in the payable selected by the certificate holder, a straight flush, as defined in § 657a.6(b) (relating to Crazy 4 Poker rankings).

*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.

*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).

*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.

*Round of play*—One complete cycle of play during which all wagers have been placed, all cards have been



dealt and all remaining wagers have been settled in accordance with the rules of this chapter.

**§ 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 approved by the Bureau of Gaming Operations 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 the optional Progressive Payout Wager authorized under § 657a.7(d)(3) (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 a Progressive Payout Wager in accordance with § 657a.7(d)(3), the Crazy 4 Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

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

(2) A device that controls or monitors the placement of 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. 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.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Crazy 4 Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Crazy 4 Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Crazy 4 Poker shall be changed at least:

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

**§ 657a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 657a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

**§ 657a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack.

The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

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

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

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 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).

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

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

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

(f) If there is no gaming activity at a Crazy 4 Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 657a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) In lieu of the dealing and shuffling requirements in this section, a certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Laboratory Operations.

#### § 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.

#### § 657a.7. Wagers.

(a) Wagers at Crazy 4 Poker shall be made by placing value chips or plaques on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at 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 Crazy 4 Poker table the option to make an additional Progressive Payout

Wager that the player will receive a Progressive Payout Hand. After placing the Ante and Super Bonus Wagers, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(e) A player may not wager on more than one player position at a Crazy 4 Poker table.

**§ 657a.8. Procedure for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance. Once the procedures required under § 657a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by the automated card shuffling device.

(b) Prior to dealing the 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 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.

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

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with § 657a.7(d)(1) (relating to wagers) and to the dealer until each player and the dealer have five cards.

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

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

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

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 657a.9. Procedure for dealing the cards from the hand.**

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

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

(2) After the procedures required under § 657a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager 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.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with § 657a.7(d)(1) (relating to wagers) and to the dealer until each player and the dealer have five cards.

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

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

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards), but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 657a.10. Procedures for dealing the cards from an automated dealing shoe.**

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



(1) After the procedures required under § 657a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager 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.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer’s left who has placed a wager in accordance with § 657a.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 face down to each of the other players who has placed a wager in accordance with § 657a.7(d)(1). The dealer shall then deliver a stack of five cards face down to the area designated for the placement of the dealer’s cards.

(c) After each stack of five cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

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

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards), but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 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 provided, however, that 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 a Progressive Payout Wagers but does not make a Play Wager, the player shall forfeit all three wagers and but may not forfeit the eligibility to receive an Envy Bonus under § 657a.12(d) (relating to payout odds; Envy Bonus; rate of progression).

(c) After each player who has placed an Ante and Super Bonus Wager 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 shall 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) provided, however, that the player’s Super Bonus Wager will 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 any 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 Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

- (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 § 657a.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 shall remain on the table until the necessary documentation has been completed.

(5) Pay any Envy Bonus won in accordance with § 657a.12(d)(5). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Crazy 4 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.

(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 Wager 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 rule 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	9 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 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>
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 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) Envy Bonus payouts shall be made according to the following payout schedules for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

(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

**§ 657a.13. Irregularities.**

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the dealer's cards are inadvertently exposed prior to each player having either folded or placed a Play Wager as provided for under § 657a.11 (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

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

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

[Pa.B. Doc. No. 11-1876. Filed for public inspection November 4, 2011, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 61—REVENUE

### DEPARTMENT OF REVENUE

#### [ 61 PA. CODE CH. 94 ]

#### Taxation of Trusts

The Department of Revenue (Department) has adopted a statement of policy under § 3.2 (relating to statements of policy). The statement of policy in § 94.3 (relating to taxation of trusts terminated under 20 Pa.C.S. § 7710.1) is new and takes effect upon publication in the *Pennsylvania Bulletin*.

This statement of policy is promulgated by the Department to implement a consent requirement for termination of noncharitable irrevocable trusts made without court approval or notice to the Department.

Specific questions regarding this statement of policy may be directed to the Department of Revenue, Office of Chief Counsel, P. O. Box 281061, Harrisburg, PA 17128-1061.

DANIEL MEUSER,  
*Secretary*

(*Editor's Note:* Title 61 of the *Pennsylvania Code* is amended by adding a statement of policy in § 94.3 to read as set forth in Annex A.)

**Fiscal Note:** 15-455. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 61. REVENUE

#### PART I. DEPARTMENT OF REVENUE

#### Subpart B. GENERAL FUND REVENUES

#### ARTICLE IV. COUNTY COLLECTIONS

#### CHAPTER 94. INHERITANCE TAX

#### PRONOUNCEMENTS—STATEMENTS OF POLICY

#### § 94.3. Taxation of trusts terminated under 20 Pa.C.S. § 7710.1.

(a) Effective for Resident and Non-Resident Pennsylvania Inheritance Tax Returns filed on or after July 1, 2012,

wherein the person responsible for filing the return has not made an election to prepay tax under section 2113(a) of the Inheritance and Estate Tax Act (act) (72 P.S. § 9113(a)) concerning trust assets reported on the return as part of a qualified spousal trust under section 2113 of the act, the Department will reserve the right to assess Pennsylvania Inheritance Tax at the highest applicable rate in effect at the time the Department issues its initial Notice of Inheritance Tax Appraisal, Allowance or Disallowance of Deductions and Assessment of Tax, unless the person responsible for filing the return requests a Future Interest Compromise from the Department in conjunction with the filing and in the manner prescribed by the Department.

(b) If a Future Interest Compromise is not requested in accordance with subsection (a), the person responsible for filing the return shall acknowledge in writing, in the form and manner provided by the Department, the person's assumption of liability for inheritance tax consequences that result from the termination of a trust under 20 Pa.C.S. § 7710.1 (relating to nonjudicial settlement agreements—UTC 111) that occurs after the return has been filed. This assumption of liability applies to a termination made without court approval or notice to the Department. This liability does not apply to a termination made under a specified termination date as contained within the trust instrument provided to the Department.

(c) If a trust has been terminated under 20 Pa.C.S. § 7710.1, without request for a Future Interest Compromise in accordance with subsection (a), the assets of the trust will be valued for Pennsylvania Inheritance Tax purposes as of the date of termination and tax will be due and owing as of the date of termination. Interest will accrue on an inheritance tax liability as of the termination date and in accordance with section 806 of The Fiscal Code (72 P.S. § 806).

[Pa.B. Doc. No. 11-1877. Filed for public inspection November 4, 2011, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Application Period for Grants Under the Direct Farm Sales Grant Program; 2012 Project Year

An application period for grants under the Direct Farm Sales Grant Program (Program) administered by the Department of Agriculture (Department), Bureau of Food Distribution (Bureau). For the 2012 Project Year, the application period is November 7, 2011, to December 19, 2011. Information about the Program and application forms can be accessed at the Department's web site at [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us) under the Bureau. Application forms are also available by contacting Sandy Hopple, (800) 468-2433.

In summary, the Program provides funds to Commonwealth-based businesses that manage or operate farm stands or farmers' markets, nonprofit organizations, farmers and local governments for projects intended to promote new or existing farmers' markets. Projects must pertain to specialty crops. The maximum grant amount per farm stand or farmers' market location shall be \$7,500 and applicants shall be expected to provide 25% of the approved grant amount in matching funds or in-kinds goods or services. The anticipated date for the award of grants and notice thereof is expected to be on or before February 1, 2012. The application, work plan and budget should reflect March 1, 2012, as the project start date and the project completion date will be September 30, 2012.

Applications for the Program will be accepted by the Department beginning Monday, November 7, 2011, and continue through Monday, December 19, 2011. Applications to be hand-delivered must be received by 4 p.m. in the Bureau on Monday, December 19, 2011, the closing date. Applications which are mailed must be postmarked no later than Monday, December 19, 2011, and received no later than December 23, 2011.

Completed applications should be addressed to or delivered to Department of Agriculture, Bureau of Food Distribution, Direct Farm Sales Grant Program, 2301 North Cameron Street, Room 401, Harrisburg, PA 17110-9408.

GEORGE D. GREIG,  
*Secretary*

[Pa.B. Doc. No. 11-1878. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Referendum Order on Continuation of the Pennsylvania Wine Marketing and Research Program

I. The Pennsylvania Wine Marketing and Research Program was established under the provisions of the Agricultural Commodities Marketing Act. The Act requires that the Secretary of Agriculture call a referendum

of affected producers every five years to determine whether or not a majority of those voting still desire the program. The program was last subjected to a review referendum conducted in 2006. It is now time for another review referendum to determine whether a majority of the wine producers desire the program to continue.

II. *Referendum Period:* The referendum period shall be from November 14, 2011 until 4 p.m. on November 30, 2011. Completed ballots shall be mailed or hand-delivered to the Pennsylvania Department of Agriculture, Bureau of Market Development, Room 310, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408. Hand-delivered ballots must be received by 4 p.m. on November 30, 2011. Ballots that are mailed must be postmarked no later than November 30, 2011, and received no later than December 5, 2011.

III. *Notice of Referendum:* This referendum order and an official ballot shall be mailed no later than November 7, 2011, to all affected producers whose names appear on the list of Pennsylvania wine producers maintained in the Office of the Secretary of Agriculture. Additional copies of the same materials shall be made available at the Office of the Secretary of Agriculture.

IV. *Eligible Voters:* The rules governing the eligibility of a producer for voting are as follows: Names of affected eligible producers shall be taken from the commodity wine list of producers/sellers maintained in the Office of the Secretary of Agriculture. These names are supplied to the Secretary from the Pennsylvania Liquor Control Board. Voting producers must have a Limited Winery License.

V. *Counting of Ballots:* The ballots will be canvassed and counted by a Teller Committee appointed by the Secretary of Agriculture. The counting of the ballots will begin at 10 a.m., Friday, December 9, 2011 at the Pennsylvania Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and the *Harrisburg Patriot-News*, and disseminated to the news media.

VI. *Reporting Irregularities:* Any irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary of Agriculture not later than seven (7) calendar days from the end of the referendum period.

VII. *Publication:* This referendum order shall be published in the *Pennsylvania Bulletin* and the *Harrisburg Patriot-News*.

VIII. *Effective Date:* The foregoing order shall be effective immediately.

GEORGE D. GREIG,  
*Secretary*

[Pa.B. Doc. No. 11-1879. Filed for public inspection November 4, 2011, 9:00 a.m.]



## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 18, 2011.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

#### BANKING INSTITUTIONS

No activity.

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1880. Filed for public inspection November 4, 2011, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, November 16, 2011, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RICHARD J. ALLAN,  
*Secretary*

[Pa.B. Doc. No. 11-1881. Filed for public inspection November 4, 2011, 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. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

## I. NPDES Renewal Applications

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<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>
PA0035025 (Sewage)	Western Wayne School District Western Wayne HS 2132 Easton Turnpike South Canaan, PA 18459	Wayne County South Canaan Township	Unnamed Tributary to Middle Creek (01B)	Y
PA0064114 (Sewage)	Jim Thorpe Area School District K-8 WWTP Route 534 And Route 903 Albrightsville, PA 18210	Carbon County Kidder Township	Dilldown Creek High Quality-Cold water Fishes 2A (-)	Y
PA0044709 (Sewage)	B'nai B'rith Perlman Camp 661 Rose Hill Road Lake Como, PA 18437	Wayne County Buckingham Township	Shehawken Creek High Quality Cold Water Fishes Migratory Fishes (1-A)	Y
PA0035335 (Sewage)	Mr. Cyril Rennels Barton Court MHP Bartonsville Avenue Bartonsville, PA 18321	Monroe County Pocono Township	Unnamed tributary to Pocono Creek High Quality Cold water Fishes (1-E)	Y
PA0012203 (IW)	Allen Organ Company, LLC 150 Locust Street Macungie, PA 18062-0036	Lehigh County Macungie Borough	Swabia Creek (2-C)	Y

*Southcentral Region: Water Management 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>
PA0085103 (IW)	Dorma Door Controls, Inc. Dorma Drive Drawer AC Reamstown, PA 17567-0411	Lancaster County / East Cocalico Township	UNT Stony Run / 7-J	Y
PA0011371 (IW)	Baldwin Hardware Corporation 841 East Wyomissing Boulevard Reading, PA 19611	Berks County / Reading City	Schuylkill River / 3-C	Y
PAS213504 (SW)	New Enterprise Stone & Lime Company, Inc. (Ashcom Batch & Blacktop Plant) PO Box 77 New Enterprise, PA 16664	Bedford County / Snake Spring Township	Cove Creek / 13-A	Y

*Northcentral Regional Office: Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.*

<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>
PA0209287 (Sewage)	Bucktail Camping Resort Manns Creek Road Mansfield, PA 16933	Tioga County Richmond Township	Manns Creek (4-A)	Y

*Northwest Region: Water Management 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>
PA0238414 (Sewage Renewal)	Amy L. & Roger A. Sandak 124 Memory Lane New Castle, PA 16101	Lawrence County Scott Township	Unnamed tributary to Big Run 20-A	Y
PA0209783 (Sewage Renewal)	Jerry Novosel 41 Gearhart Road Pulaski, PA 16143	Mercer County Shenango Township	Unnamed tributary to Buchanan Run 20-A	Y
PA0263885 (Sewage Renewal)	Cherrie & Thomas Peffer 4162 State Route 488 Portersville, PA 16051	Lawrence County Perry Township	Unnamed tributary to Camp Run Creek	Y

## **II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**PA0052451**, Sewage, SIC Code 4952, 6513, **Landenberg Village LLC**, 104 Landenberg Road Suite 3, Landenberg, PA 19350-9301. Facility Name: Landenberg Village. This existing facility is located in New Garden Township, **Chester County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage effluent.

The receiving stream(s), East Branch White Clay Creek, is located in State Water Plan watershed 3-I and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0012 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen (Interim)	XXX	XXX	2.0	XXX	XXX	XXX
Dissolved Oxygen (Final)	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	0.25	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Total Nitrogen (Interim)	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Final)	0.242	XXX	XXX	24.2	XXX	XXX
Ammonia-Nitrogen	0.1	XXX	XXX	10	XXX	20
Total Phosphorus (Interim)	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Final)	0.1	XXX	XXX	10.0	XXX	XXX

A three-year compliance schedule is proposed to meet Final limitations for Dissolved Oxygen, Total Nitrogen, and Total Phosphorus.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**PA0070041**, Sewage, SIC Code 4952, **Mahanoy City Sewer Authority**, 130 East Centre Street, Mahanoy City, PA 17948. Facility Name: Mahanoy City Sewer Authority WWTP. This existing facility is located in Mahanoy Township, **Schuylkill County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream, Mahanoy Creek, is located in State Water Plan watershed 06B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.38 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
COD <sub>5</sub>	288	460	XXX	25	40	50
Total Suspended Solids	345	518	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001 from Permit Effective Date through Permit Expiration Date.

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
Ammonia—N	Report	Report**		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	25,205*			
Net Total Phosphorus	Report	3,361*			

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin upon permit issuance. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November of each year.



\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November of each year.

In addition, the permit contains the following major special conditions:

- Chesapeake Bay Nutrient Requirements
- Combined Sewer Overflows
- Whole Effluent Toxicity Testing (WETT)

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 not in effect.

**PA0060518 A-1**, Sewage, SIC Code 4952, **Hallstead Great Bend Joint Sewer Authority**, P. O. Box 747, Great Bend, PA 18821-0747. Facility Name: Hallstead Great Bend Joint Sewer Authority. This existing facility is located in Great Bend Borough, **Susquehanna County**.

Description of Proposed Activity: NPDES permit amendment to revise the Chesapeake Bay compliance schedule as follows:

<i>Activity</i>	<i>Due Date</i>
Issue Certificate of Substantial Completion (Plant Fully Operational)	March 31, 2002
Compliance with Effluent Limitations	September 30, 2013

The receiving stream, North Branch Susquehanna River, is located in State Water Plan watershed 4-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation.

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 not in effect.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**Application No. PA0247588**, Concentrated Animal Feeding Operation (CAFO), **Wenger's Feed Mill, Inc.**, 101 West Harrisburg Avenue, Rheems, Pennsylvania 17570.

Wenger's Feed Mill, Inc. has submitted an application for an Individual NPDES permit for an existing CAFO known as Dutch Country Egg Farm, Inc., located at 272 Sunset Drive, Fredericksburg, Pennsylvania 17026 in Bethel Township, **Lebanon County**.

The CAFO is situated near Oil Creek in Watershed 7-D, which is classified for warm water fishery. The CAFO is designed to maintain an animal population of approximately 1,319.77 animal equivalent units (AEUs) consisting of 379,244 laying hens. Manure is retained under roof in the layer houses. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. You may make an appointment to review the files by calling the File Review Coordinator at 717.705.4732.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**PA0085103**, SIC Code 3429, **Dorma Door Controls Inc.**, Dorma Drive, Reamstown, PA 17567. Facility Name: Dorma Door Hdwr Plant. This existing facility is located in East Cocalico Township, **Lancaster County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated.

The receiving stream(s), Stony Run, is located in State Water Plan watershed 7-J and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0111 MGD.

<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>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
1,4-Dioxane	XXX	XXX	XXX	XXX	Report	XXX
1,1,1-Trichloroethane	XXX	XXX	XXX	XXX	Report	XXX
1,1-Dichloroethane	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>
1,1-Dichloroethylene	XXX	XXX	XXX	XXX	0.0002	XXX
Trichloroethylene	XXX	XXX	XXX	XXX	0.0025	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

**PA0080829**, Industrial Waste, SIC Code 2077, **Keystone Protein Co.**, PO Box 37, Fredericksburg, PA 17026. This existing facility is located in Bethel Township, **Lebanon County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream(s), Unnamed Tributary to Elizabeth Run, is located in State Water Plan watershed 7-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.25 MGD.

<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>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen (Interim)	XXX	XXX	5.0	XXX	XXX	XXX
Dissolved Oxygen (Final)	XXX	XXX	7.0	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	0.099	XXX	0.2
Total Residual Chlorine (Final)	XXX	XXX	XXX	0.049	XXX	0.14
CBOD <sub>5</sub> (Interim)	69.7	139.3	XXX	Report	Report	83.5
CBOD <sub>5</sub> (Final)	10.4	20.9	XXX	5	10	12.5
Total Suspended Solids (Interim)	85.2	170.5	XXX	Report	Report	102.1
Total Suspended Solids (Final)	20.9	41.7	XXX	10	20	25
Total Suspended Solids (Interim)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids (Final)	Report	Total Annual	XXX	XXX	XXX	XXX
Total Suspended Solids (Final)	Total Mo	4,600	XXX	XXX	XXX	XXX
Oil and Grease	31	Total Annual	XXX	15	30	30
Fecal Coliform (CFU/100 ml)		62	XXX			
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	400	XXX	2,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo	XXX	XXX	134	194	XXX
Total Nitrogen (Interim)	XXX	Report	XXX	XXX	XXX	XXX
Total Nitrogen	Total Annual	XXX	XXX	XXX	XXX	XXX
Total Nitrogen (Final)	Report	19,786	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Total Mo	Total Annual	XXX	XXX	XXX	XXX
May 1 - Oct 31	3.1	6.2	XXX	1.5	3.0	3.75
Nov 1 - Apr 30	9.3	18.7	XXX	4.5	9.0	11.25
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Total Mo	Report	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	Total Annual	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Interim)	Total Mo	8.3	XXX	2.0	4.0	5.0
Total Phosphorus (Final)	4.1	2.09	XXX	0.5	1.0	1.25
Total Phosphorus (Interim)	1.04	Report	XXX	XXX	XXX	XXX
	XXX	Total Annual	XXX	XXX	XXX	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
	Total Phosphorus	Report	XXX	XXX	XXX	XXX
Total Phosphorus (Final)	XXX	380.5 Total Annual	XXX	XXX	XXX	XXX

The proposed effluent limits for storm water Outfall 002 are:

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
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

**PA0111422 A-1**, Sewage, SIC Code 4952, **Thompstontown Borough Municipal Authority**, P O Box 154, Thompstontown, PA 17094-154. Facility Name: Thompstontown STP. This existing facility is located in Delaware Township, **Juniata County**.

Description of Existing Activity: The application is for NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Delaware Creek, is located in State Water Plan watershed 12-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
	Flow (MGD)	Report	Report	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub> (Interim)	21.9	35	XXX	25	40	50
CBOD <sub>5</sub> (Final)	42	Wkly Avg 67	XXX	25	40	50
BOD <sub>5</sub>		Wkly Avg				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids (lbs/min) (Interim)	26.3	39.4	XXX	30	45	60
Total Suspended Solids		Wkly Avg				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids (Final)	50	75	XXX	30	45	60
Fecal Coliform (CFU/100 ml)		Wkly Avg				
Nov 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Ammonia-Nitrogen (lbs/min)						
May 1 - Oct 31 (Interim)	13.1	XXX	XXX	15	XXX	30
Nov 1 - Apr 30 (Interim)	Report	XXX	XXX	Report	XXX	Report
May 1 - Oct 31 (Final)	17	XXX	XXX	10	XXX	20
Nov 1 - Mar 31 (Final)	Report	XXX	XXX	Report	XXX	Report

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	7032	XXX	XXX	XXX
Net Total Phosphorus	Report	974	XXX	XXX	XXX

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2013. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2014.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2014.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

**PA0111601**, Sewage, SIC Code 8661, **Christian Retreat Center**, 369 CRC Drive, East Waterford, PA 17021-9701. Facility Name: Christian Retreat Center. This existing facility is located in Lack Township, **Juniata County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Tuscarora Creek, is located in State Water Plan watershed 12-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.016 MGD.

<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>Instant. Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	10000
				2000		
				Geo Mean		

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000*

**PA0254517, Robert E. Lape**, 1004 Wildflower Court, Davidsville, PA 15928. Facility Name: Lape Single Residence STP. This proposed facility is located in Jenner Township, **Somerset County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream(s), Unnamed Tributary of Pine Run, is located in State Water Plan Watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.



The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

<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>
Flow (MGD)	0.0005	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
				Geo Mean		

The EPA Waiver is in effect.

**PA0098337**, Sewage, SIC Code 8211, **Connellsville Area School District**, PO Box 861, Connellsville, PA 15425-0861. Facility Name: Springfield Township Elementary School. This existing facility is located in Springfield Township, **Fayette County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Swale to a Tributary of Indian Creek, is located in State Water Plan watershed 19-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.003 MGD.

<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>
Flow (MGD)	0.003	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	10.5	XXX	21.0
Nov 1 - Apr 30	XXX	XXX	XXX	25.0	XXX	50.0

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 in effect.

**PA0024171**, Sewage, SIC Code 4952, **Cambria Township Sewer Authority**, PO Box 247, Revloc, PA 15948. Facility Name: Colver STP. This existing facility is located in Cambria Township, **Cambria County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Elk Creek, is located in State Water Plan watershed 18-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.275 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD <sub>5</sub>	57.4	87.2	XXX	25	38	50
Total Suspended Solids	68.8	103.3	XXX	30	45	60

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	4.6	6.9	XXX	2.0	3.0	4.0
Nov 1 - Apr 30	9.2	13.8	XXX	4.0	6.0	8.0

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 in effect.

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### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**WQM Permit No. WQG02151112**, Sewerage, **Northwestern Chester County Municipal Authority**, 37 Dampman Road, P. O. Box 308, Honey Brook, PA 19344.

This proposed facility is located in Honey Brook Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station and force main for a proposed 67 townhouses.

**WQM Permit No. WQG02151113**, Sewerage, **Thornbury Township**, 8 Township Drive, Cheyney, PA 19319-1019.

This proposed facility is located in Thornbury Township in **Chester** and **Delaware Counties**.

Description of Action/Activity: Installation of low pressure sewer main, individual grinder pump and appurtenances in and along roadways in an existing development.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**WQM Permit No. 3911401**, Sewerage, **Borough of Catasauqua**, 118 Bridge Street, Catasauqua, PA 18032.

This proposed facility is located in Borough of Catasauqua, **Lehigh County**, PA.

Description of Proposed Action/Activity: This project involves construction of an effluent pumping station at the Borough of Catasauqua's existing wastewater treatment plant.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 4487402, Amendment 11-1**, Sewerage, **Burnham Borough Authority**, 200 First Avenue, Burnham, PA 17009.

This proposed facility is located in Burnham Borough, **Mifflin County**.

Description of Proposed Action/Activity: Seeking permit approval for construction/operation of upgrades to the existing treatment plant to meet Chesapeake Bay Tributary Strategy (CBTS) nutrient cap loads, and to incorporate other improvements. Replacement of three (3) 2 HP Duplex Grinder Pumping Stations in the collection system.

**WQM Permit No. 3497402, Amendment 11-1**, Sewerage, **Twin Boroughs Sanitary Authority**, 17 River Drive, Mifflin, PA 17052.

This proposed facility is located in Milford Township, **Juniata County**.

Description of Proposed Action/Activity: Seeking permit approval for the addition of chemical feed system for phosphorus removal to meet nutrient limits.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WQM Permit No. 0211205**, Industrial Waste, **Pittsburgh Job Corps Center**, 7175 Highland Drive, Pittsburgh, PA 15206-1205

This proposed facility is located in the City of Pittsburgh, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of composting site.

**WQM Permit No. 6511403**, Sewerage, **Kiski Valley WPCA**, 1361 School Street, Leechburg, PA 15656

This proposed facility is located in Allegheny Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a STP.

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**IV. NPDES Applications for Stormwater Discharges from MS4**


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**V. Applications for NPDES Waiver Stormwater Discharges from MS4**


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**VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**


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*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 151129	Key Real Estate, LLC 128 East State Street, Suite 110 Kennett Square, PA 19348	Chester	Penn Township	Middle Branch White Clay Creek/Big Elk Creek (TSF-MF; HQ-TSF-MF)
PAI01 151120	Reedville Ventures, LLC 135 North Fifth Street Oxford, PA 19363	Chester	Lower Oxford Township	Unnamed Tributary West Branch Big Elk Creek (HQ-TSF-MF)

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235, 610-377-4894.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021311005	PA Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Carbon	Kidder Twp.	UNT to Black Creek, HQ-CWF, MF

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030511002	Thomas A. Prestash, P.E. 1620 North Juniata Street Hollidaysburg, PA 16648-1080	Bedford	Snake Spring Twp.	Cove Creek/EV
PAI032111K009	Shippensburg Public Library Susan Sanders, Director 73 West King Street Shippensburg, PA 172587	Cumberland	Shippensburg Borough	Middle Spring Creek/ HQ-CWF, MF
PAI032811002	Washington Township Municipal Authority Sean McFarland 11102 Buchanan Trail East Waynesboro, PA 17268	Franklin	Washington Township	East Branch Antietam/Red Run/ CWF/MF
PAI033111002	Andrew Harpster Evergreen Farms 3102 Evergreen Lane Spruce Creek, PA 16683	Huntingdon	Franklin Township	Spruce Creek/ HQ-CWF
PAI033111003	Andrew Harpster Evergreen Farms 3102 Evergreen Lane Spruce Creek, PA 16683	Huntingdon	Franklin Township	Spruce Creek/ HQ-CWF
PAI032106010R	Carlisle Barracks GMH Military Housing United States Army Thomas Kelly HQ-Carlisle Barracks 303 Engineer Avenue Carlisle, PA 17013	Cumberland	North Middleton	Letort Spring Run/ HQ-CWF
PAI032111010	Downtown Construction Co. LLC James B. Kravitz 2201 Barren Hill Road Conshohocken, PA 19428	Cumberland	Carlisle Borough	Letort Spring Run/HQ-CWF

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041411007	James Sowerbrower PA Dept of Conservation & Natural Resources-Forestry 435 State Park Rd Schellsburg PA 15559	Centre	Gregg, Penn & Potter Townships	Lingle Stream Big Poe Creek UNT Muddy Creek UNT to Penns Creek Pine Swamp Run HQ-CWFs
PAI041411008	Bob Gage GBT Realty Corp 201 Summit View Dr Ste 110 Brentwood TN 37027	Centre	Millheim Borough	Elk Creek EV, MF

Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041811003	East Nittany Valley Joint Municipal Authority 216 Clintondale Hill Rd Mill Hall PA 17751	Clinton	Porter Township	Fishing Creek HQ

## VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

## CAFO Notices of Intent Received

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701

**PAG124811**, CAFO [SIC #213], **McClellan Farms—Finishers**, 443 Coolbaugh Hill Road, Granville Summit, PA 16926.

This proposed facility is located in Granville Township, **Bradford County**.

Description of Size and Scope of Proposed Operation/Activity: McClellan Farms Finishers is a family operated farm that raises finisher hogs, mixed hay, and corn for either grain or silage. The home farm is 86 acres, and has about 62.6 acres of cropland. The remaining cropland is near Alba and is about 104.5 acres of total cropland. The balance is forested or farmstead. Crop rotation varies; flat fields are generally planted to corn, with steeper fields maintained in hay, except for the occasional re-establishment of a new seeding. Manure is handled as a liquid on the operation and stored in underbarn concrete pits. Nursery manure is imported at the Alba cropland

There are 4200 hogs for a total AEU of 525.58.

The receiving stream, North Branch Towanda Creek, is in watershed of Towanda Creek and classified for: CWF.

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 NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille



or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Leon Zimmerman 2011 Maytown Road Elizabethtown, PA 17022	Lancaster	343.5	1115.2	Swine Steer Pullets	NA	Renewal
David H. Martin 420 Nottingham Road Nottingham, PA 19362	Lancaster	232.45	698.7	Swine Pullets Dairy Heifers	HQ	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 0611504**, Public Water Supply.  
Applicant **DS Waters of America, Inc.**

Municipality Heidelberg Township  
County **Berks**  
Responsible Official Kent Kise, VP, Production, Quality & Technical Services  
5660 Noew Northside Drive  
Suite 500  
Atlanta, GA 30328-5826  
Type of Facility Public Water Supply  
Consulting Engineer Gary J Toplak, P.E.  
Toplak & Associates, P.C.  
112 Pineview Road  
Baden, PA 15005  
Application Received: 2/11/2011  
Description of Action DS will develop two wells (PW-A and PW-B) and loading station on Bethany Children’s Home property as a source of bulk spring water for the Crystal Spring Water Company’s Ephrata bottled water plant.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit No. 3784501-T1-MA6**, Public Water Supply  
Applicant **Pennsylvania-American Water Company**  
Township Nechannock Township  
County **Lawrence**  
Responsible Official David R. Kaufman  
Type of Facility Public Water Supply  
Consulting Engineer Gregory R. Stein, P.E.  
Tank Industry Consultants  
7740 West New York Street  
Indianapolis, IN 46214

Application Received Date October 17, 2011  
Description of Action Blasting and repainting of the interior and exterior of the tank.

**Permit No. 8329-W-MA3**, Public Water Supply  
Applicant **Polk Center**  
Borough Polk Borough

County **Venango**  
 Responsible Official Shannon D. Hawke  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert M. Bruce, P.E.  
 Penn State Facilities  
 Engineering Institute  
 Marion Place, Suite 414  
 135 East Nittany Avenue  
 State College, PA 16801

Application Received Date October 13, 2011

Description of Action Drain, clean and repair two water storage reservoirs.

**Permit No. 3709504-MA2**, Public Water Supply

Applicant **Pennsylvania-American Water Company**  
 Township Wayne Township  
 County **Lawrence**  
 Responsible Official David R. Kaufman  
 Type of Facility Public Water Supply  
 Consulting Engineer Gregory R. Stein, P.E.  
 Tank Industry Consultants  
 7740 West New York Street  
 Indianapolis, IN 46214

Application Received Date October 17, 2011

Description of Action Blasting and repainting of interior and topcoat of exterior.

**Permit No. 1084501-T1-MA1**, Public Water Supply

Applicant **Pennsylvania-American Water Company**  
 Township Center Township  
 County **Butler**  
 Responsible Official David R. Kaufman  
 Type of Facility Public Water Supply  
 Consulting Engineer Gregory R. Stein, P.E.  
 Tank Industry Consultants  
 7740 West New York Street  
 Indianapolis, IN 46214

Application Received Date October 17, 2011

Description of Action Blasting and repainting of interior and exterior.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An

acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Former Jersey Engine Rebuilders**, Warren Township, **Bradford County**. Teeter Environmental Services, Inc., 1950 N. Macafee Road, Sayre, PA 18840 on behalf of Nicholas Bevaqua RR #2 Box 118B, Rome, PA 18837 has submitted a Notice of Intent to Remediate groundwater contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, Naphthalene and Phenanthrene. The applicant proposes to remediate the site to meet the Statewide Health Standard. The future use of this site will be for commercial purposes.

**Fred Neece Property**, Muncy Township, **Lycoming County**. GeoServices, Ltd. 1525 Cedar Cliff Drive, Camp Hill, PA 17011 on behalf of Fred Neece, 1642 Highway 220, Muncy PA 17756, has submitted a Notice of Intent to

remediate site soil contaminated with benzene, toluene, ethylbenzene, methyl tert-butyl ether (MTBE), isopropylbenzene (cumene), naphthalene, 1, 2, 4-trimethylbenzene and 1, 3, 5-trimethylbenzene. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property is residential.

#### MUNICIPAL WASTE GENERAL PERMITS

**Application(s) Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM043. Iron City Express, Inc.,** 1306 Main Street, Glenwilliard, PA 15046. The application for a general permit is for processing construction and demolition waste for beneficial use through recycling. The processing is limited to manual and heavy equipment sorting. The application was deemed administratively complete on October 21, 2011.

Comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. Persons interested in obtaining more information about the general permit application may contact the Central Office, 717-787-7381. 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.

#### RESIDUAL WASTE GENERAL PERMITS

**Application Received 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 17105-8472.*

**General Permit Application No. WMGR097R020. Ultra-Poly Corporation;** 102 Demi Road, P. O. Box 330, Portland, PA 18351-0330. This application is for processing and beneficial use by gasification of waste plastics to alternative energy. The application was determined to be administratively complete by Central Office on November 21, 2011.

Comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. Persons interested in obtaining more information about the general permit application may contact the Central Office, 717-787-7381. 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.

#### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Application(s) for Determination of Applicability for General Permit Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM034D002F PPL Renewable Energy, LLC,** 2 North 9th Street, Allentown, PA 18101-1179. Site: Blue Ridge Renewable Energy Plant, 1660 Orchard Road, Scotland, PA 17257. General Permit WMGM034 is for processing and beneficial use of landfill gas generated by the landfill disposal of municipal waste. The application for determination of applicability was determined administratively complete by Central Office on October 21, 2011.

Persons interested in obtaining more information about the general permit application may contact Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### AIR QUALITY

##### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held



concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401–7671q) and regulations adopted under the Federal Clean Air Act.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**46-0124A: Montgomery Chemicals, LLC** (901 Conshohocken Road, Conshohocken, PA 19428) for addition of a scrubber system and the permitting of an existing facility to produce sodium borohydride in Upper Hanover Township, **Montgomery County**. This facility is subject to 40 C.F.R. Part 63, Subparts EEEE and FFFF for the parts of the facility that synthesize methanol for use as an intermediate. The facility is also subject to 40 C.F.R. Part 60, Subparts VV and NNN for the methanol producing areas of the facility, but the requirements of 40 C.F.R. supercede these requirements. The methanol emissions from the facility after control with the new scrubber system and the addition of an equipment leak detection and repair program were estimated to be 32.2 tons per year with production limits for the facility that are included in the language of the plan approval.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**08-00030B: Angelina Gathering Co.** (2350 North Sam Houston Parkway East, Houston, TX 77009) for construction of a natural-gas-fired compressor engine equipped with an oxidation catalyst at the Greenzweig Compressor Station in Herrick Township, **Bradford County**. The respective facility is a minor facility.

The Department's review of the information submitted by Angelina Gathering Company indicates that the construction of the compressor engine equipped with an oxidation catalyst will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to approve the application and issue plan approval for the construction of the compressor engine equipped with an oxidation

catalyst. Additionally, if the Department determines that the compressor engine equipped with an oxidation catalyst are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a natural minor operating permit via an operating permit application pursuant to 25 Pa. Code § 127.402.

The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the 1775 brake horsepower, natural gas-fired reciprocating internal combustion engine incorporated in Source ID P105 shall incorporate a "clean burn" electronic control system to control NO<sub>x</sub> emissions. Additionally, the carbon monoxide, volatile organic compounds, and formaldehyde emissions from Source ID P105 shall be controlled by a GT Exhaust Systems Model #201VO-6-4-8124 oxidation catalyst units (ID C105). The permittee shall not operate Source ID P105 without the simultaneous operation of the respective oxidation catalyst incorporated in ID C105 at any time.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use natural gas as fuel for Source ID P105.

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of the oxidation catalyst incorporated in ID C105 associated with the engine incorporated in Source ID P105 in excess of the limitations listed below:

a. nitrogen oxides (NO<sub>x</sub>, expressed as NO<sub>2</sub>)—0.50 gm/bhp-hr, 1.96 lb/hr, and 8.58 tons in any 12 consecutive month period,

b. carbon monoxide (CO)—0.15 gm/bhp-hr, 0.59 lb/hr and 2.58 tons in any 12 consecutive month period,

c. volatile organic compounds (VOC)—0.30 gm/bhp-hr, 1.18 lb/hr, and 5.17 tons in any 12 consecutive month period,

d. particulate matter (PM/PM<sub>10</sub>)—0.03 gm/bhp-hr, 0.12 lb/hr and 0.53 tons in any 12 consecutive month period,

e. formaldehyde—0.03 gm/bhp-hr, 0.12 lb/hr and 0.53 tons in any 12 consecutive month period.

f. sulfur oxides (SO<sub>x</sub>, expressed as SO<sub>2</sub>)—0.002 gm/bhp-hr, 0.008 lb/hr and 0.04 tons in any 12 consecutive month period.

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the oxidation catalyst incorporated in ID C105 shall be capable of reducing the carbon monoxide by 95% from the engine incorporated in Source ID P105.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall equip the oxidation catalyst incorporated in ID C105 with instrumentation to monitor pressure drop across the oxidation catalyst incorporated in ID C105 and the inlet gas temperature of the oxidation catalyst incorporated in ID C105 and shall monitor these parameters on a continuous basis.

6. The permittee shall comply with all applicable requirements of Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for Source ID P105 as specified in 40 CFR Sections 63.6580–63.6675.



7. The permittee shall comply with all applicable requirements of Subpart JJJJ of the Standards of Performance for New Stationary Sources for Source ID P105 as specified in 40 CFR Sections 60.4230–60.4248.

8. The permittee shall perform nitrogen oxide (NO<sub>x</sub>, expressed as NO<sub>2</sub>), carbon monoxide, volatile organic compound and formaldehyde stack tests upon the engine incorporated in Source ID P105 within 120 days from the commencement of operation of the engine incorporated in Source ID P105 to verify compliance with the emission limitations for NO<sub>x</sub>, carbon monoxide, volatile organic compound and formaldehyde and the carbon monoxide destruction efficiency requirement from the oxidation catalyst incorporated in ID C105 associated with the engine incorporated in Source ID P105

a. The performance test shall consist of three (3) separate test runs and each run shall last at least in one (1) hour in duration.

b. The testing of the inlet and outlet of the oxidation catalyst incorporated in ID C105 shall be running simultaneously.

c. The inlet gas temperature and pressure drop of the oxidation catalyst incorporated in ID C105 shall be recorded on a continuous basis during the test. The requirement for the temperature range and pressure drop will be established based upon the recorded data and stack test report.

d. All testing is to be done using reference method test procedures acceptable to the Department and all testing is to be performed while the engine incorporated in Source ID P105 is operating at +/- 10% of full load.

9. The permittee shall keep records of the following information:

a. The supporting calculations on a monthly basis used to verify compliance with the nitrogen oxide, carbon monoxide, volatile organic compound, particulate matter, formaldehyde, and sulfur oxides emission limitations for the engine incorporated in Source ID P105 in any 12 consecutive month period.

b. The test reports and supporting calculations used to verify compliance with the nitrogen oxide, carbon monoxide, volatile organic compound, and formaldehyde emission limitations and carbon monoxide destruction efficiency from the oxidation catalyst incorporated in ID C105 associated with the engine incorporated in Source ID P105.

c. The number of hours Source ID P105 operates and the amount of fuel used by Source ID P105 each calendar year.

d. The pressure drop across the oxidation catalyst incorporated in ID C105 and the inlet gas temperature of the oxidation catalyst incorporated in ID C105 on a continuous basis via a data acquisition system.

These records shall be kept for a minimum of five years and shall be made available to the Department upon request.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality

Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**65-01014: Centennial Energy, LLC** (3773 Cherry Creek North Drive, Denver, CO 80209-3804) for installation and initial temporary operation of a (truck to railcar) transloading facility for the transfer of up to 73 million gallons of Y-grade liquefied natural gas (LNG) to be named the Belle Vernon Transloading Facility and located in Rostraver Township, **Westmoreland County**.

In accordance with 25 Pa. Code §§ 127.44–127.46 the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-65-01014 to allow the installation and initial temporary operation of a (truck to railcar) transloading facility for the transfer of up to 73 million gallons of Y-grade liquefied natural gas (LNG) to be named the Belle Vernon Transloading Facility and located in Rostraver Township, Westmoreland County.

Potential to emit from the transloading facility is estimated to be 21.46 tons of particulate matter (PM), 6.38 tons of particulate matter less than 10 microns in diameter (PM<sub>10</sub>), 6.01 tons of volatile organic compounds (VOC), 5.28 tons of nitrogen oxides (NO<sub>x</sub>), 2.48 tons of carbon monoxide (CO), 0.65 tons of hazardous air pollutants (HAP), and 0.6 tons of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>) per year. Best available technology (BAT) for the transloading of Y-grade LNG is loading under positive pressure with vapor collection and recovery compressor. Minimization of Y-grade LNG loss during loading hose disconnects and equipment inspection for the presence of leaks is also required. Storage tanks are required to be equipped with pressure relief valves and cease loading operations in the event of a pressure release. Records of pressure relief events are to be maintained. BAT for the vehicle traffic on facility roadways is the optimization of traffic routing within the facility and the delineation of facility roadways by paving or periodic chipping. The authorization is subject to State Regulations including 25 Pa. Code §§ 123.1, 123.2, 123.31, and 129.57. It is also subject to Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subpart IIII and National Emissions Standards for Hazardous Air Pollutants (NESHAPS) 40 CFR Part 63 Subpart ZZZZ. This Y-grade LNG has been de-methanized and greenhouse gas emissions from this facility are expected to be less than 0.2% of the major Title V and PSD threshold of 100,000 tons per year. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for or a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Alan Binder, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Plan Approval (PA-65-01014).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

For additional information you may contact Alan Binder at 412-442-4168.

### 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*

**48-00016: Lehigh University—Packer & Mountain-top Campuses** (461 Webster Street, Bethlehem, PA 18015-1755) for operation of College and University services facility in the City of Bethlehem, **Northampton 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 proposed 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 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-705-4863*

**28-05011: Waste Management Disposal Services of Pennsylvania, Inc.—Mountain View Reclamation** (9446 Letzburg Road, Greencastle PA 17225) for operation of a landfill in Antrim and Montgomery Townships, **Franklin County**. This is a renewal of their Title V Operating permit issued in September 2005.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above-mentioned facility.

The actual annual emissions based on 2010 data were approximately 66.2 tons of CO, 19.8 tons of NO<sub>x</sub>, 19.7 tons of PM<sub>10</sub>, 7.1 tons of PM<sub>2.5</sub>, 5.5 tons of SO<sub>x</sub>, 12.1 tons of VOC and 3.0 tons of HAPs. The landfill is subject to Standards of Performance for New Stationary Sources, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills and the National Emission Standards for Hazardous Air Pollutants, Subpart AAAA—Municipal Solid Waste Landfills. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are

available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit by the permit number listed above.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, P.E., West Permitting Section Chief may be contacted at (717) 705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Permits issued to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or permits issued to sources with limitations on the potential to emit used to avoid otherwise applicable Federal requirements may become part of the SIP, and will be submitted to the EPA for review and approval.

#### **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*

**09-00141: Lower Bucks County Joint Municipal Authority** (7811 New Falls Road, Levittown, PA 19058) for operation of a sewage pump station and associated odor control device of a packed town scrubber, located in Bristol Township, **Bucks County**. This action is a renewal of the original State-only Operating Permit (Synthetic Minor), which was issued on December 7, 2006. The renewal will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00090: NE OPCO—dba National Envelope.** (303 Eagleview Boulevard, Exton, PA 19341) for operation of an envelope manufacturing and printing facility in Uwchlan Township, **Chester County**. The permit is for a renewal of a non-Title V (State only) facility-wide air quality permit. Sources of air emissions include sixteen (16) flexographic printing presses and one (1) offset printing presses. Emissions of VOC are controlled through the use of aqueous-based inks and glues. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**35-00035: Scranton Sewer Authority** (312 Adams Avenue, Scranton, PA 18503) for operation of a sewer treatment facility in the City of Scranton, **Lackawanna County**. This is a renewal of a State-Only Operating Permit.

**40-00092: RAD Woodwork Co., Inc.** (P. O. Box 531, Nescopeck, PA 18635-0531) for operation of a wood-fired boiler at their manufacturing facility in Nescopeck Borough, **Luzerne County**. This is a renewal of a State-Only Operating Permit.

**48-00046: Eastern Affiliated Services, Inc.** (2111 Butler Street, Easton, PA 18042) for operation of a fuel oil fired boiler at an industrial launderer in Wilson Borough, **Northampton County**. This is a renewal of a State-Only Operating Permit.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-705-4863*

**67-05064: York Building Products Co., Inc.** (PO Box 1708, York, PA 17405) for their Eberts Lane asphalt plant in Spring Garden Township, **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 abovementioned facility.

The subject facility's natural gas-fired asphalt plant has estimated potential emissions which exceed 20 tons per year of particulate matter. 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.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit by the permit number listed above.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, Chief, West Permitting Section may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**67-03070: Lower Allen Township Authority** (120 Limekiln Road, New Cumberland, PA 17070) for operation of a wastewater treatment plant at the facility located in Fairview Township, **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 abovementioned facility.

Actual emissions are estimated to be less than three tons per year for nitrogen oxides and less than one ton per year for each of the following pollutants: carbon monoxide; particulate matter; sulfur oxides and volatile organic compounds. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit by the permit number listed above.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, PE, Chief, West Permitting Section may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**67-03076: Oakworks, Inc.** (923 E. Wellspring Road, New Freedom, PA 17349) for operation of coating booths at the facility located in Hopewell Township, **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 abovementioned facility.

Estimated actual annual volatile organic compound and combined hazardous air pollutant emissions are less than sixteen and six tons, respectively. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information



to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit by the permit number listed above.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, PE, Chief, West Permitting Section may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**28-03008: Edge Rubber** (811 Progress Road, Chambersburg, PA 17201) for operation of their shredded rubber facility in Chambersburg Borough, **Franklin 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 abovementioned facility.

The subject facility has potential particulate matter emissions below Title V permitting thresholds. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit by the permit number listed above.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. 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.

Daniel C. Husted, Chief, West Permitting Section may be contacted at 717-705-4863, 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*

**18-00025: Moriarty Funeral Home & Crematory** (112 East Church Street, Lock Haven, PA 17745) for issuance of a state only operating permit for their facility in Lock Haven, **Clinton County**. The facility's source is a human crematory. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**19-00025: Keystone Starches, LLC** (920 Seventh Avenue, Berwick, PA 18603-1127) for issuance of a state only operating permit for their facility in Berwick Borough, **Columbia County**. The facility's sources include a combustion unit, a parts washer and a potato starch processing operation. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**04-00704: Buckeye Pipe Line Company, L.P.** (Five TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031) for operation of petroleum and petroleum products bulk station and terminal in Industry Borough, **Beaver County**. This is a State Only Permit Renewal application submittal.

**56-00304: Somerset Welding & Steel, Inc.** (10558 Somerset Pike, Somerset, PA 15501-7352) for the operation of motor vehicle body manufacturing and truck trailer manufacturing at J & J truck bodies and Trailers plant in Lincoln Township, **Somerset County**. This is a State Only Permit renewal application submittal.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**24-00101: Babcock Lumber / Saint Marys Plant** (2220 Palmer Street, Pittsburgh, PA 15218-2603), to issue a renewal of the State Only Operating Permit for the millwork facility located in Saint Marys City, **Elk County**. The sources at the facility include a wood fired boiler controlled by a cyclone, grinding and sawdust handling system, and lacquer and staining operations. The facility is a natural minor. The facility is an Area Source for MACT. The wood fired boiler is subject to the requirements of 40 CFR 63, Subpart JJJJJJ—NESHAP for Industrial, Commercial, and Institutional Boilers at Area Sources. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**25-00971: Erie Plating Company** (656 West 12th Street, Erie, PA 16501-1509), for renewal of the Natural Minor Permit to operate electroplating, plating, anodizing and coloring facility. The facility's major emission sources include, 1) Boiler, 2) Space heaters (2), 3) Chromic acid anodizing tank, 4) Chrome plating tanks (4), 5) Rotoblast, 6) Sludge dryer, 7) Solution tanks (9), 8) 6 tanks (CN-CU



plating- 3, water rinse-3), 9) 7 tanks ( Ni-plating- 4, water rinse-3) and, 10) Dry Polishing operation. The facility is located in City of Erie, **Erie County**. The emission of the pollutants from the facility is less than Title V threshold limits. Thus the facility is natural minor. The chrome anodizing processes are subject to 40 CFR Part 63 Subpart N and Nickel, CN-CU electroplating, electroless plating and dry polishing sources are subject to 40 CFR Part 63, Subpart WWWWWW.

### PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**54-316-008: JELD-WEN** (407 Harbor Isles Boulevard, PO Box 1540, Klamath Falls, OR 97601-0253) for construction and operation of a new paint spray booth with oven for their facility to be in Cass Township **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 JELD-WEN (407 Harbor Isles Blvd., PO Box 1540, Klamath Falls, OR 97601-0253) for their facility to be located in Cass Twp, Schuylkill County. This Plan Approval No. 54-316-008 will be incorporated into a State Only Permit through an administrative amendment at a later date.

Plan Approval No. 54-316-008 is for the construction and operation of a new paint spray booth with oven. Particulate emissions will not exceed 0.04 grains/dscf. The company shall be subject to and comply with 25 PA Code 123.31 for malodorous emissions. The company shall be subject to and comply with 25 PA Code 123.41 for Visible emissions. Emissions will be controlled by the use of dry filters. 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 following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No. 54-316-008.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that

such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

*Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**56841612 and NPDES No. PA 0588491 and GP12-56841512, Wilson Creek Energy, LLC**, (140 W. Union Street, Somerset, PA 15501), to renew the permit for the Wilson Creek Coal Preparation Plant in Black Township, **Somerset County** and related NPDES permit. Includes renewal of Air Quality GPA/GP12 Authorization. No additional discharges. The application was considered administratively complete on October 18, 2011. Application received June 23, 2011.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**63050102 and NPDES Permit No. PA0250767. Muligan Mining, Inc.** (P. O. Box 24, Burgettstown, PA 15021). Renewal application for continued mining to an existing bituminous surface mine, located in Smith Township, **Washington County**, affecting 143.9 acres. Receiving streams: Raccoon Creek and unnamed tributaries to Raccoon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: October 18, 2011.

**03090101 and NPDES Permit No. PA0251577. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Transfer application for continued mining and reclamation of an existing bituminous surface mine, located in Madison Township, **Armstrong County**, currently issued to TRI-R, Inc., affecting 117.4 acres. Receiving streams: unnamed tributaries to Redbank Creek, classified for cold water fisheries and Redbank Creek for trout stream fisheries. There is no potable water supply intake within 10 miles downstream from the point of discharge. Transfer application received: September 28, 2011.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**33110105 and NPDES Permit No. PA0259195. Strishock, LLC** (220 Hillcrest Drive, DuBois, PA 15801) Commencement, operation and restoration of a bituminous surface mine in Pine Creek Township, **Jefferson County** affecting 85.0 acres. Receiving streams: Unnamed tributary to Mill Creek and Mill Creek, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Brookville Water Authority. Application received: October 13, 2011.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17110112 and NPDES No. PA0257851. Waroquier Coal Co.** (P. O. Box 128, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 30.0 acres. Receiving streams: Jerry Lick Run classified for cold water fishery and unnamed tributaries to the West Branch of the Susquehanna River classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: October 18, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**49910202R4. Split Vein Coal Co., Inc.**, (RR 1 Box 1027, Drawer 2, Paxinos, PA 17860), renewal for reclama-

tion activities only of an existing anthracite coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 191.0 acres, receiving stream: Shamokin Creek, classified for the following use: warm water fishes. Application received: September 20, 2011.

**PA0225134. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), NPDES Permit for discharge of treated mine drainage from Surface Mining Permit No. 40663030 in Foster Township, **Luzerne County**, receiving streams: Black Creek, classified for the following use: cold water fishes and Sandy Run Creek, classified for the following use: HQ-cold water fishes. Application received: October 12, 2011.

**54040201C3. Reading Anthracite Company**, (PO Box 1200, Pottsville, PA 17901), correction of an existing anthracite coal refuse reprocessing and coal preparation plant operation for a stream encroachment to remove culm near an unnamed intermittent stream in West Mahanoy, Butler and Union Townships, **Schuylkill County** affecting 1108.97 acres. Application received: October 13, 2011.

**54851342R5 and GP104. Little Buck Coal Company**, (57 Lincoln Road, Pine Grove, PA 17963), renewal of an existing anthracite underground mine operation in Tremont Township, **Schuylkill County** affecting 5.0 acres, receiving stream: Stumps Run, classified for the following use: cold water fishes. Application received: October 17, 2011.

**54851342C4. Little Buck Coal Company**, (57 Lincoln Road, Pine Grove, PA 17963), correction of an existing anthracite underground mine to add a new slope in Tremont Township, **Schuylkill County** affecting 5.0 acres, receiving stream: Stumps Run, classified for the following use: cold water fishes. Application received: October 17, 2011.

*Noncoal Applications Received*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**58110305 and NPDES Permit No. PA0225142. Powers Stone, Inc.**, (15324 SR 3001, Montrose, PA 18801), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in Middletown Township, **Susquehanna County** affecting 95.4 acres, receiving stream: unnamed tributary to Middle Branch Wyalusing Creek, classified for the following uses: cold water and migratory fishes. Application received: October 11, 2011.

**06010301C5 and NPDES Permit No. PA0224146. Berks Products Corporation**, (P. O. Box 900, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Maxatawny Township, **Berks County**, receiving stream: Maiden Creek, classified for the following use: warm water fishes. Application received: October 19, 2011.

**4874SM1A1C11 and NPDES Permit No. PA0119628. County Line Quarry, Inc.**, (1750 Walton Road, Blue Bell, PA 19422), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightsville Borough, **York County**, receiving stream: Kreutz Creek, classified for the following use: warm water fishes. Application received: October 19, 2011.

## MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
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

<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*		greater than 6.0; less than 9.0	
pH*			

\* 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 stan-

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:

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:

dards 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*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**NPDES No. PA0259098 (Permit No. 10110105). K & A Mining** (P. O. Box 288, Grove City, PA 16127) New NPDES permit for a bituminous surface mine in Cherry Township, **Butler County**, affecting 34.3 acres. Receiving streams: unnamed tributaries to South Branch Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: May 6, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to unnamed tributary A to South Branch Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries A & I to South Branch Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP1	Y
SP2	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

**NPDES No. PA0241857 (Permit No. 24010101). AMFIRE Mining Company, LLC** (One Energy Place, Suite 2800, Latrobe, PA 15650) Renewal of an NPDES permit for a bituminous surface and auger mine in Horton Township, **Elk County**, affecting 264.3 acres. Receiving streams: unnamed tributary to Mead Run and unnamed tributary to Johnson Run, classified for the following uses: CWF. TMDL is Little Toby Creek. Application received: May 25, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to unnamed tributary to Mead Run and unnamed tributary to Johnson Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	N
TP2	N
TP3	N
TP4	N
TP5	N
TP6	N
TP7	N



The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		.75	1.5	1.88
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary to Mead Run and unnamed tributary to Johnson Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
B	N
C	N
D	N
E	N
F	N
G	N
H	N
I	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

*Noncoal NPDES Draft Permits*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**NPDES No. PA0259179 (Permit No. 24112802). North Star Aggregates, Inc.** (P. O. Box 51, Penfield, PA 15849) New NPDES permit for a small industrial minerals surface mine in Ridgway Township, **Elk County**, affecting 10.6 acres. Receiving streams: Little Mill Creek, classified for the following uses: HQ-CWF. TMDL: None. Application received: September 23, 2011.

There is no proposed discharge from this site.

**NPDES No. PA0258211 (Permit No. 10060306). Quality Aggregates, Inc.** (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Renewal of an NPDES permit for a large industrial minerals surface mine in Marion Township, **Butler County**, affecting 54.5 acres. Receiving streams: Blacks Creek and unnamed tributary to North Branch Slippery Rock Creek, both classified for the following uses: CWF. All discharges located below the load reductions required for the TMDL: Blacks Creek. Application received: September 6, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Blacks Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TC	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to Blacks Creek and unnamed tributary to North Branch Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
C	N
D	N

The proposed effluent limits for the above listed outfall(s) are as follows:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**E15-820- Pennsylvania Department of Transport, District 6, 7000 Geerdes Blvd, King of Prussia, Chester County. ACOE Philadelphia District**

To perform the following water obstruction and encroachment activities associated with the final Phase of the SR 0202-300 Improvement Project at Section 330. This section proposes to widen 2.5 miles of Route 202 between Route 30 (Exton bypass) and the Valley Creek Bridge. An additional lane and shoulder in each direction

will be added within the existing grass median. This section proposes to permanently impact approximately 0.047 acre of wetlands, and temporarily impact 0.021 acre of wetlands. Also, approximately 111 linear feet of stream will be permanently impacted, and approximately 57 linear feet will be temporarily impacted.

1. To place fill and excavate in the 100-year floodplain of an unnamed tributary to Valley Creek (EV) at Mainline Station 259+00 R (Malvern, PA Quadrangle N: 7.2 inches; W: 11.2 inches, Latitude: 40° 02' 21"; Longitude: 75° 34' 46"). Temporary floodplain impacts of 0.195 acre (8,491 sq. ft.), permanent floodplain impact of 0.063 acre (2,764 sq. ft.) and 116 cubic yards of fill is created to facilitate the construction for proposed Stormwater Detention Basin D-1.

2. An unnamed tributary to Valley Creek (EV) at Mainline Station 259+00 R (Malvern, PA Quadrangle N: 7.2 inches; W: 11.2 inches, Latitude: 40° 02' 21"; Longitude: 75° 34' 46"). Temporary stream impact of 34 linear feet and 0.007 acre is created as a result of the limit of disturbance for installing rip-rap associated with Stormwater Detention Basin D-1.

3. To place fill and excavate in the 100-year floodplain of an unnamed tributary to Valley Creek (EV) at Mainline Station 261+00 R (Malvern, PA Quadrangle N: 7.2 inches; W: 11.2 inches, Latitude: 40° 02' 22"; Longitude: 75° 34' 42"). Temporary floodplain impacts of 0.858 acre (37,402 sq. ft.), permanent floodplain impact of 0.179 acre (7,783 sq. ft.) and 190 cubic yards of fill is created to facilitate the construction for proposed Stormwater Mitigation Site M-7A.

4. To place fill in the 100-year floodplain of an unnamed tributary to Valley Creek (EV) at Mainline Station 260+50 R (Malvern, PA Quadrangle N: 7.2 inches; W: 11.2 inches, Latitude: 40° 02' 23"; Longitude: 75° 34' 44"). A temporary impact of 0.016 acre (677 ft<sup>2</sup>) of fill is created to facilitate the proposed placement of roadway embankment fill.

5. To place fill and excavate in the 100-year floodplain of an unnamed tributary to Valley Creek (EV) at Mainline Station 263+00 L (Malvern, PA Quadrangle N: 7.4 inches; W: 11.2 inches, Latitude: 40° 02' 26"; Longitude: 75° 34' 43"). Temporary floodplain impacts of 0.201 acre (8,736 sq. ft.), permanent floodplain impact of 0.015 acre (674 ft<sup>2</sup>) and 20 cubic yards of fill is created to facilitate the construction for proposed Stormwater Mitigation Site M-7.

6. An unnamed tributary to Valley Creek (EV) at Mainline Station 265+00 R&L (Malvern, PA Quadrangle N: 4.9 inches; W: 7.4 inches, Latitude: 40° 02' 28"; Longitude: 75° 34' 41"). A permanent stream impact of 39 linear feet and 0.016 acre is created to facilitate the placement of rip rap at both ends of culvert C-1.

7. To place fill and excavate in the 100-year floodplain of an unnamed tributary to Valley Creek (EV) at Mainline Station 265+00 R&L (Malvern, PA Quadrangle N: 4.9 inches; W: 7.4 inches, Latitude: 40° 02' 28"; Longitude:

75° 34' 41"). A permanent floodplain impact of 0.002 acre (78 sq. ft) and 9 cubic yards is created to facilitate the placement of rip rap at both ends of culvert C-1.

8. An unnamed tributary to Valley Creek (EV) at Mainline Station 295+00 L (Malvern, PA Quadrangle N: 8.3 inches; W: 9.7 inches, Latitude: 40° 02' 43"; Longitude: 75° 34' 10"). A temporary stream impact of 23 linear feet and 0.013 acre are created to facilitate to the installation of a temporary access road in the area of culvert C-2.

9. An unnamed tributary to Valley Creek (EV) at Mainline Station 297+00 R&L (Malvern, PA Quadrangle N: 5.5 inches; W: 6.4 inches, Latitude: 40° 02' 42"; Longitude: 75° 34' 10"). A permanent stream impact of 72 linear feet and 0.038 acre are created to facilitate the placement of rip rap at both ends of culvert C-2.

10. To place fill and excavate in the 100-year floodplain of the unnamed tributary to Valley Creek (EV) at Mainline Station 297+00 R&L (Malvern, PA Quadrangle N: 5.5 inches; W: 6.4 inches, Latitude: 40° 02' 42"; Longitude: 75° 34' 10"). Temporary floodway impacts of 0.006 acre (256 sq. ft), permanent floodway impact of 0.009 acre (383 sq. ft.) and 43 cubic yards are created to facilitate the placement of rip rap at both ends of culvert C-2.

11. To place fill and excavate in the 100-year floodplain of the unnamed tributary to Valley Creek (EV) at Mainline Station 298+50 R (Malvern, PA Quadrangle N: 8.4 inches; W: 9.4 inches, Latitude: 40° 02' 46"; Longitude: 75° 33' 59"). Temporary floodplain impacts of 0.190 acre (8,297 sq. ft.), permanent floodplain impact of 0.181 acre (7,886 sq. ft) and 487 cubic yards are created to facilitate the construction for proposed Stormwater Mitigation Site 8.

12. To place fill and excavate in the 100-year floodplain of the unnamed tributary to Valley Creek (EV) at Mainline Station 298+60 R (Malvern, PA Quadrangle N: 8.4 inches; W: 9.4 inches, Latitude: 40° 02' 46"; Longitude: 75° 33' 59"). Temporary floodplain impacts of 0.024 acre (1,066 sq. ft.) are created to facilitate the fill in the area of the Chester Valley Trail culvert.

13. To place fill and impact a forested wetland (B), which drains to Valley Creek (EV) at Mainline Station 321+00 L (Malvern, PA Quadrangle N: 6.2 inches; W: 6.0 inches, Latitude: 40° 03' 05"; Longitude: 75° 33' 51"). A temporary wetland impact of 0.014 acre and permanent wetland impact of 0.024 acre are created to facilitate the proposed roadway fill.

14. To place fill and impact a forested/scrub-shrub wetland (C), which drains to Valley Creek (EV) at Mainline Station 325+00 L (Malvern, PA Quadrangle N: 6.3 inches; W: 5.9 inches, Latitude: 40° 03' 07"; Longitude: 75° 33' 47"). A temporary wetland impact of 0.007 and permanent wetland impact of 0.023 acre are created to facilitate the proposed roadway fill.

15. To place fill and excavate in the 100-year floodplain of Valley Creek (EV) at Mainline Station 325+00 L (Malvern, PA Quadrangle N: 6.3 inches; W: 5.9 inches, Latitude: 40° 03' 07"; Longitude: 75° 33' 47"). Temporary floodplain impacts of 0.033 acre (1,430 ft<sup>2</sup>), permanent floodplain impact of 0.085 acre (3,706 sq. ft.) and 25 cubic yards of fill are created to facilitate the proposed roadway fill in the area of Wetland C.

16. To place fill and excavate in the 100-year floodplain of Valley Creek (EV) at Mainline Station 325+60 L (Malvern, PA Quadrangle N: 9.6 inches; W: 9.0 inches, Latitude: 40° 03' 09"; Longitude: 75° 33' 47"). A tempo-

rary floodplain impact of 0.088 acre (3,834 ft<sup>2</sup>) is created to facilitate the construction for proposed Stormwater Mitigation Site 4-1.

17. To place fill and excavate in the 100-year floodplain of Valley Creek (EV) at Mainline Station 341+00 L (Malvern, PA Quadrangle N: 9.5 inches; W: 8.1 inches, Latitude: 40° 03' 06"; 75° 32' 25"). Temporary floodplain impacts of 0.044 acre (1,951 ft<sup>2</sup>), permanent floodplain impact of 0.077 acre (3,388 sq. ft) and 260 cubic yards are created to facilitate the construction for proposed Stormwater Mitigation Site 20.

**E46-1073. Municipality of Norristown**, 235 E. Airy Avenue, Norristown, PA 19401-5048, Norristown Borough, **Montgomery County**, ACOE Philadelphia District.

To perform the following Water Obstruction and Encroachment activities in and along the 100-year floodplain of Stoney Creek and its tributary associated with connection of the existing Elmwood Park Zoo to the existing 700 acres farm park through the proposed trail system.

1. To construct and maintain approximately a 784-foot long, 10-foot wide trail system.

2. To construct and maintain a 190-foot long, 10-foot wide pedestrian bridge.

The site is located near the intersection of Markley Street and Johnson Highway (Lansdale, PA USGS Quadrangle N: 8.9 inches; W: 2.9 inches).

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

**E22-580: Lykens Borough Authority**, 200 Main Street, Suite C, Lykens, Pennsylvania 17048, in Lykens Borough, **Dauphin County**, ACOE Baltimore District

To construct and maintain a 12.0-foot by 17.0-foot chemical feed building in the 100-Year Floodplain of Wiconisco Creek (WWF, MF). The project is located within a FEMA detailed study area. The project is located on the west side of Arlington Street, between North 2nd Street and North Street, in Lykens Borough, Dauphin County (Latitude: 40°34'06.7", Longitude: -76°42'46.7"). The proposed chemical building is required to meet the current nutrient limits contain in the Authority's NPDES Discharge permit.

**E67-896: Lester Loucks**, 4787 East Prospect Road, York, PA 17406, in Lower Windsor Township, **York County**, ACOE Baltimore District

To place and maintain fill in 0.11 acre of PEM wetland that is adjacent to an unnamed tributary to Cabin Creek (WWF, MF) for the purpose of improving public safety. The project is located on East Prospect Road, approximately one half mile east of its intersection with Blue Stone Road (Red Lion, PA Quadrangle, N: 5.5 inches, W: 4.75 inches; Latitude: 39°58'19.8", Longitude: -76°34'1.8") in Lower Windsor Township, York County.

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-584-A13. Hanson Aggregates PMA, Inc.**, 2200 Springfield Pike, Connellsville, PA 15425, in the Boroughs of Conway, Freedom, Monaca, and Center Township, **Beaver County**, Pittsburgh ACOE District. The applicant proposes to amend Permit E02-584, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys, and prescribed setbacks in Allegheny, Armstrong, Beaver and



Westmoreland Counties to include Ohio River Mile Points 22.3 to 22.7 (Upstream beginning point: Beaver, PA Quadrangle N: 7.65 inches; W: 0.55 inches; Latitude: 40° 40' 2.51"; Longitude: -80° 15' 14.12"). Downstream end point: Beaver, PA Quadrangle N: 8.5 inches; W: 0.8 inches; Latitude: 40° 40' 18.8"; Longitude: -80° 15' 20.4"), right and left descending banks, and Ohio River Mile Points 22.7 to 23.3 (Upstream beginning point: Beaver, PA Quadrangle N: 8.5 inches; W: 0.8 inches; Latitude: 40° 40' 18.8"; Longitude: -80° 15' 20.4"). Downstream end point: Beaver, PA Quadrangle N: 10.2 inches; W: 0.85 inches; Latitude: 40° 40' 53.37"; Longitude: -80° 15' 21.96"), right descending bank only, in the Boroughs of Conway, Freedom, Monaca, and Center Township, Beaver County.

**E02-919-A13. Tri-State River Products, Inc.**, Box 218, 334 Insurance Street, Beaver, PA 15009, in the Boroughs of Conway, Freedom, Monaca, and Center Township, **Beaver County**, Pittsburgh ACOE District. The applicant proposes to amend Permit E02-919, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys, and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to include Ohio River Mile Points 22.3 to 22.7 (Upstream beginning point: Beaver,

PA Quadrangle N: 7.65 inches; W: 0.55 inches; Latitude: 40° 40' 2.51"; Longitude: -80° 15' 14.12"). Downstream end point: Beaver, PA Quadrangle N: 8.5 inches; W: 0.8 inches; Latitude: 40° 40' 18.8"; Longitude: -80° 15' 20.4"), right and left descending banks, and Ohio River Mile Points 22.7 to 23.3 (Upstream beginning point: Beaver, PA Quadrangle N: 8.5 inches; W: 0.8 inches; Latitude: 40° 40' 18.8"; Longitude: -80° 15' 20.4"). Downstream end point: Beaver, PA Quadrangle N: 10.2 inches; W: 0.85 inches; Latitude: 40° 40' 53.37"; Longitude: -80° 15' 21.96"), right descending bank only, in the Boroughs of Conway, Freedom, Monaca, and Center Township, Beaver County.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E25-742, Pastore Brothers**, 2315 West Grandview Boulevard, Erie, PA 16506. Laurel Springs Development, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 42°, 4', 43"; W: 80°, 6', 11").

To permanently fill 0.08 acres of wetlands within the Walnut Creek (WWF, MF) watershed for the construction of a new multi-family housing unit as part of Phase 3 of the Laurel Springs development project. The applicant proposes to mitigate for the wetland impacts by constructing 0.2 acres of replacement wetlands on site.

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.



Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### I. NPDES Renewal Permit Actions

*Southcentral Region: Water Management 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>
PA0247570 (Sew)	Fredericksburg Sewer & Water Authority (Monroe Valley STP) PO Box 161 Fredericksburg, PA 17026-0161	Lebanon County / Swatara Township	Swatara Creek / 7-D	Y
PA0080225 (Sew)	Washington Township Municipal Authority 11102 Buchanan Trail East Waynesboro, PA 17268-9503	Franklin County / Washington Township	East Branch Antietam Creek / 13-C	Y
PA0055123 (IW)	Lorelei Borland American Household, Inc. (Bally Municipal Well 3 Air Stripper System WTP) 2381 Executive Center Drive 425 Chestnut Street Boca Raton, FL 33431	Berks County / Bally Borough	West Branch Perkiomen Creek / 3-E	Y
PA0247821 (Sew)	Vincent Cimino ADCIM, LLC 96 Keller Road Gettysburg, PA 17325	Adams County / Straban Township	Rock Creek / 13-D	Y
PA0088277 (Sew)	Summit Ridge Homeowner's Association 1013 North George Street York, PA 17404-2025	Adams County / Berwick Township	UNT Beaver Creek / 7-F	Y
PA0082627 (Sew)	CMB Ministries, Inc. (Camp Joy-El) 3741 Joy-El Drive Greencastle, PA 17225	Franklin County / Saint Thomas Township	Back Creek / 13-C	Y
PA0043494 (Sew)	Loysville Village Municipal Authority PO Box 133 Loysville, PA 17047	Perry County / Tyrone Township	Muddy Run / 7-A	Y

*Northcentral Regional Office: Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.*

<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>
PA0113093 (Non-Municipal)	Christ Wesleyan Church WWTP 363 Stamm Road Milton, PA 17847	Northumberland County Turbot Township	Unnamed Tributary to Limestone Creek (10-D)	Y

*Northwest Region: Water Management 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>
PA0020401 (Sewage Renewal)	Johnsonburg STP Ridgway Avenue Johnsonburg, PA 15845	Elk County Johnsonburg Borough	Clarion River 17-B	N
PA0104588 (Sewage Renewal)	Ebbert's Laundry 580 Millcreek Road Utica, PA 16362	Crawford County Fairfield Township	Unnamed tributary to French Creek 16-D	Y
PA0093131 (Sewage Renewal)	Oakview Golf Club 160 Ralston Drive Slippery Rock, PA 16057	Butler County Slippery Rock Township	Unnamed tributary to Slippery Rock Creek 20-C	Y

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**II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**


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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**NPDES Permit No. PA0057991**, Sewage, **Nicholas Derose d/b/a Rothstein Tract Homeowners Association**, 1355 Pebble Hill Road, Doylestown, PA 18901.

This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 3,000 gpd of treated sewage from a facility known as Rothstein Tract STP to Neshaminy Creek in Watershed 2-F.

**NPDES Permit No. PAS800001**, SW, **FedEx Freight, Inc.**, 2200 Forward Drive, Harrison, AR 72601.

This proposed facility is located in Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the issuance of an NPDES permit to discharge Stormwater runoff from a facility known as FedEx Freight, Inc. Chester Springs Facility to Unnamed Tributary to Marsh Creek in Watershed 3H.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**NPDES Permit No. PA0038920, Amendment No. 1**, Sewage, **Burnham Borough Authority**, 200 1st Avenue, Burnham, PA 17009-1640.

This proposed facility is located in Burnham Borough, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to Watershed 12-A.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

**NPDES Permit No. PA0228915 A-1**, Sewage, SIC Code 4952, **ORD Sewer Authority**, 235 Skips Lane, Osceola Mills, PA 16666-1753.

This existing facility is located in Decatur Township, **Clearfield County**.

Description of Existing Action/Activity: The permit is amended to include TRC limits and new Fecal Coliform limits. The permit also includes eDMR requirement in the Part C Condition of the permit and the new Chapter 92a. boilerplate conditions have been added to the permit.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**NPDES Permit No. PAS706103**, Industrial Waste, **Lindy Paving, Inc.**, 586 Northgate Circle, New Castle, PA 16105

This proposed facility is located in Big Beaver Borough, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for industrial waste discharge.

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**III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law**


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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA*

**WQM Permit No. 4611406**, Sewage, **Whitemarsh Township Authority**, 616 Germantown Pike, Lafayette Hill, PA 19444.

This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a wastewater pump station to serve residential, commercial and industrial uses and a new 2" force main

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 6709201, Amendment 11-1**, Sewerage, **Phyllis Chant, PH Glatfelter Company**, 228 South Main Street, Spring Grove, PA 17362-1000.

This proposed facility is located in Spring Grove Borough, **York County**.

Description of Proposed Action/Activity: Permit approval for the modification of industrial waste facilities consisting of: An additional flow collection box with a 10' weir (adjacent to clarifier collection box), a 36" overflow line connected the final effluent line and flow meter.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WQM Permit No. WQG026132**, Sewerage, **Southersby Development**, 245 Summerlawn Drive, Sewickley, PA 15143

This proposed facility is located in Jefferson Hills Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewer system.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. WQG018821**, Sewage, **Donald Lindenmoyer**, 11120 Hunters Ridge Boulevard, Meadville, PA 16335.

This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions****V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

*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 1505015-R	Mr. Robert Cook 303 Oxford Road Oxford, PA 19363	Chester	East Nottingham Township	Unnamed Tributary West Branch Big Elk Creek/Big Elk Creek (HQ-TSF-MF)
PAI01 151119	237 King Street Partners, LLC 789 East Lancaster Avenue Villanova, PA 19085	Chester	Willistown Township	Crum Creek (HQ-CWF-MF)
PAI01 2305002-R	County of Delaware Government Center Building Room 207, 201 West Front St Media, PA 19063-2788	Delaware	Middletown Township	Rocky Run (HQ-CWF-MF)

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023508006(3)	Scranton Lackawanna Industrial Building Company P. O. Box 431 Scranton, PA 18503	Lackawanna	Jessup Borough	Lackawanna River, HQ-CWF, MF; Grassy Island Creek, HQ-WF, MF

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717-705-4707.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033606005R	Ivan S. Martin Martins Land Development LLC 1537 Kramer Mill Road Denver, PA 17517	Lancaster	East Earl Township	Black Creek/HQ-WWF
PAI032111010	Downtown Construction Co. LLC James B. Kravitz 2201 Barren Hill Road Conshohocken, PA 19428	Cumberland	Carlisle Borough	Letort Spring Run/HQ-CWF

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Washington County Conservation District, 100 West Beau Street, Suite 105, Washington, PA 15301*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056310009	Summerbrooke, LLC 204 Commerce Boulevard Lawrence, PA 15212	Washington	North Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)

*Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055610004	Big Savage, LLC 44 East 30th Street 10th Floor New York, NY 10016	Somerset	Southampton, Northampton, Greenville, & Larimer Townships	Laurel Run (EV and HQ-CWF), Jennings Run (CWF), Flagherty Creek (CWF), Gladdens Run (HQ-CWF), Mountain Run (HQ-CWF), and Unnamed Tributaries to Wills Creek (HQ-CWF) Watersheds.

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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 in 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 (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02*
*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Chester Township Delaware County	PAG0200 2306045-R	DANBRO, Inc. 3700 South 26th Street Philadelphia, PA 19145	Chester Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511130	O'Donnell & Naccarato, Inc. 111 South Independence Mall East Philadelphia, PA 19106-2524	Pennypack Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hazle Township, Sugarloaf Township & West Hazleton Borough, Luzerne County	PAG02004011008	PA Department of Transportation 55 Keystone Industrial Park Dunmore, PA 18512	Unnamed Tributary to Black Creek, CWF, MF	Luzerne County Cons. Dist. 570-674-7991
Plains Township, Luzerne County	PAG02004011015	Trion Industries, Inc. 297 Laird St. Wilkes-Barre, PA 18702	Laurel Run, CWF, MF	Luzerne County Cons. Dist. 570-674-7991
Shippensburg Borough Cumberland County	PAG02002111018	Bob Frank Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Condoquent Creek/WWF; MF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717-240-7812
Mifflin Township Dauphin County	PAG02002211028	Jay Martin Advanced Scientifics 163 Research Lane Millersburg, PA 17061	Wiconisco Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100



*Facility Location:  
Municipality &  
County*

<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>
Lower Paxton Township Dauphin County	PAG02002206055R	John Kerschner Eastern Communities LP 7300 Derry Street Harrisburg, PA 17111	Beaver Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Lower Swatara Township and Middletown Boro. Dauphin County	PAG02002211024	John Tierney Lawrence St. Partners LP 3029 North Front Street Harrisburg, PA 17110	Swatara Creek/WWF & Susquehanna River/WWF	Dauphin Co Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Bethel and Union Townships Mifflin County	PAG02002911003	PennDOT District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Little Tonoloway Creek/WWF	Fulton Co Conservation District 216 N. Second Street, Suite 15 McConnellsburg, PA 17233 Phone: 717.485.3547, Ext 121
East Lampeter Township Lancaster County	PAG02003611066	Isaac S. Stoltzfus 385 Willow Road Lancaster, PA 17601	UNT Stauffer Run/WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
Rapho Township Lancaster County	PAG02003611077	Clyde Wenger 529 North Erisman Road Manheim, PA 17545	Dellinger Run/WWF; MF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
West Lampeter Township Lancaster County	PAG02003611083	Benuel S. King 826 Strasburg Pike Strasburg, PA 17579	Pequea Creek/WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
Manor Township Lancaster County	PAG02003611088	Members 1st Credit Union 5000 Louise Drive Mechanicsburg, PA 17055	UNT Little Conestoga Creek/WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5

*Northcentral Region: Watershed Management Program Manager, 208 W Third Street, Williamsport, Pa 17701*

*Facility Location:  
Municipality &  
County*

<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>
Athens Township Bradford County	PAG02000811016	Pamela Willis FEMA Region III 615 Chestnut St One Independence Mall, 6th Floor Philadelphia PA 19106	UNT to Chemung River WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Flemington Borough Clinton County	PAG02001811004	Hugo Odhner Spring Hollow Village 2980 Marlin Rd Huntingdon Valley PA 19006	Stink Run-Trib to Bald Eagle Creek CWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall PA 17751 (570) 726-3798

NOTICES

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<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>
Mahoning & Valley Townships Montour County	PAG02004704002R	Danville Associates c/o CDG Properties Inc 2300 S Atherton St State College PA 16801	Sechler & Kase Run CWFs	Montour County Conservation District 112 Woodbine Ln Ste 2 Danville PA 17821 Phone: (570) 271-1140
Danville Borough Montour County	PAG02004711004(1)	Jacob's Landing LLC 519 N Derr Dr Lewisburg PA 17837	Susquehanna River WWF, MF	Montour County Conservation District 112 Woodbine Ln Ste 2 Danville PA 17821 Phone: (570) 271-1140
Mahoning Township Montour County	PAG02004711005	Geisinger Health System 100 N Academy Ave Danville PA 17822	Mahoning Creek CWF, MF	Montour County Conservation District 112 Woodbine Ln Ste 2 Danville PA 17821 Phone: (570) 271-1140

*Southwest Region: Regional Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<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 and Phone No.</i>
Beaver County Economy Borough	PAG02000411009	Wal-Mart Stores East, LP c/o Mark S. Goldsmith 2001 SE 10th Street Mail Stop #5570 Bentonville, AR 72716-5570	UNT to Ohio River (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001
Beaver County Economy Borough	PAG2000404018R	Maronda Homes, Inc. 1383 Route 30 Clinton, PA 15026	UNT to Big Sewickley Creek (TSF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15501
Cambria County Richland Township	PAG02001111018	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	UNT Stonycreek River (CWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931
Washington County Speers Borough	PAG02006311027	Alstom - Michael Broglio One Power Lane Charleroi, PA 15022	Monongahela River (WWF)	Washington County CD 100 West Beau Street Suite 105 Washington, PA 15310
Westmoreland County City of Greensburg	PAG020065100121(1)	Seton Hill University Charles O'Neill One Seton Hill Drive Harrisburg, PA 17125 & A. Martini & Company Jeff Feret 320 Grant Street Verona, PA 15147	Coal Tar Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601

*Facility Location:  
Municipality &  
County*

<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 and Phone No.</i>
Westmoreland County City of Jeannette & Hempfield Twp.	PAG02006511023	PennDOT District 12-0 Joseph Szczur P. O. Box 459 North Gallatin Avenue Extension Uniontown, PA 15401	Little Sewickley Creek/Brush Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601
Westmoreland County Unity Township	PAG02006511026	Westmoreland County Airport Authority Gabe Monzo 148 Aviation Lane Latrobe, PA 15650	Unt. To Ninemile Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601
Westmoreland County Lower Burrell City	PAG02006511027	West Penn Power Amanda Habershaw 800 Cabin Hill Drive Greensburg, PA 15601	Allegheny River/Chartiers Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601
Center Township Butler County	PAG02 0010 11 016	GBT Realty Corporation 201 Summit View Drive Brentwood TN 37027	Connoquenessing Creek WWF	Butler Conservation District 724-284-5270
Greenwood Township Crawford County	PAG02 0020 10 006	Dr. Victor Gatto Crawford Renewable Energy LLC 360 Chestnut Street Meadville PA 16336	Conneaut Outlet WWF	Crawford Conservation District 814-763-5269
City of Erie Erie County	PAG02 0025 11 029	Mercyhurst College 501 East 38th Street Erie PA 16546	UNT Lake Erie WWF	Erie Conservation District 814-825-6403

*General Permit Type—PAG-3*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Merion Township Montgomery County	PAR800037	Con-way Freight Inc. 2211 Old Earhart Road Suite 100 Ann Arbor, MI 48105	UNT to Schuylkill River / WWF—3F	Southeast Region Water Management 484.250.5970
Chalfont Borough Bucks County	PAR800127	Bi County Fuels Inc. 10 N. Kerns Avenue Chalfont, PA 18914	North Branch Neshaminy Creek—2-F	Southeast Region Water Management 484.250.5970
City of Philadelphia Philadelphia County	PAR700020	121 Point Breeze Terminal, LLC 6310 Passyunk Avenue Philadelphia, PA 19153	Schuylkill River—3F	Southeast Region Water Management 484.250.5970
Ashland Boro. Schuylkill County	PAR112204	Ashland Foundry & Machine Works, Inc. 500 East Center St. Ashland PA 17921	Mahanoy Creek (CWF, MF)	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Dauphin County / Lower Paxton Township	PAR123561	Pepsi Beverages Company 941 Dana Drive	Slotznick Run / CWF / 7-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Bedford Township	PAR203507	L.B. Foster Company (Bedford Plant) 415 Holiday Drive Pittsburgh, PA 15220-2729	Raystown Branch, Juniata River / TSF /11-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

NOTICES

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*Facility Location:  
Municipality &  
County*

*Permit No.*  
PAR316109

*Applicant Name &  
Address*  
Superior Well Services  
1380 Route 286 East  
Suite 121  
Indiana, PA 15701

*Receiving  
Water/Use*  
UNT to Blacklick  
Creek

*Contact Office &  
Phone No.*  
Southwest  
Regional Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
412-442-4000

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Facility Location:  
Municipality &  
County*

*Permit No.*  
PAR708326

*Applicant Name &  
Address*  
Crawford Renewable Energy,  
LLC  
360 Chestnut Street  
Meadville, PA 16335

*Receiving  
Water/Use*  
Unnamed tributary  
to Conneaut Outlet  
and roadside ditch to  
McMichael Run  
16-D

*Contact Office &  
Phone No.*  
DEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942

*Facility Location:  
Municipality &  
County*

*Permit No.*  
PAR808355

*Applicant Name &  
Address*  
Freeport Transport Inc.  
1200 Butler Road  
Freeport, PA 16229

*Receiving  
Water/Use*  
Unnamed tributary  
to Buffalo Creek  
18-F

*Contact Office &  
Phone No.*  
DEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942

*General Permit Type—PAG-4*

*Facility Location:  
Municipality &  
County*

*Permit No.*  
PAG045277

*Applicant Name &  
Address*  
Zimmerman Sam  
570 Spruce Hollow Road  
Northumberland, PA 17857

*Receiving  
Water / Use*  
Lithia Springs—5-E

*Contact Office &  
Phone No.*  
DEP  
Northcentral  
Regional Office  
Water Management  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.3664

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Facility Location:  
Municipality &  
County*

*Permit No.*  
PAG041056

*Applicant Name &  
Address*  
Donald Lindenmoyer  
11120 Hunters Ridge Blvd. Apt  
1  
Meadville, PA 16335

*Receiving  
Water/Use*  
Unnamed tributary  
of Conneauttee  
Creek  
16-A

*Contact Office &  
Phone No.*  
DEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942



*General Permit Type—PAG-10*

*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>
Addison Township Somerset County	PAG106143	Caiman Penn Midstream, LLC 5949 Sherry Lane Suite 1300 Dallas, TX 75225-8008	Outfall 001 UNT of Youghiogeny River, Outfall 002 UNT of Braddocks Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Franklin Township Greene County	PAG106141	Caiman Penn Midstream, LLC 5949 Sherry Lane Suite 1300 Dallas, TX 75225-8008	South Fork Tenmile Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

**STATE CONSERVATION COMMISSION  
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR  
NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Snider Swine Operation Tyler Snider 22357 Mountain Foot Road Neelyton, PA 17239	Huntingdon	82.5 acres owned for manure application	382.77 AEU's 4.64 AEU's/ac	Swine Beef	NA	Approved

**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. 0911538 Public Water Supply

Applicant **Mr Joseph Thurwanger**  
Aqua Pennsylvania, Inc.  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township Bristol

County **Bucks**

Type of Facility PWS

Consulting Engineer Gannett Fleming, Inc.  
P. O. Box 80791  
Valley Forge, PA 19494

Permit to Construct 10/24/2011  
Issued

##### Permit No. 0911545 Public Water Supply

Applicant **Mr Joseph Thurwanger**  
Aqua Pennsylvania, Inc.  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township Bensalem

County **Bucks**

Type of Facility PWS

Consulting Engineer Gannett Fleming, Inc.  
P. O. Box 80791  
Valley Forge, PA 19494

Permit to Construct 10/24/2011  
Issued

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

##### Permit No. 3410504, Public Water Supply.

Applicant **Thompsontown Municipal Authority**

Municipality Thompsontown Borough

County **Juniata**

Responsible Official Roger Stutts, Manager  
PO Box 154  
Thompsontown, PA 17904

Type of Facility Installation of a 500,000 gallon finished water storage tank and distribution system replacement.

Consulting Engineer Charles L. Myers, P.E.  
RETTEW Associates, Inc.  
950 East Main Street  
Schuylkill Haven, PA 17972

Permit to Construct 10/19/2011  
Issued:

##### Permit No. 0611517, Public Water Supply.

Applicant **Green Acres MHP**

Municipality Greenwich Township

County **Berks**

Responsible Official Jeremy Crum, Dep Operator  
1697 Swamp Pike  
Gilbertsville, PA 19525

Type of Facility Installation of nitrate treatment and Demonstration of 4-Log Treatment of Viruses.

Consulting Engineer George W Ruby, P.E.  
Ruby Engineering  
3605 Island Club Drive  
North Port, FL 34288-6611

Permit to Construct 10/13/2011  
Issued:

##### Permit No. 0611504, Public Water Supply.

Applicant **DS Waters of America, Inc.**

Municipality Heidelberg Township

County **Berks**

Responsible Official Kent Kise, VP, Production,  
Quality & Technical Services  
5660 Noew Northside Drive  
Suite 500  
Atlanta, GA 30328-5826

Type of Facility DS will develop two wells (PW-A and PW-B) and loading station on Bethany Children's Home property as a source of bulk spring water for the Crystal Spring Water Company's Ephrata bottled water plant.

Consulting Engineer Gary J Toplak, P.E.  
Toplak & Associates, P.C.  
112 Pineview Road  
Baden, PA 15005

Permit to Construct 10/24/2011  
Issued:

**Operations Permit** issued to: **Exelon Generation, Nuclear, Peach Bottom Atomic Power Station**, 7670905, Peach Bottom Township, **York County** on 9/24/2009 for the operation of facilities approved under Construction Permit No. 6709503.

**Operations Permit** issued to: **Aqua Pennsylvania**, 7210048, Monroe Township, **Cumberland County** on 10/14/2011 for the operation of facilities approved under Construction Permit No. 2110503 MA.

**Operations Permit** issued to: **Pennsylvania American Water Company**, 3060088, Reading, **Berks County** on 10/18/2011 for the operation of facilities approved under Construction Permit No. 0610518.

**Operations Permit** issued to: **S & S Singh Paterners**, 3060112, Lower Heidelberg Township, **Berks County** on 10/18/2011 for the operation of facilities approved under Construction Permit No. 0610536 MA.

**Operations Permit** issued to: **Advanced H2O, LLC**, 3066584, Hamburg Borough, **Berks County** on 10/19/2011 for the operation of facilities approved under Construction Permit No. 0611506.

**Operations Permit** issued to: **Waterside-Loysburg Water Association**, 4050035, South Woodbury Township, **Bedford County** on 10/18/2011 for the operation of facilities submitted under Application No. 0511502 MA.

**Operations Permit** issued to: **Reading Area Water Authority**, 3060115, North Heidelberg Township, **Berks County** on 10/13/2011 for the operation of facilities submitted under Application No. 3060115.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Permit No. Minor Amendment—Operation** Public Water Supply.

Applicant	<b>Limestone Township Municipal Water Authority</b>
[Township or Borough]	Limestone Township
County	<b>Lycoming</b>
Responsible Official	Limestone Township Municipal Water Authority 1408 Quarry Road Jersey Shore, PA 17740
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	October 18, 2011
Description of Action	Operation for the finished water storage tank rehab.

**Permit No. Minor Amendment—Construction** Public Water Supply.

Applicant	<b>Bucknell View Mobile Home Park</b>
[Township or Borough]	West Chillisquaque Township
County	<b>Northumberland</b>
Responsible Official	Ms. Leanne Heller GSP Management Company P. O. Box 677 Morgantown, PA 19543
Type of Facility	Public Water Supply
Consulting Engineer	James Cieri, Sr., P.E. ACT ONE Consultants, Inc. 200 South 41st Street Suite A Harrisburg, PA 17111
Permit Issued	October 18, 2011
Description of Action	Installation of five 220-gallon detention tanks to provide 4-log inactivation of viruses at Entry Point 101 (Well No. 1) and removal of the existing 525-gallon tank.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Operations Permit** issued to **Imperial Point Water Service Company**, PWSID #6200035, Girard Township, **Erie County**. Permit Number 2597503-MA1 issued October 21, 2011 for the operation of the Imperial Point Water Treatment Plant. This permit is issued in response to a

Certificate of Construction Completion received by the Department of Environmental Protection on July 29, 2011.

**Operations Permit** issued to **Borough of Mars**, PWSID #5100049, Mars Borough, **Butler County**. Permit Number 1011504 issued October 24, 2011 for the operation of a public water supply. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on September 27, 2011.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

##### Plan Location:

Borough or Township	Borough or Township Address	County
East Nottingham, Lower Oxford, and West Nottingham Townships, and Oxford Borough	Multiple	Chester

On October 25, 2011, the Southeast Regional Office approved the Act 537 Plan Update for the Oxford Area Sewer Authority (OASA). The Update provides for the following:

OASA will implement a three-phase plan to allow for the expansion of treatment, storage and disposal capacity at its large volume spray irrigation facilities to meet existing and projected needs. Phase One consists of the construction of the Osborne Lagoon and related pumping stations. The completion of Phase One will allow the facility to operate at its permitted capacity of 0.6 million gallons per day ("MGD").

Phase Two consists of the installation and operation of the center pivot areas of the Ross Spray Field. OASA anticipates requesting that the Department rerate the permitted capacity of the facility to 0.77 MGD upon completion of Phase Two.

Phase Three consists of the construction of a mechanical sewage treatment plant rated at 1.25 MGD and the fixed nozzle section of the Ross Spray Field. The existing treatment lagoons will be converted to storage facilities. The permitted capacity of the facility will be 0.92 MGD, based upon available storage capacity.

This approval provides for a total operating capacity of 0.92 MGD. When the average daily flows reach 75% of the operating capacity of the fully installed and constructed facilities of Phases One through Three, OASA will begin sewage facilities planning for additional storage capacity.

Sewer service areas are depicted on the plan titled Oxford Area Sewer Authority Service Area Plan, prepared by Rettew Associates, Inc. Capacity in the expanded and new facilities will be allocated on a "first-come, first-serve" basis.

Through this Plan, East Nottingham Township and Lower Oxford Township have each committed to implementing their own separate sewage management program. West Nottingham Township has committed to undertaking a separate Act 537 Plan Update to address the needs of its on-lot sewage service areas.



Complete copies of this Plan are available for review, upon request, at the Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Quarryville Borough	300 St. Catherine Street, Quarryville, PA 17566	Lancaster

*Plan Description:* The approved plan provides for an upgrade and expansion of the existing 0.4 MGD sewage treatment plant to 0.6 MGD average daily flow in order to meet the nutrient reduction requirements imposed by the Chesapeake Bay Tributary Strategy. The Plan also provides for the adoption and implementation of an on-lot sewage system management ordinance. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## 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 con-

cerning 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:

*Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Mobil Pipe Line Company—Allentown Junction Valve Station**, 2107 Wehr Mill Road, South Whitehall Township, **Lehigh County**. Lieschen S. Fish and David J. Demko, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 have submitted a Final Report for Groundwater (on behalf of their client Exxon Mobil Environmental Services Company, 1545 Route 22 East, Room CCM 09E, Annandale, NJ 08801), concerning the remediation of groundwater found to have been impacted by unleaded gasoline as a result of a release due to valve failure. The report was submitted to document attainment of the Residential Statewide Health Standard for groundwater. A public notice regarding the submission of the Final Report was published in *The Morning Call* on August 10, 2011.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Northumberland National Bank—Middleburg Branch**, Franklin Township, **Snyder County**. Molesevich Environmental, LLC, PO Box 654, Lewisburg, PA 17837 on behalf of Northumberland National Bank, 245 Front St., Northumberland, PA 17857 has submitted a Final Report concerning remediation of site soil contaminated with #2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Fred Neece Property**, Muncy Township, **Lycoming County**. GEO Services, Ltd. 1525 Cedar Cliff Drive, Camp Hill, PA 17011 on behalf of Fred Neece, 1642 Highway 220, Muncy PA 17756 has submitted a Final Report concerning remediation of site soil contaminated with benzene, toluene, ethylbenzene, methyl tert-butyl ether (MTBE), isopropylbenzene (cumene), naphthalene, 1, 2, 4 - trimethylbenzene and 1, 3, 5 - trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Robertshaw Controls Facility (Former)**, Youngwood Borough, **Westmoreland County**. American Geosciences, Inc., 3925 Reed Blvd, Suite 400, Murrysville PA 15668 on behalf of Robertshaw Controls company c/o Invensys Foxboro, 33 Commercial Street, C41-2#, Foxboro, MA 02035 has submitted a Final Report for Phase I concerning the remediation of site soil and groundwater contaminated with TCE and its degradation products. The combined Phase I Final Report was published in the *Tribune-Review* on October 6, 2011.

**Robertshaw Controls Facility (Former)**, Youngwood Borough, **Westmoreland County**. American Geosciences, Inc., 3925 Reed Blvd, Suite 400, Murrysville PA 15668 on behalf of Robertshaw Controls company c/o Invensys Foxboro, 33 Commercial Street, C41-2#, Foxboro, MA 02035 has submitted a combined Risk Assessment and Cleanup Plan for the Phase 2 Development Parcel con-



cerning the remediation of site soil and groundwater contaminated with TCE and its degradation products. The combined Phase 2 Risk Assessment and Cleanup Plan was published in the *Tribune-Review* on October 13, 2011.

**Buckeye Pipeline Shippingport Release**, Shippingport Borough, **Beaver County**. Groundwater & Environmental Services, Inc., 444 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Buckeye Partners, L.P., Tek Park Five, 9999 Hamilton Boulevard, Breinigsville, PA 18031 and National Gypsum Company, P. O. box 346, 168 Shippingport Hill Road, Shippingport, Pa 15077 has submitted a Statewide Health Standard Final Report. The site is to remain nonresidential. The Final Report was noticed in the *Beaver County Times* on July 27, 2011.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information

concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Utz Quality Foods**, 861 Carlisle Street, Borough of Hanover, **York County**. GEI Consultants, Inc., 18000 Horizon Way, Suite 200, Mount Laurel, NJ, 08054, on behalf of Utz Quality Foods, Inc., 900 High Street, Hanover, PA 17331, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with gasoline from unregulated underground storage tanks. The Final Report demonstrated attainment of non-residential statewide health and site-specific standards, and was approved by the Department on October 19, 2011.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**40-301-082GP14: Sunlight Crematory of Wilkes-Barre LLC** (628 Nanticoke Street, Hanover Twp., PA 18706) on October 7, 2011, to install and operate two Matthews human cremation units at their site in Hanover Township, **Luzerne County**.

**39-302-199GP1: Pratt LLC** (7533 Industrial Parkway, Suite 100, Lower Macungie, PA 18062) on October 11, 2011, to operate a 21 MMBTU Hurst boiler at their site in Lower Macungie Township, **Lehigh County**.

**58-303-008GP13: Pennsy Supply, Inc.—d/b/a Slusser Brothers** (PO Box 3331, 1001 Paxton Street, Harrisburg, PA 17105-3331) on October 11, 2011, to install and operate a hot mix asphalt plant at their Powerstone Quarry site in Middletown Township, **Susquehanna County**.

**66-399-011GP5: Laser Northeast Gathering Co. LLC** (333 Clay Street, Suite 4500, Houston, TX 77002) on October 7, 2011, to construct and operate an IC Engine with dehydrator/reboiler at their Sickler Compressor Station site in Washington Township, **Wyoming County**.

**35-302-125GP1: Gentex Corp.** (324 Main Street, PO Box 315, Carbondale, PA 18407) on October 7, 2011, to operate a 14.6 MMBTU Cleaver Brooks boiler at their site in Fell Township, **Lackawanna County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-705-4863*

**GP3-67-05098C: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405) on October 19, 2011, to relocate,

under GP3, portable nonmetallic mineral processing equipment to the Penroc Quarry in West Manchester Township, **York County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**GP3-17-511: R.S. Services** (119 Falls Road, Beech Creek, PA 16822) on October 3, 2011, to construct and operate a 2008 vintage Extex model C-12 portable crushing plant and a 2007 vintage Extex S-5 portable screening plant under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at their site in Bell and Brady Townships, **Clearfield County**.

**GP9-17-511: R.S. Services** (119 Falls Road, Beech Creek, PA 16822) on October 3, 2011, to construct and operate a 2008 vintage 350 brake-horsepower Caterpillar C9 DITA diesel engine and a 2007 vintage 100 brake-horsepower Deutz model BF4M2012 diesel engine under the General Plan Approval and/or General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) at their site in Bell and Brady Townships, **Clearfield County**.

**GP14-59-222: Wellsboro Small Animal Hospital, PC** (152 Tioga Street, Wellsboro, PA 16901) on October 11, 2011, to construct and operate a Matthews International, Cremation Division, model IE43-PP Jr. animal cremation incinerator under the General Plan Approval and/or General Operating Permit for Human or Animal Crematories (BAQ-GPA/GP-14) at their site in Middlebury Township, **Tioga County**.

**GP5-14-02C: NCL Natural Resources, LLC.** (25231 Grogan Mill Road, Suite 500, The Woodlands, TX, 77380-9110) on October 19, 2011, to construct and operate one 365 bhp Caterpillar model G3412NA rich-burn compressor engine equipped with a non-selective catalytic reduction unit, one 425 bhp Caterpillar model G3408 CLE lean-burn compressor engine, and for the continued operation of a 2.5 MMscf/day dehy unit with 0.75 MMBtu/hr reboiler under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Red Buck Compressor Station in Snow Shoe Township, **Centre County**.

**GP5-18-193: Anadarko Marcellus Midstream LLC** (1201 Lake Robbins Drive, The Woodlands, TX 77380-1176) on October 18, 2011, to construct and operate three (3) 1380 bhp Caterpillar model G3516ULB compressor engines each equipped with an oxidation catalyst, one 690 bhp Caterpillar model G3508TA-ULB compressor engine equipped with an oxidation catalyst, two 87 bhp Capstone model G65 Microturbine generators, and one 40 MMscf/day Valerus model GLY-DEHY-750 dehydration unit equipped with a 0.75 MMBtu/hr natural-gas fired reboiler under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their COP Tract 285 Compressor Station in Grugan Township, **Clinton County**.

**GP5-14-330A: Anadarko Marcellus Midstream LLC** (1201 Lake Robbins Drive, The Woodlands, TX 77380-1176) on October 18, 2011, to construct and operate one 690 bhp natural-gas fired compressor engine equipped with an oxidation catalyst and one 30 MMscf/day dehydration unit equipped with a 0.65 MMBtu/hr natural-gas fired reboiler under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal and Bed

Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their COP Tract 231 Compressor Station in Snowshoe Township, **Centre County**.

**GP5-41-626: Anadarko Marcellus Midstream LLC** (1201 Lake Robbins Drive, The Woodlands, TX 77380-1176) on October 18, 2011, to construct and operate three 1380 bhp Caterpillar model G3516ULB compressor engines each equipped with an oxidation catalyst, one 690 bhp Caterpillar model G3508TA-ULB compressor engine equipped with an oxidation catalyst, two 87 bhp Capstone model G65 Microturbine generators, and one 40 MMscf/day Valerus model GLY-DEHY-750 dehydration unit equipped with a 0.75 MMBtu/hr natural-gas fired reboiler under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their COP Tract 289 Compressor Station in McHenry Township, **Lycoming County**.

**GP5-41-654: NFG Midstream Trout Run, LLC** (6363 Main Street, Williamsville, NY 14221-5887) on September 23 2011, to construct and operate of a Fredrick Logon Company, Inc. model FLOCO/500MD 30F12N3PY5 (Unit #1) and model FLOCO/1MMD4 2F18N3PY5 (Unit #2) Tri-ethylene glycol dehydrators, Cummins model GM8.1L emergency generator and two (2) ETI heaters pursuant to the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP5) at their Liberty Drive Interconnect Station in Loyalsock Township, **Lycoming County**.

**GP5-08-352: Angelina Gathering Co., LLC** (2350 North Sam Houston Parkway E, Suite 125, Houston, TX 77032) on October 14, 2011, to construct and operate of twelve (12) Caterpillar model G3516B lean-burn natural gas-fired compressor engines each rated at 1,380 brake horsepower to be equipped with Powertherm Company, Inc. model 201 VO-3-200-7114 oxidation catalyst, four (4) 80 MMSscfd Exterran, Tri-ethylene glycol dehydrators and one (1) 155 brake horsepower, Kohler model 100ERESB, natural gas-fired emergency generator pursuant to the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at their Clark CPF#1 Compressor Station in Herick Township, **Bradford County**.

**GP3-59-210D: Eastern Industries, Inc.** (220 Park Road Winfield, PA 17889) on October 12, 2011, to construct and operate a Powerscreen model Warrior 1800 portable nonmetallic mineral screener with three integral conveyors pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at their Tioga Quarry in Middlebury Township, **Tioga County**.

**GP9-59-210D: Eastern Industries, Inc.** (220 Park Road, Winfield, PA 17889) on October 12, 2011, to construct and operate a 111 brake horsepower, Caterpillar model C4.4 diesel-fired engine pursuant to the General Plan Approval And/Or General Operating Permit for Diesel or #2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP9) at their Tioga Quarry in Middlebury Township, **Tioga County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-30-00170D: Laurel Mountain Midstream, LLC** (1605 Coraopolis Heights Road, Moon Township, PA 15108) on October 19, 2011, to install and operate two



new natural gas-fired compressor engines rated at 1,380 bhp each and controlled by oxidation catalysts, one triethylene glycol dehydrator, and four produced water tanks under GP-5 for natural gas production at the Brown Compressor Station, in Greene Township, **Greene County**. A total of five compressor engines are authorized for operation at this site.

**GP5-30-00204: EQT Gathering, LLC.** (EQT Plaza, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on October 17, 2011, to install and operate of one (1) Dehydration unit rated at 0.50 MMBtu/hr, one (1) Micro Turbine, rated 40 bhp, and three (3) condensate storage tanks, one rated at 210 bbl, and other two rated at 51 bbl at their Hopewell Ridge Compressor Station Morris Township, **Greene County, PA**.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**39-309-081: Lafarge North America, Inc.** (5160 Main Street, Whitehall, PA 18052) on October 18, 2011, for addition of natural gas as a fuel for No. 1 and No. 2 raw mills at their Whitehall Plant in Whitehall Township, **Lehigh County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-705-4863*

**36-05140D: Valley Proteins, Inc.** (693 Wide Hollow Road, East Earl, PA 17519-9645) on October 18, 2011, to use natural gas in the facility's two existing boilers, and the recently constructed boiler, at their rendering facility in East Earl Township, **Lancaster County**.

**06-05007N: Carpenter Technology Corp.** (101 Bern Street, Reading, PA 19601) on October 12, 2011, to install a new electroslag remelt (ESR) furnace, a new cut-off saw and new belt polisher all controlled by baghouses, and to install two new natural gas fired annealing furnaces without controls, at the at their specialty steel manufacturing facility in the City of Reading, **Berks County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**49-00047: Furman Foods, Inc.** (PO Box 500, Northumberland PA 17857-0500) on October 19, 2011, to install carbon bed technology that will control H2S emissions from the anaerobic digester at their facility in Point Township, **Northumberland County**.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**09-0189B: Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914) on October 17, 2011, to operate a crushing plant in Warrington Township, **Bucks County**.

**09-0010: Teva Pharmaceuticals USA, Inc.** (650 Cathill Road, Sellersville, PA 18960) on October 20, 2011, to operate a dust collector in West Rockhill Township, **Bucks County**.

**09-0010C: Teva Pharmaceuticals USA, Inc.** (650 Cathill Road, Sellersville, PA 18960) on October 20, 2011, to operate a dust collector in West Rockhill Township, **Bucks County**.

**09-0213: DeNucci Excavation Corp.** (2807 Old Rodgers Road, Bristol, PA 19007) on October 20, 2011, to operate a water suppression in Bristol Township, **Bucks County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-705-4863*

**06-050690: East Penn Manufacturing Co., Inc.** (Deka Road, PO Box 147, Lyon Station, PA 19536-0147) on October 18, 2011, to construct a third surface coating line to be controlled by a total enclosure and existing carbon adsorption system at their battery assembly plant in Richmond Township, **Berks County**. The plan approval was extended.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2507*

**39-00005: Prior Coated Metals, Inc.** (2233 26th Street SW, Allentown, PA 18103) on October 19, 2011, to renew the Title V Operating Permit in Allentown City, **Lehigh County**. This facility consists of a coil coating operation. These sources have the potential to emit major quantities of regulated pollutants (VOC) above Title V emission thresholds. No change has taken place at this facility that were not previously permitted. The proposed Title V Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**30-00110: Equitrans LP** (625 Liberty Avenue, Pittsburgh, PA 15222) on October 20, 2011, for continued operation of the Pratt Compressor Station Franklin Township, **Greene County**.

In accordance with 25 Pa. Code § 127.431, on October 20, 2011, the Pennsylvania Department of Environmental Protection (DEP) renewed Title V Operating Permit TVOP-30-00110 to authorize Equitrans to continue to operate the Pratt Compressor Station located in Franklin Township, **Greene County**.

The Pratt Station is a natural gas transmission facility consisting of five (5) Cooper-Bessemer reciprocating internal combustion compression engines, one (1) natural gas-fired electric generators, two (2) dehydration units and several small miscellaneous combustion units.

Emissions from the facility are limited to 100 tons NO<sub>x</sub>, 100 tons CO, 42 tons VOCs, 6.6 tons formaldehyde, and 10 tons all HAPs combined, on a 12-month rolling total basis. The facility is subject to applicable Federal requirements (40 CFR 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines) and PA Code Title 25 Chapters 121 through 145. TVOP-3-00110 includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards. In accordance with Pa. Code Title 25 § 127.503(8), TVOP-30-00110 includes a compliance plan requiring Equitrans to submit appropriate information to revise the hours of operation restriction, to remove the VOC emission limits, and to restrict the allowable NO<sub>x</sub> emission limits contained in the NO<sub>x</sub> RACT OP-30-000-110.

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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 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-705-4863*

**07-03049: AP Green Refractories, Inc.** (2929 Quarry Road, Claysburg, PA 16625-9739) on October 17, 2011, for their refractories manufacturing facility in Greenfield Township, **Blair County**. The State-only permit was renewed.

**06-03072: Animal Rescue League of Berks County, Inc.** (PO Box 69, Mohnton, PA 19540) on October 17, 2011, for the animal crematory unit at the facility in Cumru Township, **Berks County**. The State-only permit was renewed.

**28-03049: Thomas L. Geisel Funeral Home, Inc.** (333 Falling Spring Road, Chambersburg, PA 17202) on October 18, 2011, for the human crematory associated with the Geisel Funeral Home in Guilford Township, **Franklin County**. The State-only permit was renewed.

**38-03059: Beck Aluminum Alloys LTD** (24 Keystone Drive, Lebanon, PA 17042-9791) on October 18, 2011, for the secondary aluminum processing facility in South Lebanon Township, **Lebanon County**. The State-only permit was renewed.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**63-00632: American Iron Oxide Co.** (7 Foster Plaza, 661 Andersen Drive, Pittsburgh, PA 15220-2700) on October 18, 2011, a non-Title V, State Only Natural Minor Operating Permit was issued for the American Iron Oxide Company's Allenport Facility in Allenport, **Washington County**. The permit is for the operation a spray roaster, a natural gas-fired boiler, two iron oxide storage bins, a truck unloading/loading station, a scrap dissolver tank, a ferric processing vessel, twelve waste pickle liquor/hydrochloric acid storage tanks, and plant paved roads and surfaces. Annual emissions from the facility are estimated to be approximately 4.9 tons of total particulate

matter, 4.7 tons of hydrochloric acid and 2.2 tons of chlorine. Emissions from these sources are controlled through the use of an absorber, two scrubbers, two baghouses, and a vacuum sweeper. The permit includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**65-00793: Wilson Scrap Metals Inc.** (330 Wilson Lane, Saltsburg, PA 15681) on October 18, 2011, for a State Only Operating Permit (SOOP) renewal to Wilson Scrap Metals Inc. to authorize the continued operation of a metal smelting and refining facility located in the Bell Township, **Westmoreland County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**37-00012: Dunbar Asphalt Products, Inc.—Hillsville Plant** (4877 West State Street, Hillsville, PA 16132) on October 18, 2011, to renew the Synthetic Minor Permit to operate an asphalt paving mixtures and blocks manufacturing facility in Mahoning Township, **Lawrence County**. The facility's emitting sources include, Rotary Dryer, Stockpile & Cold Aggregate Bins, Raw material Handling Equipment, Miscellaneous Asphalt Handling and Asphalt Cement Storage and Heating. The facility has taken a production restriction of 495,000 tons product per year based on 12-month rolling total to stay below the emission threshold of Title V (less than 100 TPY of Carbon Monoxide). Thus, the facility becomes Synthetic Minor.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**15-00110: Pepperidge Farm, Inc.** (421 Boot Road, Downingtown, PA 19335) on October 21, 2011, for the incorporation of plan approval 15-0110A into the State Only Operating Permit for this facility. Plan approval 15-0110A was issued to Pepperidge Farm, Inc. for the replacement of a 7.92 million BTU per hour layer cake oven with an 8.84 million BTU per hour layer cake oven. The installation of the new oven increased nitrogen oxide emissions by 0.4 tons per year from the previously permitted layer cake oven. The plan approval added limits to the natural gas and propane usage at the facility, and added recordkeeping to show compliance with the limits on fuel usage.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**53-00001: Tennessee Gas Pipeline Co.** (197 Tennessee Road, Coudersport, PA 16915) on October 18, 2011, issued a revised Title V permit for their facility in Hebron Township, **Potter County**. The revision incorporates the requirements of Plan Approval 53-00001F into the Title V permit. The Title V permit contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable regulatory requirements.



## 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 Applications Returned

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**26050104 and NPDES Permit No. PA0250724. Daniel J. Patterson** (20 Elizabeth Drive, Smithfield, PA 15478). Returned transfer application to an existing bituminous surface mine permitted to Amerikohl Mining, Inc., located in Nicholson Township, **Fayette County**, affecting 209.7 acres. Receiving streams: unnamed tributaries to Jacobs Creek & Georges Creek. Application received: September 30, 2010. Transfer application returned: October 20, 2011.

**26050104 and NPDES Permit No. PA0250724. Daniel J. Patterson** (20 Elizabeth Drive, Smithfield, PA 15478). Returned renewal application to an existing bituminous surface mine permitted, located in Nicholson Township, **Fayette County**, affecting 209.7 acres. Receiving streams: unnamed tributaries to Jacobs Creek & Georges Creek. Renewal application received: September 30, 2010. Renewal application returned: October 20, 2011.

### Coal Permits Actions

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**56081301 and NPDES Permit # PA0235903, LCT Energy, LP** (941 Pine Grove Lane, Suite B, Johnstown, PA 15905), to operate the Brubaker Mine in Shade and Paint Townships, **Somerset County** and related NPDES permit. Surface Acres Proposed 81.6, Underground Acres Proposed 736.1, Subsidence Control Plan Acres Proposed 736.1. Receiving Streams: Hinson Run and an Unnamed Tributary to Shade Creek, both classified for the following use: CWF. The application was considered administratively complete on March 16, 2010. Application received: December 5, 2008. Permit issued: October 20, 2011

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**11110101 and NPDES No. PA0263141. KB Coal, Inc.**, 158 Account Lane, Hastings, PA 16646, commencement, operation and restoration of a bituminous surface mine in Clearfield Township, **Cambria County**, affecting 28.0 acres. Receiving stream(s): UNTs to Clearfield Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10

miles downstream. The permit includes approval of Chapter 105 stream encroachment permits within the barrier areas of Indian Run and unnamed tributaries to Indian Run Nos. 1 & 4. The encroachments authorize the use of an existing road and associated stream crossings for site access. Application received: January 18, 2011. Permit issued: October 14, 2011.

**56050107 and NPDES No. PA0249866. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 124.4 acres. Receiving stream(s): UTS to/and Buffalo Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Meyersdale Municipal Authority. Application received: February 22, 2011. Permit issued: October 12, 2011.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**33990109 and NPDES Permit No. PA0241539. McKay Coal Company, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous surface and auger mine in Perry Township, **Jefferson County** affecting 66.0 acres. Receiving streams: Unnamed tributaries to Perryville Run and Perryville Run. Application received: August 23, 2011. Permit Issued: October 18, 2011.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17990102 and NPDES No. PA0238236. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847). Renewal of an existing bituminous surface and auger mining operation located in Decatur Township, **Clearfield County** affecting 344.2 acres. Receiving stream: Laurel Run classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 3, 2011. Permit issued: October 13, 2011.

**17990107 and NPDES No. PA0238309. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847). Renewal for the continued operation and restoration of a bituminous surface mine located in Bigler Township, **Clearfield County** affecting 234.5 acres. Receiving streams: Pine Run classified for cold water fishery to Clearfield Creek classified for warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 27, 2011. Permit issued: October 13, 2011.

**17110104 and NPDES No. PA0257613. Strishock, LLC** (200 Hillcrest Drive, Dubois, PA 15801). Commencement, operation and restoration of a bituminous surface and auger mine located in Decatur and Boggs Townships, **Clearfield County** affecting 52.5 acres. Receiving stream: unnamed tributary to Little Laurel Run classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 30, 2011. Permit issued: October 18, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**40040201R. Silverbrook Anthracite, Inc.**, (1 Market Street, Laffin, PA 18702), renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Kingston Township and Swoyersville Borough, **Luzerne County** affecting 20.0 acres, receiving stream: none. Application received: February 9, 2011. Renewal issued: October 24, 2011.

*Noncoal Permits Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**11040301 and NPDES No. PA0212873. Jigging Technologies, LLC**, 950 Riders Road, Johnstown, PA 15906, transfer of an existing bituminous surface mine from Pheasant and Shearer, 204 Atlantic Street, Johnstown, PA 15904, located in East Taylor Township, **Cambria County**, affecting 19.6 acres. Receiving stream(s): Hickson Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 16, 2010. Permit issued: October 18, 2011.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**10020306. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Renewal of NPDES Permit No. PA0242250 in Worth Township, **Butler County**. Receiving streams: Two unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application received: May 5, 2011. Permit Issued: October 18, 2011.

**37000302. I.A. Construction Corporation** (158 Lindsay Road, Zelienople, PA 16063) Renewal of NPDES Permit No. PA0241831 in Wayne Township, **Lawrence County**. Receiving streams: Unnamed tributaries to Connoquenessing Creek. Application received: August 24, 2011. Permit Issued: October 19, 2011.

**25112802. Raymond D. Showman & Sons, Inc.** (12851 Sharp Road, Edinboro, PA 16412) Commencement, operation and restoration of a small industrial mineral mine in LeBoeuf Township, **Erie County** affecting 5.0 acres. Receiving streams: French Creek. Application received: August 16, 2011. Permit Issued: October 19, 2011.

**25112802-GP-104. Raymond D. Showman & Sons, Inc.** (12851 Sharp Road, Edinboro, PA 16412) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 25112802 in LeBoeuf Township, **Erie County**. Application received: August 16, 2011. Permit Issued: October 19, 2011.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**4775SM14 and NPDES No. PA0115525. Hanson Aggregates Pennsylvania LLC** (7660 Imperial Way, Allentown, PA 18195). Renewal of the NPDES permit on an existing industrial mineral mine located in Lamar Township, **Clinton County** affecting 163.2 acres. Receiving stream: Fishing Creek classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 25, 2011. Permit issued: October 13, 2011.

**4775SM18 and NPDES No. PA0116459. Hanson Aggregates Pennsylvania LLC** (7660 Imperial Way, Allentown, PA 18195). Renewal of the NPDES permit on an existing industrial mineral mine located in Marion Township, **Centre County** affecting 227.0 acres. Receiving stream: Nittany Creek classified for cold water fishery, migratory fish. There are no potable water supply intakes within 10 miles downstream. Application received: September 12, 2011. Permit issued: October 13, 2011.

**4774SM4 and NPDES No. PA0115789. Hanson Aggregates Pennsylvania LLC** (7660 Imperial Way, Allentown, PA 18195). Renewal of the NPDES permit on an

existing industrial mineral mine located in Fairfield and Montoursville Townships, **Lycoming County** affecting 939.3 acres. Receiving stream: Bennett's Run classified for warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 12, 2011. Permit issued: October 13, 2011.

### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**63114007. Dynamic Drilling LLC** (10373 Taylor Hawks Road, Herron, MI 49744). Blasting activity permit for the Hopewell 3D area, to conduct seismic explorations activity located in Robinson, Smith, North Fayette and etc. Townships, **Washington and Allegheny Counties**. The duration of blasting is expected to last 10 months. Blasting permit issued: October 17, 2011.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08114134. Maurer & Scott Sales, Inc.** (122 Thomas St, Coopersburg, PA 18036-2011). Blasting for construction of a natural gas pad located in Wilmot Township, **Bradford County**. Permit issued: October 12, 2011. Permit expires: March 31, 2012.

**17114019. P & N Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Blasting for GFCC #-17-08-01 located in Sandy Township, **Clearfield County**. Permit issued: October 4, 2011. Permit expires: December 31, 2012.

**18114012. Maine Drilling & Blasting, Inc.** (P. O. Box 1140, Gardiner, ME 04345-1140). Blasting for construction of a natural gas well pad located in East Keating and West Keating Townships, **Clinton County**. Permit issued: October 21, 2011. Permit expires: October 20, 2012.

**41114112. Maurer & Scott Sales, Inc.** (122 Thomas St, Coopersburg, PA 18036-2011). Blasting for construction of a natural gas pad located in Cogan House Township, **Lycoming County**. Permit issued: October 12, 2011. Permit expires: June 30, 2012.

**41114113. Maurer & Scott Sales, Inc.** (122 Thomas St, Coopersburg, PA 18036-2011). Blasting for construction of a natural gas pad located in Jordan Township, **Lycoming County**. Permit issued: October 12, 2011. Permit expires: March 31, 2012.

**41114114. Maine Drilling & Blasting, Inc.** (P. O. Box 1140, Gardiner, ME 04345-1140). Blasting for construction of a natural gas pad located in Cogan House Township, **Lycoming County**. Permit issued: October 21, 2011. Permit expires: October 13, 2012.

**59114109. Wampum Hardware Co.** (2856 Stoystown Road, Friedens, PA 15541-7020). Blasting for pool/pond construction located in Duncan Township, **Tioga County**. Permit issued: October 14, 2011. Permit expires: December 21, 2011.



*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**38114119. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Route 501 bypass in Heidelberg Township, **Lebanon County** with an expiration date of October 13, 2012. Permit issued: October 18, 2011.

**36114002. Contract Drilling & Blasting**, (470 Broadway #314, Bayonne, NJ 07002), demolition blasting for the Holtwood Power Plant Project/Skimmer Wall in Martic Township, **Lancaster County** with an expiration date of December 31, 2011. Permit issued: October 20, 2011.

**35114105. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Summit Woods in Elmhurst and Roaring Brook Townships, **Lackawanna County** with an expiration date of October 18, 2012. Permit issued: October 23, 2011.

**58114135. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Knapik Well Pad in Franklin and Liberty Townships, **Susquehanna County** with an expiration date of October 31, 2012. Permit issued: October 23, 2011.

**06114107. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Stone Croft Village in Marion Township, **Berks County** with an expiration date of December 30, 2012. Permit issued: October 24, 2011.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

**E50-248: Michael R. Wise (Shermans Valley Menonite Church)**, 1997 Airport Road, Loysville, Pennsylvania 17047, in Southwest Madison Township, **Perry County**, ACOE Baltimore.

To construct and maintain a 30.0-foot long x 20.0-foot wide x 5.0-foot high open bottom concrete box culvert in an unnamed tributary of Sherman Creek (HQ-CWF) for the purpose of a driveway. The project is located on Airport Road, approximately 0.13 mile northwest of its intersection with S.R. 0274 (Andersonburg, PA Quadrangle; N: 18.6 inches, W: 9.5 inches; Latitude: 40°21'09", Longitude: -77°26'39") in Southwest Madison Township, Perry County.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

**E20-584, Park Restoration, LLC**, 11805 Morningshore Drive, Conneaut Lake, PA 16316-4057. Boat Docks at Conneaut Lake Park Beach, in Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Harmonsburg, PA Quadrangle N: 41°, 37', 58.7"; W: -80°, 18', 51.4").

To construct and maintain a series of 14 docks each measuring approximately 3 feet wide by 20 feet long linked together by a walkway measuring approximately 3 feet wide by 330 feet long oriented parallel to, and averaging approximately 50 feet away from the shore line of Conneaut Lake (HQ-WWF) in Sadsbury Township, Crawford County.

**E25-740, BT Erie Casino, LLC**, 116 Union Avenue, Altoona, PA 16602, Sheetz Development across from Presque Isle Downs Casino in Summit Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 42°, 03', 57.4"; W: 80°, 02', 12.5").

To fill a total of 1.299 acres of 3 wetland areas associated with the construction of a Sheetz commercial retail store, car wash and gas station along SR 97 across from Presque Isle Downs Racetrack/Casino south of I-90 in Summit Township, Erie County. Project includes creation of 2.69 acres of replacement wetland on property owned by the Lake Erie Regional Conservancy within the Elk Creek Watershed in Fairview and McKean Townships, Erie County and payment of \$25,500.00 to the Erie County Conservation District for acquisition of property within the Walnut Creek watershed for creation of future wetlands.

## ENVIRONMENTAL ASSESSMENTS

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745.*

**EA56-008. Somerset County Conservancy**, PO Box 241, Somerset, PA 15501. Applicant proposes to construct and maintain a passive mine drainage treatment system for the Heinemyer mine discharge in an effort to reduce iron loads into Lamberts Run (CWF). The installation of the treatment system will permanently impact approximately 260 feet of an UNT to Lamberts Run and 0.04 acres of PEM wetland. The project is located in the Flight 93 National Park in Stonycreek Township, **Somerset County** (Stoystown, PA Quadrangle N: 12.9 inches W: 2.3 inches; Latitude 40° 4' 16.6", and Longitude 78° 53' 26".)

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D62-027EA. Mr. Ray Heelan**, PO Box 708, Warren, PA 16365, Mead Township, **Warren County**, ACOE Pittsburgh District.

Project proposes to breach and remove War Dam across Morrison Run (EV) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 300 feet of stream channel. The dam is located approximately 1400 feet southwest of the intersection of SR 59 and Keenan Street (T413) (Clarendon, PA Quadrangle; Latitude: 41° 49' 07", Longitude: -79° 06' 38").

**D38-106EA. Ms. Joan Gible**, PO Box 114, Mount Gretna, PA 17064. West Cornwall Township, **Lebanon County**, ACOE Baltimore District.

Project proposes to breach and remove Laurel Park Dam across Conewago Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 900 feet of stream channel. The dam is located approximately 1500 feet northeast of the intersection of Butler Road (SR 3001) and SR 117 (Lebanon, PA Quadrangle; Latitude: 40° 15' 24", Longitude: -76° 27' 55").

## DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, PO Box 8554, Harrisburg, PA 17105-8554.*

**D52-185. Wild Acres Property Owners Association**, RR 1 Box 500, Dingmans Ferry, PA 18328. Description: To modify, operate and maintain Long Ridge Dam across Hornbecks Creek, (HQ-CWF Wild Trout) impacting 27 feet of stream for the purpose of recreation, (Lake Maskenzoha, PA Quadrangle N: 17.6 inches; W: 9.6 inches) in Delaware Township, **Pike County**.

**D30-076. Consol PA Coal Company, LLC**, P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323. Richhill Township, **Greene County**, ACOE Pittsburgh District. To construct, operate, and maintain Bailey No. 6 Sedimentation Pond across a tributary to Owens Run (WWF) for the purpose of providing sediment control for the Coal Refuse Disposal Area No 6 site. The Sedimentation Pond will impact 0.44 acres of wetlands (PEM) and 6,084 lineal feet of stream, providing a minimum of 0.44 acre of wetland mitigation. (Wind Ridge, PA Quadrangle N: 13.6 inches; W: 10.5 inches).

## EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA*

9/22/2011

ESCGP-1 No: ESX11-021-0009

Applicant Name: Carrizo Marcellus LLC

Contact Person Gary Byron

Address: 251 Drainlick Road P O Box 231

City: Drifting State: PA Zip Code: 16834

County: Cambria Township: Reade

Receiving Stream (s) And Classifications: Fallentimber Run, UNT to Powell Run, Other

09/27/11

ESCGP-1 No.: ESX11-125-0087

Applicant Name: MarkWest Liberty Midstream & Resources LLC

Contact Person: Robert McHale

Address: 601 Technology Drive Suite 130

City: Canonsburg State: PA Zip Code: 15137

County: Washington Township(s): Mount Pleasant

Receiving Stream(s) and Classifications: South Fork Cross Creek HQ-WWF

8/31/2011

ESCGP-1 No.: ESX10-125-0056 Major Revision

Applicant Name: Chevron Appalachia LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Washington Township(s): West Bethlehem

Receiving Stream(s) and Classifications: UNT 40764 to Little Daniles Run/Tenmile Creek Watershed

8/3/2011

ESCGP-1 No.: ESX11-125-0068

Applicant Name: Rice Drilling B LLC

Contact Person: Toby Rice

Address: 171 Hillpointe Dr Suite 301

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): North Bethlehem

Receiving Stream(s) and Classifications: UNT to South Branch Pigeon Cree/Pigeon Creek



9/19/2011

ESCGP-1 No.: ESX11-125-0081  
 Applicant Name: Range Resources—Appalachia LLC  
 Contact Person: Joseph Frantz  
 Address: 380 Southpointe Boulevard  
 City: Canonsburg State: PA Zip Code 15317  
 COUNTY Washington Township(s): Morris  
 Receiving Stream(s) and Classifications: UNTs to Tenmile  
 Creek/Tenmile Creek Watershed, Other

08/31/2011

ESCGP-1 No.: ESX11-059-0054  
 Applicant Name: Chevron Appalachia LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Greene Township(s): Center  
 Receiving Stream(s) and Classifications: Clear Run, UNT  
 to Clear Run and UNT to Rush Run/Tenmile Creek  
 Watershed

9/15/2011

ESCGP-1 No.: ESX11-125-0080  
 Applicant Name: Range Resources—Appalachia LLC  
 Contact Person: Joseph Frantz  
 Address: 380 Southpointe Boulevard  
 City: Canonsburg State: PA Zip Code 15317  
 County: Washington Township(s): Smith  
 Receiving Stream(s) and Classifications: Burgetts Fork  
 and UNT to Burgetts Fork/Raccoon Creek Watershed

9/6/2011

ESCGP-1 No.: ESX11-125-0076  
 Applicant Name: Range Resources—Appalachia LLC  
 Contact Person: Carla Suszkowski  
 Address: 380 Southpointe Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Morris  
 Receiving Stream(s) and Classifications: UNT to Tenmile  
 Creek/Tenmile Creek Watershed, Other

8/22/2011

ESCGP-1 No.: ESX11-129-0027  
 Applicant Name: Williams Marcellus Gathering LLC  
 Contact Person: David Freudenrich  
 Address: 1000 Town Center Suite 130  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Westmoreland Township(s): Cook  
 Receiving Stream(s) and Classifications: UNT to Fourmile  
 Run, Keffer Run/Fourmile Run Watrershed, Other TSF

9/21/2011

ESCGP-1 NO.: ESX11-125-0083  
 Applicant Name: Range Resources—Appalachia LLC  
 CONTACT PERSON: Glenn Truzzi  
 ADDRESS: 380 Southpointe Boulevard Suite 300  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Independence  
 Receiving Stream(s) and Classifications: UNTs to Narigan  
 Run/Wheeling-Buffalo Creeks Watershed, HQ

10/03/2011

ESCGP-1 NO.: ESX11-129-0033  
 Applicant Name: RW Gathering LLC  
 CONTACT: David Freudenrich  
 ADDRESS: 1000 Town Center Suite 130  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Westmoreland Township(s): Derry  
 Receiving Stream(s) and Classifications: UNT to Stony  
 Run/Ohio River Watershed Other, CWF

08/30/2011

ESCGP-1 NO.: ESX11-129-0029  
 Applicant Name: Laurel Mountain Midstream LLC

CONTACT: Frank Canneto  
 ADDRESS: 1605 Coraopolis Heights Road  
 City: Moon Township State: PA Zip Code: 15108  
 County: Westmoreland Township(s): Sewickley  
 Receiving Stream(s) and Classifications: UNTs to  
 Sewickley Creek WWF, UNT to Youghiogheny River  
 WWF, Other

08/31/2011

ESCGP-1 NO.: ESX11-059-0053  
 Applicant Name: Chevron Appalachia LLC  
 CONTACT: Jeremy Hirtz  
 ADDRESS: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Greene Township(s): Jefferson/Cumberland  
 Receiving Stream(s) and Classifications: UNTs to Muddy  
 Creek/Tenmile Creek Watershed, Other

8/12/2011

ESCGP-1 NO.: ESX09-125-0037 Major Revision  
 Applicant Name: Antero Resources Appalachian Corpora-  
 tion  
 CONTACT: Cole Kilstrom  
 ADDRESS: 1625 17th Street—Suite 300  
 City: Denver State: CO Zip Code: 80202  
 County: Westmoreland Township(s): West Pike Run  
 Receiving Stream(s) and Classifications: Little Pike Run,  
 Other

*Northwest Region: Oil and Gas Program Manager, 230  
 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX11-019-0096—Shilling South Well Pad  
 Applicant Rex Energy Operating Corporation  
 Contact Val Stetler  
 Address 310 Seven Fields Blvd, Suite 151  
 City Seven Fields State PA Zip Code 16046  
 County Butler Township(s) Forward(s)  
 Receiving Stream(s) and Classification(s) Glade Run—  
 WWF

ESCGP-1 #ESX11-019-0093—Graham Pipeline  
 Applicant Keystone Midstream Services, LLC  
 Contact Mike Brinkmeyer  
 Address 11400 Westmoor Circle, Suite 325  
 City Westminster State CO Zip Code 80021  
 County Butler Township(s) Lancaster(s)  
 Receiving Stream(s) and Classification(s) UNT to Crab  
 Run & Crab Run—CWF

ESCGP-1 #ESX11-083-0054—MROC HWI A/D  
 Applicant Triana Energy, LLC  
 Contact Rachelle King  
 Address 900 Virginia Street, East  
 City Charleston State WV Zip Code 25301  
 County Mckean Township(s) Lafayette(s)  
 Receiving Stream(s) and Classification(s) UNT to Rail-  
 road Run (HQ/EV); UNT to East Branch Tunugwant  
 Creek (HW/CWF)

ESCGP-1 #ESX11-019-0094—Kennedy #2072  
 Applicant SWEPI LP  
 Contact H. James Sewell  
 Address 190 Thorn Hill Road  
 City Warrendale State PA Zip Code 15086  
 County Butler Township(s) Venango(s)  
 Receiving Stream(s) and Classification(s) UNT of Seaton  
 Creek—CWF, Seaton Creek to Slippery Rock Creek to  
 Connoquenessing Creek—CWF

ESCGP-1 #ESX11-121-0006—Myer Unit #1H  
 Applicant Range Resources-Appalachia, LLC  
 Contact Ms. Mary Patton  
 Address 100 Throckmorton Street, Suite 1200  
 City Fort Worth State TX Zip Code 76102

County Venango Township(s) Rockland(s)  
 Receiving Stream(s) and Classification(s) Unnamed Tributary to the Allegheny River (WWF)

ESCGP-1 #ESX11-019-0095—Puryear 2069  
 Applicant SWEPI LP

Contact Mr. H. James Sewell  
 Address 190 Thorn Hill Road  
 City Warrendale State PA Zip Code 15086  
 County Butler Township(s) Cherry(s)

Receiving Stream(s) and Classification(s) UNT to S. Branch Slippery Rock Creek—CWF, S. Branch Slippery Rock Creek to Slippery Rock Creek to Connoquenessing Creek—CWF

ESCGP-1 #ESX11-083-0052—Brian Sees Stone Pit  
 Applicant Seneca Resources

Contact Mr. Mike Clinger  
 Address 51 Zents Boulevard  
 City Brookville State PA Zip Code 15825  
 County McKean Township(s) Mt Jewett Borough(s)  
 Receiving Stream(s) and Classification(s) UNT to Marvin Creek, UNT to Kane Creek

ESCGP-1 #ESX11-121-0005—Nickleville Monitoring Well 50876  
 Applicant Seneca Resources

Contact Mr. Mike Clinger  
 Address 51 Zents Boulevard  
 City Brookville State PA Zip Code 15825  
 County Venango Township(s) Richland/Rockland(s)  
 Receiving Stream(s) and Classification(s) Pine Run—CWF

ESCGP-1 #ESX11-031-0024—Gaggini 1H & 2H  
 Applicant Chevron Appalachia, LLC  
 Contact Jeremy Hirtz

Address 800 Mountain View Drive  
 City Smithfield State PA Zip Code 15748  
 County Clarion Township(s) Washington(s)  
 Receiving Stream(s) and Classification(s) Licking Creek—CWF, E Branch Hemlock Creek—EV, Deer Creek—CWF

ESCGP-1 #ESX11-019-0086—Cheeseman Pipeline & Compressor Station  
 Applicant Rex Energy Operating Corporation

Contact Russell D. Macaw  
 Address 476 Rolling Ridge Drive, Suite 300  
 City State College State PA Zip Code 16801  
 County Butler Township(s) Muddy Creek(s)  
 Receiving Stream(s) and Classification(s) Cheeseman Run—CWF, Slippery Rock Creek—CWF

ESCGP-1 #ESX11-047-0030—Owls Nest Pad F  
 Applicant Seneca Resources Corporation

Contact Michael C. Clinger  
 Address 51 Zents Boulevard  
 City Brookville State PA Zip Code 15825  
 County Elk Township(s) Highland(s)  
 Receiving Stream(s) and Classification(s) UNT Red Lick Run—HQ/CWF, UNT Big Run—HQ/CWF, Clarion River—CWF

ESCGP-1 #ESX11-083-0056—Mt Jewett Pad K  
 Applicant Seneca Resources Corporation

Contact Michael C. Clinger  
 Address 51 Zents Boulevard  
 City Brookville State PA Zip Code 15825  
 County Elk Township(s) Highland(s)  
 Receiving Stream(s) and Classification(s) UNT Wilson Run, Buck Run—CWF, W Branch Clarion River—CWF

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
11-09-010	Univar USA, Inc. 5 Steel Road East Morrisville, PA 19067 Attn: Gregory Matusewitch	Bucks	Falls Township	1 AST storing sulfuric acid	35,108 gallons

**SPECIAL NOTICES**

**CATEGORICAL EXCLUSION**

*Northcentral Regional Office, Drinking Water Program Manager, Suite 101, 208 West Third Street, Williamsport, PA 17701.*

*Millheim Borough, Location: 225 East Main Street, Millheim, PA 16854.*

*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 Borough proposes to replace approximately 8,500 linear feet of water main along Main Street and to replace approximately 600 linear feet of water main along Pine Street, all within the corporate boundaries of Millheim Borough. The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

[Pa.B. Doc. No. 11-1882. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Nutrient Credit Trading Program; Actions

The Department of Environmental Protection (Department) provides notice of the following actions under the Nutrient Credit Trading Program (Trading Program). These actions were taken under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about these actions or the Trading Program, contact Ann Roda, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4785, aroda@pa.gov or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

The following certification requests have been approved by the Department. The approval of these requests is considered a final action of the Department.

**Lycoming County Conservation District (542 County Farm Road, Suite 202, Montoursville PA 17754).** This approval is applicable to nutrient credits to be generated from the pollutant reduction activity of poultry manure export from the Chesapeake Bay Watershed. This approval includes a verification plan, and

authorizes the generation of 12,524 nitrogen reduction credits and 682 phosphorous reduction credits. This recertification is valid until September 30, 2015, as long as the pollution reduction activity is implemented, maintained and verified under the terms and conditions contained in the certification. After September 30, 2015, credits for the pollution reduction activity may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the recertification request was published for comment at 41 Pa.B. 3940 (July 16, 2011).

**University Area Joint Authority (1576 Spring Valley Road, State College PA 16801).** This approval is applicable to phosphorous credits to be generated from the pollutant reduction activity of the University Area Joint Authority's installed treatment process. This approval includes a verification plan, and authorizes the generation of 7,500 phosphorous reduction credits. This certification is valid until September 30, 2013, as long as the pollution reduction activity is implemented maintained and verified under the terms and conditions contained in the certification. After September 30, 2013, credits for the pollution reduction activity may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 4256 (August 6, 2011).

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 11-1883. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Nutrient Credit Trading Program; Notice of Registration

The Department of Environmental Protection (Department) provides notice of the following credit registration recorded under the Nutrient Credit Trading Program (Trading Program). The request for registration was submitted under The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed) (see 40 Pa.B. 5790 (October 9, 2010)).

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

This notice relates to the registration of credits through October 25, 2011. For background information related to these credits see the Department's certification published at 38 Pa.B. 1887 (April 19, 2008).

The Department has registered the following credits.

<i>Generator</i>	<i>Location of Use</i>	<i>Credits Registered</i>	<i>Credit Generating Activity / Generator</i>	<i>Compliance Year</i>
County of Lycoming	PENNVEST	12,875 Nitrogen	Installed best management practices by Client LyLLyT0001, LaCCoT0001, LaCCoT0002, MuCFrT0001, PiCJaT0001, MuCMoT0001, MuCJoT0001, AdCCIT0001 and the export of poultry manure out of Chesapeake Bay Watershed by Client WhCWaT0001.	October 2010— September 2011
The Borough of Elizabethtown	PENNVEST	7,369 Nitrogen	Elizabethtown Borough Wastewater Treatment Plant's installed treatment process.	October 2010— September 2011
ElectroCell Technologies, Inc.	PENNVEST	12 Nitrogen	The operation of the Patz® OZy™ unit on a farm located in Lancaster County and the land applied nutrients.	October 2010— September 2011
Red Barn Trading Company	PENNVEST	41,744 Nitrogen	Poultry manure export out of Chesapeake Bay Watershed.	October 2010— September 2011
PENNVEST	PPL—Brunner Island Power Plant York Haven, PA	59,800 Nitrogen	County of Lycoming, The Borough of Elizabethtown, ElectroCell Technologies, Inc. and Red Barn Trading Company	October 2010— September 2011
Red Barn Trading Company	Clearfield Municipal Authority Clearfield, PA	40,000 Nitrogen	Poultry manure export out of Chesapeake Bay Watershed	October 2010— September 2011
Chesapeake Nutrient Management, LLC	Milton Regional Sewer Authority Milton, PA	10,000 Nitrogen	Poultry manure export out of Chesapeake Bay Watershed	October 2010— September 2011

For further information about this registration or the Trading Program, contact Ann Roda, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, [aroda@pa.gov](mailto:aroda@pa.gov) or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1884. Filed for public inspection November 4, 2011, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Availability of Title V Funds through Child Injury Prevention and Intervention Small No-Bid Grant Program

The Department of Health (Department), Bureau of Family Health (Bureau) is accepting small no-bid grant

applications to support community based initiatives that directly address the promotion of community injury prevention and intervention practices targeted to children through 21 years of age.

Grantees awarded funds through the Child Injury Prevention and Intervention Program (Program) must use the funds for activities and materials to work to improve the health and safety of children through 21 years of age and reduce preventable child deaths and injury across the Commonwealth. Small no-bid grant awards shall not exceed \$5,000.

*Purpose:* The Program will provide financial support to successful applicants in an effort to decrease the incidence of preventable child deaths and injury due to factors such as unsafe behaviors and actions and accidental death and injury of children in unsafe environments.

From 2008 to 2010, Local Child Death Review (CDR) Teams reviewed 3,518 child deaths and determined that 1,016 (approximately 29%) of those deaths were likely



preventable. Accident was the manner of death for almost 47% (445) of the 1,016 deaths determined likely preventable by the Local CDR Teams. These statistics support the need for education to enhance knowledge of injury prevention in children as well as the need for implementation of evidence based interventions.

While efforts to reduce the overall child injury and death rate are a priority, research has demonstrated the need to focus on racial and ethnic disparities. Applicants are encouraged to focus efforts on high risk and minority populations and use funding to eliminate health disparities among these groups.

**Funds:** Funding for this project is contingent upon the availability of allocated Maternal and Child Health Services Block Grant (grant) funds and Bureau approval. Project funds must be used to reimburse approved purchases and activities occurring between February 1, 2012, and March 31, 2012, not to exceed \$5,000.

**Requirements:** Eligible applicants include public and private organizations, foundations or community-based agencies, physically located in this Commonwealth, as recognized by Federal Tax ID number. Individuals may not apply. Informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group. For-profit organizations may apply. However an applicant may not take a profit from these funds.

Applicants may include but are not limited to Local CDR Teams.

To conduct business with the Commonwealth, providers are required to be enrolled in the Systems, Applications and Products system. Applicants who are not enrolled may apply for a vendor identification number by contacting the Central Vendor Management Unit at (877) 435-7363 or (717) 346-2676, or <http://www.vendorregistration.state.pa.us> (click on Non-Procurement Registration Form).

**Application Deadlines:** It is anticipated that five awards of \$5,000 or less will be made under this grant opportunity. To apply for funding, a complete application must be received by the Department by January 13, 2012. Applications may be mailed or hand delivered. Applications may not be faxed or e-mailed. Late applications will not be accepted regardless of the reason.

**Application Process:** Complete the "PROPOSED BUDGET" and attach a clear and concise narrative of no more than three typewritten pages that includes the following information:

1. The organization's mission and primary activities.
2. A description of need for the proposed activities and target population (that is, geographic area, age, minority group, and the like).
3. A plan that describes how preventable child deaths will be addressed, how the efforts will be measured and evaluated and the degree to which efforts will be long-lasting and/or on-going.
4. A description of how funds will be expended.

An authorized official of the organization must sign and date the application. Submit an original and three complete copies of the application (including the narrative, budget, budget narrative and any supporting attachments). Applications must be page-numbered and unbound. Incomplete applications will not be reviewed.

**Award Determination:** All funding decisions are contingent upon the availability of allocated grant funds and

Bureau approval. Applications are scored by a three-member review panel using a rating scale with the following pre-established criteria:

1. The degree of need for the proposed activity, as justified by the applicant.
2. The extent to which the activity can demonstrate a change in awareness and actions.
3. The reasonableness of the proposed expenditures/purchases.
4. The likelihood that the proposed activity will be of on-going, systemic benefit to the target population.

**Notification of Award:** All applicants will be notified of their award status within 4 weeks of the submission due date. This program reimburses applicants for actual costs incurred by the successful applicant from February 1, 2012, through March 31, 2012, and shall not exceed the approved amount.

**Eligible Costs:** Applicants may apply for funding reimbursement of multiple purchases or activities. However, the maximum cumulative award to any one applicant (as identified by Federal ID number) is \$5,000. In all cases, Department funds must be used as payer of last resort. Small no-bid grant funds may not supplant existing funds. Funds may be used for reimbursement of one time purchases only. The grantee is the sole owner of the purchased property. The budget section of the application must include a budget narrative detailing by line item how project funds will be used and the degree to which competitive bids were secured for purchases. Price quotes, estimates, catalog samples or any other proof of cost must be submitted for every purchase proposed.

Expenses eligible for reimbursement under this project include but are not limited to:

1. Equipment: helmets, firearm safety locks, and the like.
2. Education: training materials, books, workbooks, brochures, posters; translation of educational materials into different languages and for different populations, and the like.
3. Technology: computer equipment/software, videos, CDs, DVDs, and the like.

**Ineligible Costs:** The following costs are not eligible for reimbursement under this Program:

1. Administrative/indirect costs (that is, costs not uniquely attributable in full to the programmatic activity).
2. New building construction or structural renovation of an existing space.
3. Capital expenses or equipment.
4. Staffing/personnel.
5. One-time consumables (that is, event tickets, food/refreshments, child care, and the like).

By applying for small no-bid funding, applicants acknowledge and affirm that they will abide by the previously listed spending limitations and the provisions of the grant provisions for all money awarded under that application.

**Summary Report and Invoice Procedures:** Approved applicants shall be reimbursed with one check for all approved expenses. To receive reimbursement of approved expenses, awardees must submit the following documen-

tation, found in Attachment A, to the Bureau within 30 days following completion of funded activity or no later than May 1, 2012:

- 1. Summary report of funded activities, including evaluation results.
- 2. Continuation plan for the program or activities.
- 3. Invoice with documentation to support each line item amount requesting reimbursement.
- 4. Invoices received after May 1, 2012, are not eligible for reimbursement.

Applications should be submitted to the Child Injury Prevention and Intervention Program Administrator, Department of Health, Bureau of Family Health, Division of

Child and Adult Health Services, Health and Welfare Building, 7th Floor East Wing, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762.

For more information, or for persons with a disability who require an alternative format of this information (for example, large print, audiotape, Braille) contact Marlana Sattazahn, Child Injury Prevention and Intervention Promotion Program Administrator at msattazahn@pa.gov or (717) 772-2762, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984. Additional information regarding this funding opportunity may also be found at [www.health.state.pa.us/pacdr](http://www.health.state.pa.us/pacdr).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

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**Pennsylvania Department of Health—Bureau of Family Health**  
**2011 - 2012 Work Statement APPLICATION**  
***Child Injury Prevention and Intervention Promotion Program***

**Applicant Information:**

- Name of Organization: \_\_\_\_\_
- FID Number: \_\_\_\_\_
- Organization name on file with the PA. Dept. of State for the FID number (if different from above): \_\_\_\_\_
- Complete Mailing Address: \_\_\_\_\_
- Contact Person: \_\_\_\_\_
- Telephone Number: (\_\_\_\_) \_\_\_\_\_ Fax Number: (\_\_\_\_) \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Pennsylvania Department of Health—Bureau of Family Health**  
**PROPOSED BUDGET**  
***Child Injury Prevention and Intervention Promotion Program***

**Applicant Information:**

- Name of Organization: \_\_\_\_\_
- Federal Identification Number (FID #): \_\_\_\_\_
- Organization name on file with the PA. Dept. of State for the FID # (if different from above): \_\_\_\_\_  
\_\_\_\_\_
- Complete Mailing Address: \_\_\_\_\_  
\_\_\_\_\_
- Contact Person: \_\_\_\_\_
- Telephone Number: (\_\_\_\_) \_\_\_\_\_ Fax Number: (\_\_\_\_) \_\_\_\_\_
- E-mail Address: \_\_\_\_\_

Reimbursement shall be for actual costs incurred by the vender from February 1, 2012, through March 31, 2012, and shall not exceed the amount noted below. Attach copies of any price quotes, estimates, catalog samples, or other proof of cost for every purchase proposed within your itemized budget. By applying for small-no bid grant funding, applicants acknowledge and affirm that they will abide by the spending limitations below and the provisions of the Maternal and Child Health Services Block Grant, for all money awarded under that application.

**Itemized Budget**

<b>Itemized Activity Expenses/Purchases</b>			
<b>Item</b>	<b>Cost Per Unit</b>	<b>Number</b>	<b>Total Cost</b>
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
<b>Other Expenses (Itemize)</b>			
			\$
			\$
			\$
<b>Total Amount Requested</b> <b>*May Not Exceed \$5,000</b>			\$

**Provide budget narrative and justification details here:**

Attach additional sheets as necessary

**Authorized Applicant Signature/Title:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Attachment A**  
**Pennsylvania Department of Health—Bureau of Family Health**  
**February 1, 2012 to March 31, 2012**  
**FINAL INVOICE**  
**Child Injury Prevention and Intervention Promotion Program**

<b>Awardee Information</b>
Name of Organization: _____
Federal Identification Number (FID #): _____
Organization name on file with PA Dept. of State for the FID # (if different from above): _____
Complete Mailing Address: _____
Contact Person: _____
Telephone Number: (____) _____ Fax Number: (____) _____
E-mail Address: _____
Please attach the following: <ul style="list-style-type: none"> <li>• Summary report of funded activities, including evaluation results</li> <li>• Continuation plan for the program or activity</li> <li>• Expense documentation (receipt, invoice, etc.) supporting <b>each</b> line item</li> </ul>





The time and date of the meeting remain unchanged.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Violet Witmer at (717) 783-2548, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1887. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Passavant Retirement and Health Center  
401 South Main Street  
Zelienople, PA 16063

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@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 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1888. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Pennsylvania Diabetes Action Partnership Meeting

The Pennsylvania Diabetes Action Partnership will hold a public meeting on November 17, 2011, from 10 a.m. to 3 p.m. at the Pennsylvania Medical Society, 777 East Park Drive, Harrisburg, PA 17105-8820.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Rebecca D. Lorah, Public Health Program Administrator, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717)

787-5876, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1889. Filed for public inspection November 4, 2011, 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>
CRI Services, Inc. and James Ives, individually EIN (26-0314591)	4124 Blanchey Road Bensalem, PA 19020	10/21/2011

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 11-1890. Filed for public inspection November 4, 2011, 9:00 a.m.]

### PennSERVE: The Governor's Office of Citizen Service Funding Opportunity; 2012-2013 AmeriCorps State Grant Competition

PennSERVE: The Governor's Office of Citizen Service announces the availability of AmeriCorps State funding for Fiscal Year (FY) 2012-2013 for the operation of AmeriCorps National service programs. AmeriCorps grants support the efforts of organizations to recruit and deploy AmeriCorps members and the volunteers with whom they work to address unmet community needs. AmeriCorps State grants will be awarded on a competitive basis to eligible organizations that identify problems and persuasively demonstrate how deploying AmeriCorps members and community volunteers will produce significant positive impacts.

Eligible applicants include public or private nonprofit organizations, including labor organizations, community and faith-based organizations, institutions of higher education, government agencies and partnerships or consortia. Subject to the availability of Federal appropriations for FY 2012, applicants with high quality proposals may compete with other State and National programs for AmeriCorps State funds made available through PennSERVE and the Corporation for National and Community Service (CNCS). To be considered, an application must request not less than 10 Member Service Years, and

the total grant amount request must not exceed \$13,300 per Member Service Year. For Professional Corps, an application must request not less than 10 Member Service Years, and the total grant amount request must not exceed \$2,500 per Member Service Year.

Following the initial review of all applications, a decision will be made as to which programs will be recommended by PennSERVE to CNCS for Competitive funding consideration. The remaining applications, and those not selected by CNCS for Competitive funding, will be considered for Formula funding. Notification of grant awards should occur in the spring of 2012, with program start dates of August 19, 2012.

AmeriCorps is a National service network that provides full- and less-than-full-time opportunities for participants, called members, to serve their communities and build the capacity of nonprofit organizations to meet local human needs. Programs may submit proposals that address specific problems of local communities within or among identified issue areas.

On April 21, 2009, President Obama signed the Edward M. Kennedy Serve America Act (act) (Pub.L. No. 111-13), the most sweeping expansion of National service in a generation. This landmark law not only expands service opportunities, but also focuses National service on key outcomes; builds the capacity of individuals, nonprofits and communities to succeed; and encourages innovative approaches to solving problems.

In alignment with the act, this AmeriCorps State Notice of Funding Opportunity will focus AmeriCorps grantmaking in seven Focus Areas identified by the act:

- Education
- Disaster services
- Economic opportunity
- Environmental stewardship
- Healthy futures
- Veterans and military families
- Capacity building

To carry out Congressional intent and to maximize the impact of the investment in national service, CNCS and PennSERVE are seeking to fund programs that can demonstrate community impact and solve community problems through an evidence-based approach (for example, performance data, research, theory of change).

In the 2012-2013 AmeriCorps competition, CNCS and PennSERVE especially seek to prioritize investment in five areas, namely education, environmental stewardship, disaster services, veterans and military families and healthy futures. Consistent with Governor Corbett's education agenda, a focus will be placed on National service programs that improve academic and career outcomes for children, youth and young adults.

#### *Types of AmeriCorps Grants Available in this Competition*

The types of AmeriCorps grants for which applicants in this competition may apply are described as follows. CNCS and PennSERVE will not provide more than one

grant for the same project in one Fiscal Year. Also see the AmeriCorps State and National Fit Finder at <http://www.americorps.gov/fitfinder/> to decide which type of grant aligns with the proposed project.

#### *1. AmeriCorps State Formula/Competitive*

These grants are awarded to fund a portion of AmeriCorps program operational expenses and living allowance and support services for enrolled AmeriCorps members. They are not intended to cover general organizational expenses. Matching funds are required.

Prior approval from PennSERVE is required to submit an application for an AmeriCorps State Competitive grant.

#### *2. Professional Corps*

These grants are awarded to organizations that propose to operate a Professional Corps program. Professional Corps programs place AmeriCorps members as teachers, health care providers, police officers, engineers or other professionals in communities where there is a documented shortage of these professionals. Applicants are eligible to apply for funding for a portion of program costs. Professional Corps member salaries are paid entirely by the organizations with which the members serve, and are not included in the budget.

#### *3. Full-time Fixed-amount Grants (Non-EAP)*

These grants are awarded to organizations operating in a single state (Pennsylvania), including single-state Professional Corps programs. Full-time fixed-amount grants are available for programs that enroll full-time members only. Applicants apply for a fixed amount per Member Service Year, and use their own or other resources for the remaining cost of the program. There is no match requirement for fixed-amount grants, but organizations must raise the additional funds needed to run the program.

Prior approval from PennSERVE is required to submit an application for a non-EAP fixed-amount grant.

#### *4. Education Award Program (EAP) Fixed-amount Grants*

These grants are awarded to applicants that apply for a small fixed-amount grant for program operations, and use other resources for members' living allowance (if applicable) and additional program costs. There is no match requirement for EAP grants. Unlike full-time fixed-amount grants, EAPs may enroll less-than-full-time members in addition to full-time members.

#### *Match Requirements*

##### *1. Cost Reimbursement Grants (non-fixed-amount)*

A first time successful applicant is required to match at 24% for the first 3-year funding period. Starting with year 4, the match requirement gradually increases every year to 50% by year 10, according to the minimum overall share chart in 45 CFR 2521.60 (relating to to what extent must my share of program costs increase over time).

Section 121(e)(5) of the act requires that programs that use other Federal funds as match for an AmeriCorps grant report the amount and source of these funds to CNCS on the Federal Financial Report.

**Table: 2012-2013 Grantee Match Requirements based on year of funding**

<i>AmeriCorps Funding Year</i>	<i>1, 2, 3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10+</i>
Grantee Share Requirements	24%	26%	30%	34%	38%	42%	46%	50%

## 2. Fixed-Amount Grants

There is no match requirement for fixed-amount grants. However, the fixed-amount grant does not cover all costs. Fixed-amount grantees provide the additional resources needed to operate the program.

### *Requirements Regarding Member Living Allowance:*

The proposed budget must include a living allowance for full-time members that is between \$12,100 (minimum) and \$24,200 (maximum) per member, except as noted as follows.

For cost reimbursement grants, this amount must be included in the proposed budget. The living allowance is not required for members serving in less than full-time terms of service. If a program chooses to provide a living allowance to a less than full-time member, it must comply with the maximum limits in the following chart.

**Table: 2012-2013 Minimum and Maximum Living Allowance**

<i>Service Term</i>	<i>Minimum # of Hours</i>	<i>Minimum Living Allowance</i>	<i>Maximum Total Living Allowance</i>
Full-time	1,700	\$12,100	\$24,200
One-year Half-time	900	n/a	\$12,800
Two-year Half-time	900	n/a	\$12,800
Reduced Half-time	675	n/a	\$9,600
Quarter-time	450	n/a	\$6,400
Minimum-time	300	n/a	\$4,300

All eligible applicants must meet all of the applicable requirements contained in the Request for Applications (RFA). The RFA will be available on the PennSERVE web site at [www.dli.state.pa.us/pennserve](http://www.dli.state.pa.us/pennserve) or at the PennSERVE office.

The CNCS is providing a series of conference calls for organizations which are considering applications for AmeriCorps funding. The following topics will be covered:

- Key terminology and resources for AmeriCorps
- AmeriCorps planning grants
- AmeriCorps Grants 101
- Next steps to applying for an AmeriCorps grant
- AmeriCorps program budgets

For a detailed description of the contents, dates and times of each call, including registration information, go to [http://www.americorps.gov/pdf/12\\_1003\\_applicant\\_call\\_schedule\\_fy\\_2012.pdf](http://www.americorps.gov/pdf/12_1003_applicant_call_schedule_fy_2012.pdf).

The deadline for submission is December 5, 2011, by 5 p.m. Applications must be entered in to the CNCS eGrants online system and all required hard copy documents must be submitted to PennSERVE. Late applications will not be accepted.

For additional information contact PennSERVE: The Governor's Office of Citizen Service by e-mail at [pennserve@pa.gov](mailto:pennserve@pa.gov) or (866) 6-SERV-U.

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 11-1891. Filed for public inspection November 4, 2011, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Disproportionate Share Payments

The Department of Public Welfare (Department) is providing final notice of an increase to the funding allocation for Fiscal Year (FY) 2011-2012 for an additional class of disproportionate share hospital (DSH) payments to certain qualifying hospitals that the Department determines provide a high volume of services to Medical Assistance (MA) eligible and low income populations. The Department intends for these payments to promote the hospitals' continued participation in the MA Program. There is no change in the qualifying criteria or payment methodology for this additional class of DSH payments.

In making these payments, the Department ensures that no acute care hospital receives any DSH payment that is in excess of its hospital specific limit and the Commonwealth does not exceed its aggregate annual DSH allotment. Any funds available due to the application of the hospital specific DSH upper payment limit are redistributed to other hospitals qualifying under this class of disproportionate share payments on a proportionate basis.

The Department published notice of its intent to increase the funding allocation for these DSH payments at 41 Pa.B. 564 (January 22, 2011). The Department received no public comments during the 30-day comment period, and will implement the changes described in its notice of intent.

*Fiscal Impact*

The FY 2011-2012 fiscal impact as a result of this additional class of DSH payments is \$5.168 million (\$2.292 million in State Funds).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-725. (1) General Fund; (2) Implementing Year 2011-12 is \$2,292,000; (3) 1st Succeeding Year 2012-13 is \$0; 2nd Succeeding Year 2013-14 is \$0; 3rd Succeeding Year 2014-15 is \$0; 4th Succeeding Year 2015-16 is \$0; 5th Succeeding Year 2016-17 is \$0; (4) 2010-11 Program—\$243,809,000; 2009-10 Program—\$371,515,000; 2008-09 Program—\$426,822,000; (7) MA—Inpatient; (8) recommends adoption. The MA—Inpatient appropriation is able to absorb the increased cost.

[Pa.B. Doc. No. 11-1892. Filed for public inspection November 4, 2011, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Availability of Local Real Estate Tax Reimbursement Grants for Taxes Paid in 2011

The Department of Transportation (Department), Bureau of Aviation (Bureau), is accepting applications for Tax Reimbursement Grants (grant) from qualifying owners of public airports who have paid local real estate taxes for the calendar year ending December 31, 2011.

Each year, under 74 Pa.C.S. Chapter 61, Subchapter B (relating to reimbursement of local real estate taxes for public airports) and 67 Pa. Code Chapter 477 (relating to local real estate tax reimbursement grants), the owner of a public airport shall be eligible for a grant from the local real estate tax reimbursement portion of the Aviation Restricted Account. These grants are available to reimburse airport owners for local real estate taxes paid on those portions of an airport which are aviation related areas, as defined in 74 Pa.C.S. § 5102 (relating to definitions). Prior to applying for a grant, each public airport owner shall enter into an agreement with the Department. This agreement shall specify that the owner shall continue, for a period of not less than 10 years, to maintain the property, for which the grant will be sought, as an airport at least equal in size and capacity as indicated in the owner's initial grant application. This agreement shall be a covenant, which runs with the land and shall apply to any subsequent purchases of land. Upon acceptance of any grant, the covenant shall be deemed extended for 1 additional year. Any violation of the agreement shall make the owner liable for the repayment of the total appropriation for the year plus a penalty of two times the grant. In any action wherein the owner is found to have violated the agreement, the Department shall receive all costs of prosecution.

The final date for submission of applications for reimbursement of local real estate taxes paid in the calendar year ending December 31, 2011, is the close of business on February 1, 2012. Applications shall be filed with the Bureau using dotGrants, the Department's web based grants administration program. For more detailed information, review the information on the Department's web site at [www.dot.state.pa.us](http://www.dot.state.pa.us).

Interested persons may direct their request for online participation, inquiries or comments regarding the local real estate tax reimbursement program to Karen Heath, Western Region at (717) 705-1205 or Catherine Green, Eastern Region at (717) 705-1222.

BARRY J. SCHOCH, P.E.,  
*Secretary*

[Pa.B. Doc. No. 11-1893. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Bureau of Maintenance and Operations; Access Route Approval

Under 75 Pa.C.S. § 4908 (relating to operation of certain combinations on interstate and certain other highways), the Department of Transportation approved on June 1, 2011, the following access route for use by the types of truck combinations as indicated:

1. (x) 102" wide up to 53' long trailer.
2. ( ) 102" wide twin trailers (28-1/2 feet maximum length each)
3. ( ) 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length Miles</i>
SR 741	From SR 283 to SR 462	2.9

Questions should be directed to Matt Hedge, (717) 772-5462.

BARRY J. SCHOCH, P.E.,  
*Secretary*

[Pa.B. Doc. No. 11-1894. Filed for public inspection November 4, 2011, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Lower Salford Township and Franconia Township v. DEP; EHB Doc. No. 2011-151-L

Lower Salford Township and Franconia Township have appealed by the Department of Environmental Protection renewal of an NPDES General Permit No. PAG-13 for facilities throughout this Commonwealth.

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. 11-1895. Filed for public inspection November 4, 2011, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The November 15, 2011, meeting of the Environmental Quality Board (Board) is cancelled. The next regularly scheduled meeting of the Board will occur on Tuesday, December 20, 2011, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the December 20, 2011, meeting will be available on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (Select "Public Participation"; "Public Participation Center").

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or [mtate@pa.gov](mailto:mtate@pa.gov).

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 11-1896. Filed for public inspection November 4, 2011, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Temporary Changes to Fishing Regulations; Speedwell Forge Lake, Lancaster County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporarily fishing regulations at Speedwell Forge Lake, Lancaster County, in anticipation of a complete drawdown of the lake. The Executive Director is lifting all seasons, sizes and creel limits for all species, effective October 21, 2011. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities.

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations will be fully effective and enforceable when so posted. These temporary modifications will remain in effect until the Commission closes the lake to public use.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 11-1897. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following applications to stock triploid grass carp in waters having a surface area of greater than 5 acres are currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Crescent Lake Property Owner's Association	Crescent Lake	Auburn Township Susquehanna County	35-acre lake which discharges into Little Meshoppen Creek and eventually the Susquehanna River	Utricularia spp.
Concordia Lutheran Ministries	Lake Saxony	Jefferson Township Butler County	45-acre lake which discharges into Sarver Run Creek and eventually the Ohio River	Najas spp. Lemna spp. Ceratophyllum demersum.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 11-1898. Filed for public inspection November 4, 2011, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, October 20, 2011, and announced the following:

### Action Taken—Regulations Approved:

Pennsylvania Liquor Control Board #54-66: Brewery Pubs (amends 40 Pa. Code § 3.92)

Pennsylvania Liquor Control Board #54-68: Limited Wineries (amends 40 Pa. Code § 5.103)

State Board of Veterinary Medicine #16A-5724: License Renewal; Continuing Education (amends 49 Pa. Code Chapter 31)

### Action Taken—Regulation Disapproved: Order Not Yet Issued

\* Pennsylvania Liquor Control Board #54-67: Connection With Other Business

\* State Board of Medicine #16A-4931: Perfusionist

\* Will advise when order is issued.

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## Approval Order

Public Meeting Held  
October 20, 2011

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Pennsylvania Liquor Control Board—  
Brewery Pubs;  
Regulation No. 54-66 (#2911)*

On September 7, 2011, the Independent Regulatory Review Commission (Commission) received this regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking amends 40 Pa. Code § 3.92. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking amends the Board's existing regulations to allow beer produced at one brewery to be sold at a brewery pub that is not physically adjacent to it as long as the brewery and brewery pub are under common control.

We have determined this regulation is consistent with the statutory authority of the Board (47 P. S. § 2-207(i)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

## Approval Order

Public Meeting Held  
October 20, 2011

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Pennsylvania Liquor Control Board—  
Limited Wineries;  
Regulation No. 54-68 (#2913)*

On September 7, 2011, the Independent Regulatory Review Commission (Commission) received this regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking amends 40 Pa. Code § 5.103. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking amends the Board's existing regulations pertaining to reporting requirements for licensed limited wineries.

We have determined this regulation is consistent with the statutory authority of the Board (47 P. S. § 2-207(i)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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## Approval Order

Public Meeting Held  
October 20, 2011

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*State Board of Veterinary Medicine—  
License Renewal; Continuing Education;  
Regulation No. 16A-5724 (#2858)*

On July 14, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Veterinary Medicine (Board). This rulemaking amends 49 Pa. Code Chapter 31. The proposed regulation was published in the July 24, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 12, 2011.

This regulation is an update of provisions relating to application for licensure, temporary permits, licensure renewal, continuing education, continuing education provider approval and fees.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 485.5(2)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

SILVAN B. LUTKEWITTE, III,  
Chairperson

[Pa.B. Doc. No. 11-1899. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
15-451	Department of Revenue Local Option Small Games of Chance 41 Pa.B. 4638 (August 27, 2011)	9/26/11	10/26/11

#### Department of Revenue Regulation #15-451 (IRRC #2905)

##### Local Option Small Games of Chance October 26, 2011

We submit for your consideration the following comments on the proposed rulemaking published in the August 27, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Revenue (Department) to respond to all comments received from us or any other source.

#### 1. Determining whether the regulation is in the public interest.

Section 5.2 of the RRA (71 P. S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under § 745.5(a) in the regulatory analysis form (RAF).

The information contained in the RAF submitted with this rulemaking is not sufficient to allow this Commission to determine if the regulation is in the public interest. As an example, there is no detailed fiscal impact and cost benefit analysis in the RAF. The Department has also failed to describe how the regulation compares to those of other states. Without this information, we cannot determine if this proposed regulation is in the public interest. In the Preamble and RAF submitted with the final-form rulemaking, the Board should provide more detailed information required under § 745.5(a) of the RRA.

#### 2. Section 901.117. Denial, notice of violation and revocation.—Need; Reasonableness.

This section states that the Department will deny a manufacturer's application for registration and certificate and revoke a registration and certificate if the application is not complete. Instead of denying or revoking an applicant based on an incomplete application, has the Department considered allowing the applicant an opportunity to provide the missing information? What is the reason for the approach proposed in this rulemaking?

We have similar concerns with Section 901.151, pertaining to the denial, notice of violation and revocation of distributor licenses.

#### 3. Section 901.117a. Registration following denial or revocation.—Clarity.

This section pertains to the review of a manufacturer's application. Subsection (a) uses the phrase "registration certificate." Other sections of the rulemaking use the term "registration and certificate." (Emphasis added). As noted by Representative Phyllis Mundy, Democratic Chairperson of the House Finance Committee, and Representative Rosita Youngblood, Democratic Chairperson of the House Gaming Oversight Committee (Co-Chairs), the inconsistent use of these phrases is confusing. In the Preamble to the final-form regulation, we ask the Department to explain now it processes applications from manufacturers and what type of documentation is sent to applicants if their applications are approved. We suggest that one phrase be used consistently in the regulation.

#### 4. Section 901.143. Restrictions on distributorship interest.—Clarity.

New language is being added to this section that defines the term "pecuniary interest." The new language includes the phrase, "...the actual or potential for an accession to wealth..." It is unclear what this phrase means. We ask the Department to provide clarification in the final regulatory package.

#### 5. Section 901.425. Records.—Need; Reasonableness; Fiscal impact.

Subsection (1) pertains to sales invoices and records that must be kept by manufacturers of small games of chance tickets. The Department is proposing to delete the following sentence from Subsection (1)(iv): "Each game listed on the invoice that the Department has approved for sale in this Commonwealth must be clearly noted." The Department is proposing to add the following sentence as new Subsection (1)(v): "For sales to a Pennsylvania registered manufacturer or Pennsylvania licensed distributor, the manufacturer shall indicate on the invoice each game that the Department has approved and not approved for sale in this Commonwealth."

Commentators have noted that this change will require changes to their invoice software, but will not help with any enforcement actions. What is the need for this change? What additional costs would be associated with making the necessary changes to comply with this provision?

We have similar concerns with Section 901.445, pertaining to records of distributors.



**6. Section 901.445. Records.—Need; Implementation procedures; Fiscal impact.**

Subsection (1)(vi) will require licensed distributors selling small games of chance tickets to eligible organizations to confirm that the Department has approved the game and to include a written statement on the invoice affirming that each game has been approved. We have two questions. First, what is the need for including a written statement on the invoice? Second, how would a licensed distributor know if a particular game has been approved by the Department?

**7. Section 901.601. Uniform minimum quality standards.—Reasonableness.**

This section sets forth pull-tab manufacturing standards. Subsection (d) prohibits a deal in a pull-tab game from being segregated into sub-deals or portions and played separately from the rest of the deal in the pull-tab game. Manufacturers of pull-tab games have commented that games with sub-deals are designed to be played separately. What is the reason for this provision? Has the Department approved pull-tab games that can be segregated into sub-deals in the past?

**8. Section 901.632. Predetermination of rules, winning chances and prizes.—Reasonableness; Need; Fiscal impact; Implementation procedures.**

This section of the regulation falls under the topic of general manufacturing standards. New language being added as Subsection (b) has generated considerable concern from manufacturers, distributors and eligible organizations. Representative Curt Schroder, Chairman of the House Gaming Oversight Committee and the Co-Chairs also expressed concerns with the provision. The new language states the following:

A registered manufacturer may not produce a pull-tab game or punchboard for sale or use in this Commonwealth that permits the operator of or a participant in the game to choose between optional game rules, payout structures or methods of operating the game.

Commentators have noted that these games are some of the most popular games offered. These “option” games allow eligible organizations to keep their small games of chance inventory low while meeting the demands of the players. The commentators believe this new provision will increase their costs associated with purchasing small games of chance tickets, decrease the amount of revenue eligible organizations are able to generate and increase the number of games the Department will have to approve, thus increasing costs to state government. Some commentators are also concerned with how this provision will be implemented as it pertains to their existing inventory of “option” games.

We agree with the concerns raised by commentators and ask the Department to explain the need for this provision and how it will be implemented. If the provision is retained, we ask the Department to quantify all costs associated with it, including the following: costs to eligible organizations for additional small games of chance ticket purchases needed to meet the demands of players; loss of revenue to eligible organizations resulting from less pur-

chases by players; and costs to the Department in reviewing and approving additional small games of chance. We also ask the Department to consider phasing in this new provision to allow the regulated community to use its existing inventory of these “option” games.

**9. Section 901.634. Game of chance form numbers.—Reasonableness; Need; Fiscal impact; Implementation procedures.**

This new section of Chapter 901 will require registered manufacturers to assign separate and distinct form numbers to each game of chance produced for sale or use in this Commonwealth. Several manufacturers, Representative Schroder and the Co-Chairs have expressed concerns with this section. First, they note that manufacturers produce games for several states and it will not be cost effective to assign unique form numbers to each game. Concern was also expressed about Subsection (b)(1) and the requirement that games with assigned form numbers must be exact in regard to spelling, graphics, winning and losing numbers and symbols. Some believe that this provision does not reflect the way games are currently manufactured. For example, rules for a particular game could be the same, but the graphics printed on the game ticket could be different.

Our concerns on this section are similar to our concerns on Section 901.634. We ask the Department to explain the need for this new language, to quantify the potential costs to the regulated community and state government and to explain how the provision will be implemented as it pertains to the existing inventory of eligible organizations, manufacturers and distributors.

**10. Section 901.709. One eligible organization and license per premises.—Clarity.**

New language is being added to this section that states, “Only one license may be issued for each licensed premises.” Representative Schroder and the Co-Chairs have commented that the Department does not have the authority under the Local Option Small Games of Chance Act (Act) (10 P. S. §§ 311—327) to impose this restriction. We note that the Act does allow an eligible organization to use another eligible organization’s premises (10 P. S. § 320(b.1)). Would the new language being added to this section prohibit an eligible organization from using the premises of another eligible organization? This should be clarified in the final-form rulemaking.

**11. Miscellaneous clarity.**

- § 901.151a pertains to the licensing of distributors. As noted by the Co-Chairs, this section includes incorrect references to manufacturers. This should be corrected in the final-form regulation.

- The Co-Chairs have noted that the rulemaking includes the phrase “for use in this Commonwealth” and also “for sale and use in this Commonwealth.” Is there a reason for the use of both phrases? If not, we recommend that one phrase be used consistently throughout the regulation.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-1900. Filed for public inspection November 4, 2011, 9:00 a.m.]



### 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 Commission's web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

#### Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
18-426	Department of Transportation Interstate Motor Carrier Safety Requirements	10/21/11	12/15/11

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-1901. Filed for public inspection November 4, 2011, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Domestic Certificate of Authority by UPMC Work Alliance, Inc.

UPMC Work Alliance, Inc. has applied for a Certificate of Authority to operate as a domestic stock casualty insurance company in this Commonwealth. The filing was made under The Insurance Company Law of 1921 (40 P. S. §§ 341—1007.15).

Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [rbrackbill@pa.gov](mailto:rbrackbill@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1902. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Application for Voluntary Surrender of Pennsylvania Certificate of Authority Filed by Canonsburg Mutual Fire Insurance Company

Canonsburg Mutual Fire Insurance Company, a domestic mutual fire insurance company, has submitted an application for approval to surrender its Insurance Department Certificate of Authority.

Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer; identification of the application to which the comment is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert

Brackbill, Company Licensing Division, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [rbrackbill@pa.gov](mailto:rbrackbill@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1903. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Capital BlueCross and Capital Advantage Insurance Company; Individual Medically Underwritten High Deductible Health Plan; Comprehensive Major Medical PPO (PersonalBlue PPO); Rate Filing

On October 14, 2011, Capital BlueCross and Capital Advantage Insurance Company submitted a rate filing (No. 11-98) to increase the premium rates for the Comprehensive Major Medical PPO Program. The rate adjustment range is -4.3% to 5.1%. This will affect approximately 198 contracts and produce additional premium income of \$21,864 annually. The requested effective date of the change is February 1, 2012.

In addition to the rate increase the filing proposes several benefit changes.

Unless formal administrative action is taken prior to January 11, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1904. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Independence Blue Cross; 8-P-11 Blue Cross Community Rated Group Filing; Rate Filing

On August 26, 2011, Independence Blue Cross submitted a rate filing (8-P-11) to increase the premium rates for the Community Rated Group Product. The filing proposes a rate increase of 7.6% and will generate approximately \$216,000 of additional annual revenue. This filing will affect approximately 185 contract holders. The requested effective date of the change is January 1, 2012.

Unless formal administrative action is taken prior to November 23, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1905. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' 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 Department'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 and Gail Garrett; file no. 11-188-108247; Pennsylvania National Mutual Casualty Insurance Company; Doc. No. P11-10-007; December 8, 2011, 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. 11-1906. Filed for public inspection November 4, 2011, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Petition Filed by Tristate Household Goods Tariff Conference, Inc.

Public Meeting held  
October 14, 2011

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley—Absent; Pamela A. Witmer

*Petition filed by Tristate Household Goods Tariff Conference, Inc.; P-2011-2257808*

### Order

*By the Commission*

This matter comes from the Commission on a Petition filed by Tristate Household Goods Tariff Conference, Inc. ("Tristate"). Tristate is a tariff publishing agent for various household goods carriers operating in Pennsylvania. See 52 Pa. Code §§ 23.121—125. In its Petition, Tristate requests that the simplified tariff procedures prescribed by 52 Pa. Code § 23.67, be modified.

Pursuant to our regulations governing tariffs for common carriers, household goods carriers with gross annual intrastate revenues of \$200,000 or more must file financial data with the Commission to support any requested rate increases. 52 Pa. Code § 23.67. Household goods carriers with gross annual intrastate revenues of less than \$200,000 are exempt from this requirement. 52 Pa. Code § 23.67(c). The Commission may, however, require such a carrier to file supporting financial data where the requested rate increase appears to be excessive. 52 Pa. Code § 23.67(c).

In its Petition, Tristate requests that the Commission increase the threshold amount established by 52 Pa. Code § 23.67(c), from \$200,000 to \$500,000. In support of its request, Tristate alleges that the financial data required to support a rate increase is overly burdensome and has a chilling effect on carriers contemplating rate increases.

In reviewing Tristate's Petition, we note that the \$200,000 threshold amount was established in 1976 upon promulgation of the regulation. The threshold amount has not been increased since 1976. Additionally, we note that

we recently approved a streamlined rate procedure for small motor passenger carriers with gross operating revenues less than \$500,000. *Final Rulemaking For Streamlining the Rate Increase Procedures for Small Motor Passenger Carriers*, Docket No. L-2008-2057661 (Order entered April 20, 2011). In that proceeding, we noted that small passenger carriers (less than \$500,000 annual gross operating revenue) experience difficulty keeping detailed records needed to support amendments to their tariffs. Further, these carriers also lack expertise with the ratemaking process, which generally resulted in lengthy delays in disposing of a carrier's proposed increase in rates. Therefore, we provided small passenger carriers with a streamlined, simplified rate procedure.

Based on the foregoing, we believe that it is appropriate to increase the threshold established in 1976 from \$200,000 to \$500,000. The proper vehicle for achieving this change is a rulemaking to amend 52 Pa. Code § 23.67. However, we are mindful that there is a legitimate need for immediate interim relief during the pendency of the rulemaking. Consistent with past Commission practice, we will grant interim relief, increasing the threshold at 52 Pa. Code § 23.67(c) from \$200,000 to \$500,000, on a case by case basis, as appropriate, during the pendency of the rulemaking. See: *Investigation of Flexible Ratemaking for the Bus and Limousine Industries*, Docket No. I-00960063 (Order entered October 16, 1997) (Eliminated necessity of filing supporting financial data for Group and party and Limousine carriers.)

We emphasize that our action today is not mandatory but voluntary. A household goods carrier with less than \$500,000 gross annual intrastate revenues may, if it so chooses, continue to provide supporting financial justification for proposed tariff changes; *Therefore*,

*It Is Ordered That:*

1. The Petition filed by Tristate Household Goods Tariff Conference, Inc. is granted.
2. The threshold amount provided at 52 Pa. Code § 23.67(c) shall be waived on a case by case basis as appropriate, and increased to \$500,000.
3. This Order shall be published in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 11-1907. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Pro Forma Intra-Corporate Transactions

**A-2011-2269102. IntelPeer, Inc.** Joint application of IntelPeer, Inc. for authority to complete certain Pro Forma Intra-Corporate 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 the applicant, on or before November 21, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* IntelPeer, Inc.

*Through and by Counsel:* John F. Povilaitis, Esquire, Buchanan Ingersoll Rooney, PC, 17 North Second Street, 15th Floor, Harrisburg, PA 17101-1503

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 11-1908. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Right-of-Way and Easement

**A-2011-2267352. PPL Electric Utilities Corporation.** PPL Electric Utilities Corporation for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a right-of-way and easement over and across the lands of Randall Clark in Lower Mahanoy Township, Northumberland County for the proposed Richfield-Dalmatia 69 kV transmission tie line is necessary or proper for the service, accommodation, convenience or safety of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 5, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Jessica R. Rogers, Post & Schell, 17 North Second Street, 12th Floor, Harrisburg, PA 17101

### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Tuesday, December 13, 2011

*Time:* 10 a.m.

*Location:* Hearing Room 3  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judges David A. Salapa  
and Joel H. Cheskis  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit the request.



- 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. 11-1909. Filed for public inspection November 4, 2011, 9:00 a.m.]

- 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. 11-1910. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Right-of-Way and Easement

**A-2011-2267448. PPL Electric Utilities Corporation.** PPL Electric Utilities Corporation for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a right-of-way and easement over and across the lands of Marvin Roger Hess and Leona Hess in Susquehanna Township, Juniata County for the proposed Richfield-Dalmatia 69 kV transmission tie line is necessary or proper for the service, accommodation, convenience or safety of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 5, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Jessica R. Rogers, Post & Schell, 17 North Second Street, 12th Floor, Harrisburg, PA 17101

### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Tuesday, December 13, 2011  
*Time:* 10 a.m.  
*Location:* Hearing Room 3  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judges David A. Salapa  
and Joel H. Cheskis  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit the request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit the request.

### Right-of-Way and Easement

**A-2011-2267446. PPL Electric Utilities Corporation.** PPL Electric Utilities Corporation for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a right-of-way and easement over and across the lands of Elijah and Faye Lahr in Lower Mahanoy Township, Northumberland County for the proposed Richfield-Dalmatia 69 kV transmission tie line is necessary or proper for the service, accommodation, convenience or safety of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 5, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Jessica R. Rogers, Post & Schell, 17 North Second Street, 12th Floor, Harrisburg, PA 17101

### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Tuesday, December 13, 2011  
*Time:* 10 a.m.  
*Location:* Hearing Room 3  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judges David A. Salapa  
and Joel H. Cheskis  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit the request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit the request.



- 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. 11-1911. Filed for public inspection November 4, 2011, 9:00 a.m.]

- 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. 11-1912. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Right-of-Way and Easement

**A-2011-2267429. PPL Electric Utilities Corporation.** PPL Electric Utilities Corporation for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a right-of-way and easement over and across the lands of Gary and Dorene Lahr in Lower Mahanoy Township, Northumberland County for the proposed Richfield-Dalmatia 69 kV transmission tie line is necessary or proper for the service, accommodation, convenience or safety of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 5, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Jessica R. Rogers, Post & Schell, 17 North Second Street, 12th Floor, Harrisburg, PA 17101

### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Tuesday, December 13, 2011  
*Time:* 10 a.m.  
*Location:* Hearing Room 3  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judges David A. Salapa and Joel H. Cheskis  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit the request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit the request.

### Right-of-Way and Easement

**A-2011-2267418. PPL Electric Utilities Corporation.** Application of PPL Electric Utilities Corporation for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a right-of-way and easement over and across the lands of Ronald and Dianne Mace in Lower Mahanoy Township, Northumberland County for the proposed Richfield-Dalmatia 69 kV transmission tie line is necessary or proper for the service, accommodation, convenience or safety of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 5, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Jessica R. Rogers, Post & Schell, 17 North Second Street, 12th Floor, Harrisburg, PA 17101

### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Tuesday, December 13, 2011  
*Time:* 10 a.m.  
*Location:* Hearing Room 3  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judges David A. Salapa and Joel H. Cheskis  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit the request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit the request.

- 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. 11-1913. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Right-of-Way and Easement

**A-2011-2267416. PPL Electric Utilities Corporation.** PPL Electric Utilities Corporation for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a right-of-way and easement over and across the lands of Roy and Cindy Maurer in Lower Mahanoy Township, Northumberland County for the proposed Richfield-Dalmatia 69 kV transmission tie line is necessary or proper for the service, accommodation, convenience or safety of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 5, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Jessica R. Rogers, Post & Schell, 17 North Second Street, 12th Floor, Harrisburg, PA 17101

### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Tuesday, December 13, 2011  
*Time:* 10 a.m.  
*Location:* Hearing Room 3  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judges David A. Salapa and Joel H. Cheskis  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit the request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit the request.

- 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. 11-1914. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Right-of-Way and Easement

**A-2011-2267388. PPL Electric Utilities Corporation.** PPL Electric Utilities Corporation for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a right-of-way and easement over and across the lands of Michael Schwalm in Lower Mahanoy Township, Northumberland County for the proposed Richfield-Dalmatia 69 kV transmission tie line is necessary or proper for the service, accommodation, convenience or safety of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 5, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Jessica R. Rogers, Post & Schell, 17 North Second Street, 12th Floor, Harrisburg, PA 17101

### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Tuesday, December 13, 2011  
*Time:* 10 a.m.  
*Location:* Hearing Room 3  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judges David A. Salapa and Joel H. Cheskis  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit the request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit the request.

- 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. 11-1915. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Right-of-Way and Easement

**A-2011-2267426. PPL Electric Utilities Corporation.** PPL Electric Utilities Corporation for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a right-of-way and easement over and across the lands of the Shoop Family Trust in Lower Mahanoy Township, Northumberland County for the proposed Richfield-Dalmatia 69 kV transmission tie line is necessary or proper for the service, accommodation, convenience or safety of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 5, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Jessica R. Rogers, Post & Schell, 17 North Second Street, 12th Floor, Harrisburg, PA 17101

### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Tuesday, December 13, 2011  
*Time:* 10 a.m.  
*Location:* Hearing Room 3  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judges David A. Salapa  
and Joel H. Cheskis  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit the request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit the request.

- 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. 11-1916. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Right-of-Way and Easement

**A-2011-2267349. PPL Electric Utilities Corporation.** PPL Electric Utilities Corporation for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a right-of-way and easement over and across the lands of Michael and Logan Wendt in Perry Township, Snyder County for the proposed Richfield-Dalmatia 69 kV transmission tie line is necessary or proper for the service, accommodation, convenience or safety of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 5, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Jessica R. Rogers, Post & Schell, 17 North Second Street, 12th Floor, Harrisburg, PA 17101

### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Tuesday, December 13, 2011  
*Time:* 10 a.m.  
*Location:* Hearing Room 3  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judges David A. Salapa  
and Joel H. Cheskis  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit the request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit the request.

- 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. 11-1917. Filed for public inspection November 4, 2011, 9:00 a.m.]

- 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. 11-1918. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Right-of-Way and Easement

**A-2011-2267353. PPL Electric Utilities Corporation.** PPL Electric Utilities Corporation for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a right-of-way and easement over and across the lands of John and Evelyn Zeiders in Lower Mahanoy Township, Northumberland County for the proposed Richfield-Dalmatia 69 kV transmission tie line is necessary or proper for the service, accommodation, convenience or safety of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 5, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Jessica R. Rogers, Post & Schell, 17 North Second Street, 12th Floor, Harrisburg, PA 17101

### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Tuesday, December 13, 2011

*Time:* 10 a.m.

*Location:* Hearing Room 3  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judges David A. Salapa  
and Joel H. Cheskis  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit the request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit the request.

### Telecommunications Service

**A-2011-2269103, A-2011-2269104 and A-2011-2269107. Metropolitan Telecommunications Corporation of PA, d/b/a MetTel.** Application of Metropolitan Telecommunications Corporation of PA, d/b/a MetTel for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of Windstream Buffalo Valley, Inc., Windstream Conestoga, Inc. and Windstream D&E, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 21, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Metropolitan Telecommunications Corporation of PA, d/b/a MetTel

*Through and By Counsel:* Joseph Farano, Corporate Counsel, 55 Water St, 31st Floor, New York, NY 10041, (212) 359-5037, fax (212) 635-5074

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1919. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Wastewater Service

**A-2011-2269086. Little Washington Wastewater Company.** Application of Little Washington Wastewater Company for approval to begin to offer, render, furnish or supply wastewater service to the public in an additional portion of Upper Merion Township, Montgomery County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 21, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on



the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Little Washington Wastewater Company, d/b/a Suburban Wastewater Company

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1920. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Water Service

**A-2011-2268920. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval to begin to offer, render, furnish or supply water service to the public in an additional portion of Farmington Township, Clarion County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 21, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Es-

quire, PA American Water Company, 800 West Hershey-park Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1921. Filed for public inspection November 4, 2011, 9:00 a.m.]

### Water Service

**A-2011-2268958. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval to begin to offer, render, furnish or supply water service to the public in an additional portion of Jackson Township, Butler County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 21, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, PA American Water Company, 800 West Hershey-park Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1922. Filed for public inspection November 4, 2011, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Condensed Statement of Changes in Net Assets

June 30, 2011 and 2010  
AUDITED

	<i>Year to Date June 30, 2011</i>	<i>Year to Date June 30, 2010</i>
Total Revenues	\$ 8,159,860	\$ 8,949,207
Total Operating Expenses	\$ 24,148,869	\$ 27,389,900
Operating Gain (Loss)	\$ (15,989,009)	\$ (18,440,693)
Net Nonoperating Revenues (Expenses) (Loss) Gain Before Capital Grants	\$ (1,896,821) \$ (17,885,830)	\$ 1,047,811 \$ (17,392,882)
Capital Grants and Appropriations	\$ 59,345,822	\$ 129,708,810
Change in Net Assets	\$ 41,459,992	\$ 112,315,928
Net Assets, Beginning of Year	\$ 266,370,264	\$ 154,054,336
Net Assets, End of Year	\$ 307,830,256	\$ 266,370,264

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 11-1923. Filed for public inspection November 4, 2011, 9:00 a.m.]

# STATE BOARD OF COSMETOLOGY

## Bureau of Professional and Occupational Affairs v. Heidi Brown, t/d/b/a Above All Hair Designs; Doc. No. 1227-45-11

On July 11, 2011, Heidi Brown, t/d/b/a Above All Hair Designs, license no. CB116256, of Bedford, Bedford County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Cosmetology'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.

MARY LOU ENOCHES,  
*Chairperson*

[Pa.B. Doc. No. 11-1924. Filed for public inspection November 4, 2011, 9:00 a.m.]

## Bureau of Professional and Occupational Affairs v. J. Alberto Landestoy; Doc. No. 1311-45-11

On July 20, 2011, J. Alberto Landestoy, license no. CO213970L, of Philadelphia, Philadelphia County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Cosmetology'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.

MARY LOU ENOCHES,  
*Chairperson*

[Pa.B. Doc. No. 11-1925. Filed for public inspection November 4, 2011, 9:00 a.m.]

# STATE CONSERVATION COMMISSION

## Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Windy Valley Poultry, LLC Attn: Matt and Mark Dersham 716 Kaiser Run Road Millmont, PA 17845	Union County	144.0	Layers	New	Approved

NOTICES

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Curvin Oberholtzer 2064 Strickler Road Mifflinburg, PA 17844	Union County	73.97	Broilers	New	Approved
Aaron Ott 291 Doyle Lane McConnellsburg, PA 17233	Fulton County	277.74	Swine	New	Approved
Noah Martin 1821 SR 184 Trout Run, PA 17771	Lycoming County	320.0	Swine	New	Approved

GEORGE D. GREIG,  
*Chairperson*

[Pa.B. Doc. No. 11-1926. Filed for public inspection November 4, 2011, 9:00 a.m.]

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